THE
Statutes at Large:
BEING
A COLLECTION
OF ALL
LAWS OF VIRGINIA.
FROM THE
FIRST SESSION OF THE LEGISLATURE,
IN THE YEAR 1619
PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY OF VIRGINIA,
passed on the fifth day of February one thou-
sand eight hundred and eight.

VOLUME I.

By WILLIAM WALLER HENING.

"The Laws of a country are necessarily connected with every thing belonging to the people of it; so that a thorough knowledge of them, and of their progress, would inform us of every thing that was most useful to be known about them; and one of the greatest imperfections of historians in general, is owing to their ignorance of law." — Priestley's Lect. on Hist. Vol. I. p. 149.

NEW-YORK:
PRINTED FOR THE EDITOR, BY R. & W. & G. BARTOW.
1823.
WE, P. V. Daniel, William F. Pendleton, William Robertson, and William Selden, members of the executive council of Virginia, do hereby certify that the laws contained in the first volume of Henley's Statutes at Large have been, by us, examined and compared with a copy as corrected by the certificate of the examiners heretofore appointed, from which they were taken, by William F. Pendleton and William Selden, from page 1, to page 368 inclusive, by William F. Pendleton and William Robertson, from page 369 to page 428, inclusive, and by William F. Pendleton and Peter V. Daniel, from page 429, inclusive to the end, except from page 465 to page 472, inclusive, which were examined by Peter V. Daniel and William Selden, and we have found the pages respectively examined by us, truly and accurately printed except as to the following list of errata, to the number of twelve.

Given under our hands, this 14th day of July, 1823.

P. V. DANIEL.
W. F. PENDLETON.
W. ROBERTSON.
W. SELDEN.

ERRATA.

Page 217, line 11 from top, strike out "L" after "3"
218, line 4 from bottom, insert "out" after "parts"
238, line 12 from bottom, insert "be" after "to"
239, line 10 from bottom, strike out "continue"
278, line 2 from bottom, for "ordered" read "enacted"
292, line 2 from top, strike out "three" after "the"
304, line 14 from top, insert "as" after "binding"
342, line 10 from top, for "on" read "no"
360, line 16 from top, for "but" read "by"
518, line 17 from bottom, for "though" read "through"
539, line 9 from bottom, insert "in" before tobacco"
541, line 18 from top, for "so" read "to"
WHETHER I shall render an acceptable service to my native state in furnishing the only authentic materials for its early history, which have hitherto been published, and which display alike the virtue and vices, the wisdom and folly of our ancestors, I am at a loss to conjecture. Nations as well as individuals have their pride of ancestry; and poets and historians in all ages have delighted to gratify that harmless propensity. Homer has interwoven a few historical facts, with a strange mixture of Grecian mythology. His heroes were all allied to the Gods, and the celestial beings, in every conflict, had their feelings enlisted on the side of their respective descendants. He is the only historian of the Trojan war; and amidst the innumerable beauties of this immortal bard, we almost lose sight of the fictions with which his poem abounds. Virgil, in imitation of his great prototype, equally administered to the vanity of the Romans. It was not enough that they were the successors of Janus, of Saturn, of Jupiter, and a whole race of Latin kings, who were afterwards deified, and that their city was founded by Romulus, the son of the God Mars, but their passion for illustrious ancestors gave a ready admission to Æneas the Trojan, son of Anchises by the Goddess Venus, and ranked him as the sixth king of the Latins. Livy, one of the best of the Roman historians, introduces his work with those fabulous accounts, which the prejudices of education had induced the best informed of his countrymen to adopt.

Modern English historians have, with propriety, rejected the legendary tales with which the writings of their predecessors are filled; but the early histories of all the kingdoms of Europe, established after the dark ages, which succeeded the decline and fall of the Roman empire, contain little more than the traditions of their bards. Indeed, until we come to the laws of a nation, it is impossible to form a correct idea of its civil polity, or of the state of society:

"As every new law," says a celebrated writer, "is made to remove some inconvenience the state was subject to before the mak-
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...ing of it, and for which no other method of redress was effectual, the law itself is a standing, and the most authentic evidence we can require of the state of things previous to it."a

The colony of Virginia having been planted long after the revival of letters in Europe, as well as the general introduction of the use of the press, it might have been expected that every thing relating to our early history would have been carefully preserved. But it is a melancholy truth, that though we have existed as a nation but little more than two hundred years, our public offices are destitute of official documents. It is to the pious care of individuals c only, that posterity will be indebted for those lasting monuments which perpetuate the oppressions of the kings of England, and the patient sufferings of the colonists. When we compare the extensive grant of territory contained in the charters of King James I. to the London Company, d with the narrow limits to which the colony of Virginia was afterwards reduced; when we review the arbitrary conduct of that monarch in suspending the powers of the company, by proclamation, and the equally unjust proceedings of his son, Charles I. in taking the government into his own hands; and when we contemplate the gradual but progressive encroachments of his successors, on the rights of the people, till resistance became indispensable, we shall cease to wonder that so few evidences of their turpitude have been suffered to remain. What was left undone by the predecessors of George III. was consummated during his reign. All the papers, except a few fragments deposited in the archives of the Council of State, and other public offices, within the reach of his myrmidons, were, with more than the savage barbarity of the Goths and Vandals, committed to the flames.

In the infancy of our legislation, the laws were few and simple. They related chiefly to the church government; to the culture of tobacco and other staple commodities; to defensive operations against the Indians, and such other subjects as would naturally en-

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a Priestley's lectures on history, vol. 1, pa. 149.
b The first charter of king James I. for two several colonies and plantations in Virginia bears date the 10th of April, 1606 (see pa. 57:) and the first permanent settlement was made on the 26th of April, 1607, (see pa. 132) All the public papers, in the early periods of the colony, are dated in such a "year of the plantation," answering to the above date for its foundation.
c Thomas Jefferson, late President of the United States, has contributed more than any other individual to the preservation of our ancient laws. He very early employed himself in collecting them for the public use; and to his assistance the editor is chiefly indebted for the materials which compose the present work—Several other gentlemen have very obligingly aided the exertions of the editor; an acknowledgment of which is made at the commencement of the acts of each session.
d Four hundred miles on the sea coast, and all that space westwardly to the Pacific ocean (see pa. 88;) and all the islands lying within three hundred leagues of the coast of Virginia (see pa. 100.)
e See Jefferson's Notes on Virginia, Query XIII, pa. 118, 123 of 1st edit. pa. 212, 213 of last edit.
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gross the attention of the legislature, in a newly settled country.—
The acts of each session (which existed only in manuscript) were
promulgated, by being read to the people at the beginning of every
monthly court, and by having copies deposited in the clerk’s office for
the inspection of all those who wished to consult them. Besides,
as every plantation or settlement was entitled to as many representa-
tives as the inhabitants thought proper to elect, the members, on
their return home, could easily communicate to their neighbors
the substance of the laws which had passed.

It was not until the year 1733, that an edition of our laws was
printed in Virginia. Purvis’s Collection, as it is generally called,
was published in London, without date, and only with the initials
of the printer’s name, (T. J. for J. P.) but supposed to be between
the years 1684 and 1687, it being dedicated to Lord Howard, go-
vernor of Virginia, who held that office during the above period:
in 1722, an Abridgement of the laws of Virginia (ascribed to Be-
erley) was also published in London; and in 1728, a second edi-
tion of the same work. The volumes of Purvis appear to have
been bound up with blank leaves at the end, for the reception of
subsequent MS. laws, and to have been distributed to the respec-
tive counties at different times; as some copies have more, and
some less of those MS. acts transcribed into them. For many
years after the publication of this book, it is referred to, by the
printed laws:* but it is so grossly inaccurate, that but little use
will be made of it in the present edition. On comparing it with
two MS. embracing the same period, and which are of undoubted
authority and accuracy, it has been discovered that not only entire
sentences, but whole acts are omitted; besides innumerable typo-
graphical errors, which totally vary the sense. So much of the acts
from which Purvis’s collection was printed as contained the revival
of 1661-2, were transmitted to Sir William Berkeley, then in En-
gland, for the king’s confirmation, after which he was requested to
deliver them to the assignee of Henry Randolph, clerk of the as-
sembly, who had the exclusive right of printing and vening the
copies for ten years. The acts from 1661-2 to 1682, inclusive,
where Purvis ends, were probably transmitted to London and in-
corporated in the volume, without any special sanction of the le-
gal,ature.

During the early periods of legislation in Virginia, it was the usu-

// See pages 188, 147, 153, 177, where it will be observed that the representation
was by plantations.
// A copy of each is in possession of the editor; the former the property of Le-

// This is a mistake. See preface to 2d Vol.
al practice whenever a law required amendment, to re-enact it, with the amendments introduced into the body of it. It was customary too, at each session, to repeal all former laws, and either re-enact them in the very same words of the act repealed, or with such amendments as experience might suggest. While they existed only in manuscript, and were promulgated by being publickly read, this mode was attended with peculiar advantages: for the people, at once, heard the whole law on a subject, without being compelled to ask the advice of counsel, or to resort to the clerk’s office for a reference to the only copy extant in their county.

The first revisal of our laws was in September, 1632, though none was expressly so called, until March, 1642-3. In March, 1657-8, during the existence of the commonwealth of England, another revisal was made, adapting the laws of the colony to the state of the church, and the republican institutions of that period.\(^k\) In March, 1661-2, after the restoration, the laws were again revised. One of the avowed objects of this revisal, as expressed in the preamble to the acts, was to repeal and expunge all laws "which might "keep in memory their forced deviation from his majesties obediance." The next revisal was in 1705. All the foregoing, except Purvis’s collection, exist to this day in manuscript. The printed revisals since that of Purvis, are the editions of 1733, 1752, 1769, 1785, 1794, 1803 and 1808. Beverley’s and Mercer’s abridgments cannot properly be deemed revisals.

In the mode adopted for the revision of the laws, their history and progress have been completely lost. When various and prior acts on the same subject, have been consolidated into single bills, they were enacted into laws, as of the date when the legislature last acted upon them. The sessions acts, from which they were taken, were thrown aside as waste paper, and in the course of a few years, the original law was wholly forgotten. A remarkable instance of this occurred in the act “For a free trade with Indians.” It originally passed in 1691; but was incorporated in the manuscript revisal of 1705, without any notice of the act from which it had been taken. In 1733 it was printed from the act of 1705, and of that date. This being the first appearance of the law in print, our supreme court decided, that that act, as passed in 1705, was

\(^k\) See act I.XVI. of February, 1631-2 (pa. 177) and act I. of Sept. 1632 (pa. 179-80) by which all former laws are repealed; and many of the acts of these sessions will be found to be mere repetitions of former ones.

\(^l\) Compare act I. of March, 1657-8 (pa. 453) with act I. of March, 1642-3 (pa. 240) and it will at once be discovered that the laws for settling the church government, during the commonwealth, instead of enjoining obedience to the doctrines and discipline of the Church of England, left the people to the exercise of their own judgments
the first law which restricted the right of making slaves of Indians. The act of 1691, having been afterwards discovered in an edition of Purvis, into which it had been transcribed, the district court of Accomack held that it was the law of the land, and equally restricted the right of making slaves of Indians, with the act of 1705. Since then two other manuscripts, containing the same law, as passed in 1691, have been discovered; and the supreme court of appeals have unanimously established their authority and decided that "No native American Indian, brought into Virginia since the year 1691, could, under any circumstances, lawfully be made a slave." Thus it has happened, that under the influence of the first opinion of our supreme courts, arising from the want of access to the laws, thousands of the descendants of Indians have been unjustly deprived of their liberty.

With men of liberal and enlarged minds, it had long been a subject of serious regret that no legislative means were adopted for the preservation of our ancient laws, so very essential to a correct view of our history, and on which so much property depended. The evil began to be so sensibly felt, as it respected questions of property, that the legislature, at the session of 1795, passed an act directing that all the laws and clauses of laws, whether public or private, relating to lands, tenements, or hereditaments, within this commonwealth, at any time passed since the first settlement of Virginia, should be collected, and an edition of one thousand copies published. A committee, consisting of George Wythe, John Brown, John Marshall, Bushrod Washington and John Wickham, was appointed, who, or any three of whom, were requested to carry the intention of the legislature into effect. In pursuance of this act, the chairman of the committee (Judge Wythe) addressed a letter to Mr. Jefferson, requesting the use of his collection of laws, which was known to be more complete than any other extant. Mr. Jefferson sent his collection of the printed acts, but immediately afterwards, in a letter to Mr. Wythe, gave such cogent reasons for extending the publication so as to embrace all

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n See the case of Hannah & others vs. Davis, in the general court, mentioned in a note to Tucker's Blackstone, vol. 1, part 2, p. 47. See also the case of Coleman vs. Dick & Patt. 1. Wash. 233.

n An exact copy is in the possession of Thomas Evans, esquire, of Accomack, now one of the judges of the general court, by whom the editor was favored with the perusal of it.


p One belonging to Thomas Jefferson, late president of the United States; the other presented to the editor by the court of Northumberland county, and both now in his possession.

q See 2, Hen. and Mumf. 149, Pallas and others vs. Hill and others.

r See Revised Code, vol. 1, p. 343.
our laws, that the committee declined entering upon the object of their appointment, till the sense of the legislature could be taken on this more enlarged plan. In the mean time the operation of the act for collecting and publishing all the laws concerning lands was suspended; the following letter from Mr. Jefferson to Mr. Wythe, was submitted to the legislature, by governor Monroe, at the session of 1800, and a bill passed the house of Delegates for publishing a certain number of copies of all the laws; but an amendment having been introduced in the Senate, the bill, on its return to the House of Delegates, was lost.

"Monticello, January 16th, 1795.

"In my letter which accompanied the box containing my collection of printed laws, I promised to send you by post a statement of the contents of that box. On taking up the subject I found it better to take a more general review of the whole of the laws I possess, as well manuscript as printed, as also of those which I do not possess, and suppose to be no longer extant. This general view you will have in the inclosed paper, whereof the articles stated to be printed, constitute the contents of the box I sent you. Those in MS. were not sent, because not supposed to have been within your view, and because some of them will not bear removal, being so rotten, that, on turning over a leaf, it sometimes falls into powder. These I preserve by wrapping and sewing them up in oiled cloth, so that neither air nor moisture can have access to them.—Very early in the course of my researches into the laws of Virginia, I observed that many of them were already lost, and many more on the point of being lost, as existing only in single copies in the hands of careful or curious individuals, on whose deaths they would probably be used for waste paper. I set myself, therefore, to work to collect all which were then existing, in order that when the day should come in which the public should advert to the magnitude of their loss in these precious monuments of our property and our history, a part of the regret might be spared by information that a portion has been saved from the wreck, which is worthy of their attention and preservation. In searching after these remains, I spared neither time, trouble nor expense; and am of opinion that scarcely any law escaped me, which was in being as late as the year 1770, in the middle or southern parts of the state. In the northern parts perhaps something might still be found. In the clerks' offices in the ancient counties some of those MS. copies of the laws may possibly still exist which used to be furnished at the public expense to every county before the use of the press was introduced; and in the same places, and in the hands of ancient ma-

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gistrates, or of their families, some of the fugitive sheets of the laws of separate sessions which have been usually distributed since the practice commenced of printing them. But recurring to what we actually possess, the question is, what means will be the most effectual for preserving these remains from future loss? All the care I can take of them will not preserve them from the worm, from the natural decay of the paper, from accidents of fire, or those of removal, when it is necessary for any public purpose, as in the case of those now sent you. Our experience has proved to us that a single copy, or a few, deposited in MS. in the public offices, cannot be relied on for any length of time. The ravages of fire and of ferocious enemies have had but too much part in producing the very loss we now deplore. How many of the precious works of antiquity were lost, while they existed only in manuscript? Has there ever been one lost since the art of printing has rendered it practicable to multiply and disperse copies? This leads us then to the only means of preserving our laws now under consideration, that is, a multiplication of printed copies. I think therefore that there should be printed at the public expense, an edition of all the laws ever passed by our legislatures that can now be found; that a copy should be deposited in every public library in America, in the principal public offices within the state, and some perhaps in the most distinguished public libraries in Europe, that the rest should be sold to individuals towards reimbursing the expenses of the edition. Nor do I think that this would be a voluminous work.—

The MSS. would probably furnish matter for one printed volume in folio, and would comprehend all the laws from 1624, to 1701, which period includes Purvis. My collection of fugitive sheets forms, as we know, two volumes, and comprehends all the extant laws from 1734, to 1783, and the laws which can be gleaned up, from the revisals, to supply the chasm between 1710, and 1734, with those from 1783, to the close of the present century (by which term the work might be compleated) would not be more than the matter of another volume. So that four volumes in folio probably would give every law ever passed which is now extant: whereas those who wish to possess as many of them as can be procured, must now buy the six folio volumes of revisals, to wit, Purvis, and those of 1732,* 1748,† 1768,‡ 1783§ and 1794, and with all of them possess not one half of what they wish. What would be the expense of the edition, I cannot say, nor how much would be reimbursed by the sales; but I am sure it would be moderate compared with the rates which the public have hitherto paid for printing their laws, provided a sufficient latitude be given as to printers and places. The first step would be to make out a single

* Printed in 1733. † Printed in 1752. ‡ Printed in 1769. § Printed in 1785.
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copy from the MSS. which would employ a clerk about a year, or something more; to which expense about a fourth should be added for the collation of the MSS. which would employ three persons at a time about half a day or a day in every week. As I have already spent more time in making myself acquainted with the contents and arrangements of these MSS. than any other person probably ever will, and their condition does not admit their removal to a distance, I will cheerfully undertake the direction and superintendence of this work, if it can be done in the neighbouring towns of Charlottesville or Milton, farther than which I would not undertake to go from home. For the residue of the work my printed volumes might be delivered to the printer. I have troubled you with these details, because you are in the place where they may be used for the public service, if they admit of such use, and because the order of assembly, which you mention, shews they are sensible of the necessity of preserving such of those laws as relate to our landed property, and a little further consideration will perhaps convince them that it is better to do the whole work once for all, than to be recurring to it by peace-meal, as particular parts of it shall be required, and that too, perhaps, when the materials shall be lost."

The editor having been, for more than twenty years engaged in collecting the fugitive sessions acts, and believing that his own collection added to that of Mr. Jefferson's (with which he was well assured he would be furnished) formed the only one in existence which was worthy of publication, determined to set about the work, lest by some accident the lapse of a few years might deprive posterity of the remaining documents then within his reach.

On communicating his intention to Mr. Jefferson, he was favored with the following letter, which at once shews the degree of importance which that great man attaches to the undertaking, and the opinion which he was pleased to express of the editor's competency for the execution of it.

Extract of a letter from Thomas Jefferson, President of the United States, to Wm. W. Hening.


"—The only object I had in making my collection of the laws of Virginia, was to save all those for the public which were not then already lost, in the hope that at some future day they might be republished. Whether this be by private or public enterprise, my end will be equally answered: The work divides itself into two very distinct parts, to wit, the printed and the unprinted laws. The former begin in 1662 (Purvis's collection.)—My collection of these is in strong volumes, well bound, and therefore
may safely be transported any where. Any of these volumes which you do not possess, are at your service for the purpose of republication. But the unprinted laws are dispersed through many MS. volumes, several of them so decayed that the leaf can never be opened but once without falling into powder. These can never bear removal farther than from their shelf to a table. They are as well as I recollect from 1622 downwards. I formerly made such a digest of their order, and the volumes where they are to be found, that under my own superintendence they could be copied with once handling. More they would not bear. Hence the impracticability of their being copied but at Monticello. But independent of them the printed laws, beginning in 1662, with all our former printed collections, will be a most valuable publication, and sufficiently distinct. I shall have no doubt of the exactness of your part of the work, but I hope you will take measures for having the typography and paper worthy of the work. — — —.

TH. JEFFERSON."

At the session of 1807, the editor submitted a memorial to the General Assembly, stating his object and requesting that some mode might be adopted to give authenticity to the laws which he was about to publish. An act was accordingly passed, in pursuance of which, the work has been proceeded on. That he has executed it to the entire satisfaction of every one, cannot be expected; but that he has spared no pains to render it worthy of the approbation of an enlightened public, he is perfectly conscious.

It may be an objection with some, that the orthography in which the laws were written has been strictly preserved: But the slightest reflection will evince the propriety of this measure. In no other way can the history of a language be accurately traced; nor is there any circumstance which more clearly distinguishes a genuine from a spurious paper. To the mind of the editor nothing can be more improper, in transcribing from an original, than to vary the spelling of the words, to suit the fluctuations of a living language. It would be just as proper for a painter, in copying the picture of an ancient Turk with his mustachoes, to give him the beardless face of a modern American Indian.

Until the reign of queen Anne, the English language was extremely variable and unsettled. The best informed men, writing at the same period, would spell the same words very differently. This is particularly remarkable in Haynes’s, Murdin’s and Thurloe’s state papers, which are truly copied from the originals. When that bright constellation of writers, composed of Addison, Pope, Swift, &c. &c. made their appearance, it was supposed that our language was unalterably settled; succeeding writers have taken them as a
model; and lexicographers in abundance have sprung up, who have
been satisfied if they could trace a word to such respectable authorities. But it should be recollected that, during the constant mutations of a living language, corruptions are imperceptibly creeping in; and that whenever we stop at any particular period and attempt to fix a standard, as of the language then used, we necessarily embrace some of those corruptions. Thus, it will be seen in the present volume, that from the year 1623, till towards the restoration in 1660, the word "governor" was generally spelt without the "n," in the termination; afterwards that superfluous letter was introduced, and being in general use during the reign of queen Anne, the word "governour" became the standard of orthography. But the "n" is now universally exploded. The same remark applies to the words "Iland" and "massaker," v which were thus written in our ancient statutes. They were afterwards changed to island and massacre, which is still in general use; but a modern writer of celebrity, who seems to have carried his researches into the history and origin of our language much farther back than any of his predecessors, has shewn that these are mere anomalies. w Many other instances might be adduced, in which the words were much more correctly written nearly two hundred years ago, than at the period when the English language was supposed to have been carried to its utmost degree of perfection: But it would occupy too much space to point them out. Others, whose course of study is more particularly directed to that object, may avail themselves of the materials which this work so abundantly supplies. Perhaps in no other single publication will there be found a more regular and connected history of the English language, for upwards of a century. Nor will the authority of the book be lessened by the consideration that it contains only the laws and state papers of the age, the public transactions of which it records. In every nation which has attained any degree of civilization, men of the best talents have been usually employed in the formation of their laws, and in the various public departments. Hence it is, that in the laws and state papers of a country, we may reasonably look for the best models of language.

But it is not merely to trace the history of our language that reference may be had to these volumes. They will be found to contain a rich treasure of information relative to the state of society among the first settlers; their religious intolerance; the rise, progress and establishment of our civil institutions; and generally such political events as afford a lesson to posterity of something worthy to be

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1 See pa. 148, 178-9.

w See act. LXVII. pa. 177.

v See preface to Webster's compendious dictionary pa. VIII, XVII.
imitated and something to be shunned. Much of the present work has existed until now, only in manuscript, and in single copies; and has been inaccessible to all our historians. To this cause may be ascribed some of the errors with which all the histories of Virginia abound; but too many of them may be traced to the gross ignorance or wilful misrepresentations of the English historians. Except the rays of light reflected by Mr. Burk, (from the scanty materials in his possession,) on that portion of our history which comprises the existence of the commonwealth of England, the whole of that period is either enveloped in total darkness, or has been most inaccurately represented by every historian who profess ed to depict it.\footnote{x}{In detailing the leading events of that day, it has been saidy that the governors of Virginia were appointed by the commonwealth or by Cromwell; that the people, tired of the restraints imposed on their commerce, and strengthened in principles of loyalty by the royalists who flocked hither from England, were impatient to shake off the yoke of Cromwell; and dragging Sir William Berkeley from his retirement, unanimously appointed him governor, and proclaimed Charles II, with all his titles, before the restoration had been effected in England.} There is not one word of truth in any part of this relation. Not a single governor was appointed either by the parliament or by Cromwell; but they were all elected by the House of Burgesses in pursuance of the powers vested in them by the provisional articles of government, adopted at the surrender of the country to the commissioners appointed on behalf of the parliament.\footnote{z}{The commerce of Virginia was even more free than that of the mother country. None of the restrictions of the act of navigation were felt. The vessels of all nations were admitted into their ports; and a duty of ten shillings a hogshead imposed on all tobacco exported, and shipped to any part of America or elsewhere except in English vessels directly bound to England: from the payment of which duty, vessels belonging to Virginians were afterwards exempted.} Finally the assembly passed an act asserting the right of the colony to a free trade with all nations in amity with the people of England, and compelled all masters of vessels to give bond, in the penalty of two thousand pounds sterling, not to molest any person trading here under the protection of the laws.\footnote{e}{So far were the assembly from...}
erecting the royal standard and proclaiming Charles II. at the time when they elected Sir William Berkeley, governor, that, by the very first act of the same session they expressly took the powers of government into their own hands; and directed that all writs should issue "in the name of the Grand Assembly."d By the second act, they appointed Sir William Berkeley, governor; enjoined it on him to call an assembly once in two years at least, or oftener if necessary; gave him the power of making choice of a secretary and council of state, with the approbation of the assembly; and restrained him from dissolving the assembly without the consent of the major part of the house.e These acts passed at an assembly held in March, 1659-60, between the resignation of Richard Cromwell, (on the 22d of April, 1659) and the restoration of Charles II. (on the 29th of May, 1660;) at a time when, as the assembly express themselves, "there was no resident, absolute and general confessed power in England." They were unquestionably the offspring of necessity, and arose from that state of interregnum which existed in England, when the cautious proceedings of General Monck left it uncertain what kind of government would be ultimately adopted.

In contemplating the laws of every infant state, progressing in civilization, the mind is struck with the remarkable coincidence in their objects and tendencies. To promote the increase of population, supply the wants of the people, improve the agriculture and staple commodities of the country, provide for the due administration of justice, and guard against the incursions of the aboriginal inhabitants are among the first subjects which claim and receive the attention of the legislature; and not unfrequently the establishment of some particular system of religion, in exclusion of all others, has had but too much share in their deliberations. Nor will it be an useless lesson to posterity to review the various measures which have been adopted by their ancestors to insure these ends, and the success with which they have been attended.

The first pages of our statute book, of the acts of each of the early sessions, and of every revival prior to the American Revolution are devoted to the cause of religion and church government: not that religion which every man might think proper to profess, or that liberal system which permitted every individual to worship his God according to the dictates of his own conscience; but the religion of the church was the religion of the ruling party in the state, and none other was tolerated.

From the settlement of the colony to the death of Charles I. and the commencement of the commonwealth thereupon, an uni-

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d See act I. of March, 1659-60, p. 530.
e See act II. of March, 1659-60, pa. 531.
PREFACE.

For the doctrines and discipline of the church of England was strictly enjoined: all non-conformists were compelled to leave the colony, with all convenience; popish recusants were disabled from holding any office, and their priests not suffered to remain more than five days in the country. During the commonwealth, the affairs of the church were left to the discretion of the parishioners; but no sooner did the Quakers, who had fled from the persecutions in England, arrive on our shores than they were met by the terrors of an act "for suppressing them;" masters of vessels were subjected to a penalty of one hundred pounds sterling for each Quaker brought into the colony; all Quakers were imprisoned without bail or mainprize, till they found sufficient security to depart the colony; for returning they were directed to be proceeded against as contemners of the laws and magistracy, and punished accordingly; and if they should come in a third time they were to be prosecuted as felons. All persons were prohibited, under the penalty of one hundred pounds sterling, from entertaining them, or permitting their assemblies in or near their houses; and no person was permitted to dispose of, or publish, any books or pamphlets containing the tenets of their religion.

It is worthy of observation that a similar principle to that, which has obtained in Kentucky with respect to compensation for improvements made upon lands by one man, the title of which appeared, from investigation, to be in another, existed in a law of Virginia, so long ago as the year 1643. And as this law has never before been published, we can only account for the coincidence, by supposing that mankind, in every age, placed in similar situations, will generally pursue the same course. The act, after reciting that many suits had been commenced, founded on controversies relating to land, "to the great trouble and molestation of the whole colony," goes on to declare, that if any man should settle on a tract of land, which, on a just survey, should prove to be the property of another, a valuable consideration should be allowed by the judgment of twelve men upon oath, to the first who seated it, for clearing and improving it; but if the charge should amount to more than the real owner was willing to give, the person in possession was bound to keep the land, and pay the owner what it should be judged by twelve men to be worth, "before the seating thereof;" and, of course, without regard to the improvements. An exception was made in favour of orphans; and afterwards a further

f See pa. 123, 144, 149, 155, 180, 240, 277. g See pa. 277.

h See pa. 268-9. i See pa. 433. k See pa. 532. l See pa. 533.

m See act XXXII of March, 1642-3, pa 260.
proviso, that an allowance for "building and clearing" should not be made to those who had "lawful warning" of a prior right. About the same period (1643) the assembly passed an act directing that all process against debtors lately arrived from England (except where the debts were contracted for goods purchased in England, or for the accommodation of planters returning to this country) should be suspended. This act is introduced by a lengthy preamble, assigning reasons which fully satisfied the minds of the legislature as to the policy and even justice of the measure. These laws had an obvious tendency to increase the population, and promote the improvement of the country, by rendering the persons of many of the inhabitants free from restraint, and by securing to every man the fruits of his labour.

The culture of tobacco seems to have been a favorite object with the first settlers, and was the only staple commodity to which they could be induced to turn their attention. In order to improve its quality various laws were passed limiting the number of plants to be cultivated by each hand, and the leaves to be gathered from a plant. Other details in the process of making it, were also prescribed by the legislature; and to insure a just compensation for the labour of the planter, the price at which it was to be sold was fixed by the assembly, at different times. The first idea of inspecting tobacco is contained in an act passed in 1630, before any warehouses were established. The process was very simple, and the penalty for offering unmerchantable tobacco in payment equally severe. If a planter offered to pay away, or barter any bad tobacco, the commander of the plantation (an officer who united with the powers of a justice of the peace, the supreme military command of the settlement) with two or three discreet men, were directed to view it, and if found of bad quality, to cause it to be burnt; and the owner was prohibited from planting any more tobacco until authorised by the General Assembly. At the next session the law was amended so as to make it the duty of the commander to issue his order either verbally or in writing to two "sufficient men" to view the tobacco, who were, in like manner, to burn it, if of bad quality. The same law was re-enacted in the revival of 1632. In 1633, warehouses (then called storehouses) were established, and the inspectors were to be composed of that member of the king's council, whose residence was nearest any warehouse, and the commissioners of the several plantations, as assistants.
To prevent the recurrence of a scarcity of corn, which had been severely felt in the colony, each master of a family was compelled to plant and sufficiently tend, two acres a head, for each labouring person in his family; and as an encouragement to cultivate that article, the price was not to be limited, but every planter might sell it as dear as he could. Nor does it appear that the legislature ever interfered with the exportation of corn, or restricted the price, except in times of pressing want. In the year 1630, the contents of a barrel of corn were fixed at five bushels, Winchester measure, and has so continued to the present day.

Various and severe laws were very early enacted against forestalling and ingrossing imported articles, but their inefficacy having been experienced, they were all repealed and a free trade allowed.

The administration of justice, in Virginia, was originally extremely cheap, and simple in its details. Commanders of plantations held monthly courts for the trial of civil actions, not exceeding the value of one hundred pounds of tobacco, and for the punishment of petty offences, reserving the right of appeal to the quarter court held by the governor and council, which possessed the supreme judicial power, under the different charters, and had original jurisdiction in all cases whatsoever. Commissioners of monthly courts succeeded to commanders of plantations, with the like jurisdiction in civil cases; which was afterwards extended to five pounds sterling. The jurisdiction of the court was further extended to sixteen hundred pounds of tobacco, and they were to be called county instead of monthly courts; and that of a single magistrate was final as far as twenty shillings sterling. In consequence of the great distance of many of the counties from James City, where the quarter courts were held, jurisdiction was finally given to the county courts, in all cases of law and equity, and the trial by jury secured to those who desired it. The decision of the county court was, at first, final as far as sixteen hundred pounds of tobacco, and for all sums above that an appeal was allowed to the quarter court, and from thence to the assembly; if which afterwards had jurisdiction of appeals in all cases, of whatever amount. Besides the general jurisdiction of the county and quarter courts, special provision was made for certain counties and settlements where it was considered too inconvenient to the people to attend at the usual place of holding courts. The leading principle seems to have been to carry justice to the doors of the inhabitants. Thus, the county court of Northampton, "on account of its

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y See pa. 160, 166, 190, 172, 194, 217, 245.

z See pa. 132. b See pa. 168, 185.

c See pa. 272-3. d See pa. 303

f Ibid. e See pa. 345, 398, 477

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" Pa. 296.

" Pa. 296.

" Pa. 296.
remoteness from James City," had final jurisdiction as far as three thousand two hundred pounds of tobacco; one commissioner on the South side of the river in James City county, was vested with the powers of a county court; \( k \) the inhabitants of Appamattock or Bristol parish, were also authorised to hold courts, with the right of appeal to Henrico or Charles City county courts.\( l \) Two courts were permitted to be held in Northampton; \( m \) two in Isle of Wight; \( l \) and two in Charles City.\( m \) As the population of the county increased, and new counties were formed, these special courts were abolished.

In the year 1643, the first act passed for regulating lawyers; though they had certainly attended the several courts before that period.\( n \) By the first law on the subject, no attorney was permitted to plead, without a license; which was grantable by the court in which he practised; nor could an attorney have a license from more courts than the quarter, and one county court,—Their fees were twenty pounds of tobacco, in the county, and fifty pounds in the quarter court: and no attorney could refuse to be retained unless employed on the other side. In 1645, all mercenary attorneys were expelled from office.\( o \) In 1647, that act was amended by adding a clause to it declaring that no attorneys should take any fees; and if the court should perceive that either party, by his weakness, was likely to lose his cause, they themselves should either open the case or "appoint some fit man out of the people," to plead the cause, and allow him a reasonable compensation: no other attorneys were admitted.\( p \) In 1656, the act prohibiting attorneys was repealed; the governor and council were authorised to license them for the quarter courts, and the commissioners for the county courts, and if any controversy should arise concerning their fees, it was to be settled by the courts respectively. In 1657-8, the law against mercenary attorneys, was again revived.\( q \)

An inspection of the different fee bills will shew the simplicity of judicial proceedings, and the small compensation allowed to the officers of court. The first officers whose fees were established by law, were the secretary who was clerk of the quarter court,\( r \) and the marshal, who executed the same duties which devolved upon the sheriff, after the appointment of that officer, which was not until the year 1634.\( s \) The fees of clerks\( t \) and sheriffs\( s \) embraced but few objects, and were very moderate.

Clerks of county courts were, at one time, appointed by the governor,\( w \) but afterwards by the courts themselves.\( y \) Commis-
sioners of county courts, (the same as justices of the peace) were formerly appointed by the governor; after afterwards by act of assembly; but at the commencement of the commonwealth they were appointed by the house of burgesses; afterwards they were recommended by their courts, and commissioned by the governor and council, and finally their appointment was confirmed by the assembly. During the same period the county courts recommended three or more to the governor and council, out of which they made a selection for sheriffs, who were to continue in office for one year only.

No representative government was ever instituted in which the principles of universal suffrage, and of full representation, were carried further than in Virginia. The right of suffrage was originally exercised by all freemen; who were not compellable to go from their plantations to vote for burgesses; but might give their suffrages by subscribing a paper. This mode having been attended with considerable inconvenience, it was provided that all future elections should be by plurality of voices present; and a fine was imposed on all free men, who should fail to attend at the time and place appointed for the election. The number of burgesses to a plantation or settlement (before the formation of counties) was unlimited; nor does it appear that, at that time, any particular qualifications were necessary. After counties were laid off, the number of representatives to a county remained without limitation, until November, 1645, when they were reduced to four to each county, except James City county, which might send five, and the city itself one; and the election was directed to be held where the county courts were, except in those places which were specially authorised by act of assembly to hold elections. These were certain parishes to which that privilege was granted; and it was afterwards extended to all parishes, they paying the expenses of their burgesses, as the counties in general were compelled to do in relation to theirs. At the March session, 1660-1, the number of burgesses was limited to two for each county, and one for James City, it being the metropolis.

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z See the form of the commission, pa. 132.  a Pa. 163, 186.  b Pa. 372.
k See beginning of acts of 1629, pa. 138, of 1630, pa. 147, of 1632, pa. 152, same year, page 178, of 1633, page 202, in all of which it will be found that each plantation sent their members to the assembly.
no Pa. 250, 277.  n Ibid.
q See Act VII, of March, 1660-1, which was re-enacted in the revisal of March, 1661-2, and may be found in Purvis's Collection, act LXXXIV, page 64.
The first act which in the smallest degree abridged the right of suffrage, or prescribed the qualifications of the members, passed at the March session, 1694-5. By this act it was declared, that the persons who should be elected to serve in assembly be such, and no "other than such, as were persons of known integrity and of good "conversation, and of the age of one and twenty years." That "all house keepers, whether freeholders, lease-holders, or other- "wise tenants, should only be capable to elect burgesses;" pro- "vided that the term "house keepers should extend no further than "to one person in a family." At the next session, however, so much of this act as excluded any freeman from voting was re- pealed: the assembly declaring "that they conceived it something "hard and unagreeable to reason that any persons should pay equal "taxes, and yet have no votes in election." In the revisal of 1657-8, the same principle is preserved; the right of suffrage be- ing extended to "all persons inhabiting in the colony, that "are free men." By an act of 1670, that right was, for the first time, confined to freeholders only; and the necessity of this qualification was further enforced by instructions from king Charles II, to sir Wm. Berkeley, governor, in 1676: "You shall "take care," says the second article of the instructions, "that the "members of the assembly be elected, only by freeholders, as "being more agreeable to the custom of England, to which you "are as nigh as conveniently you can to conform yourselves."

To enumerate all the instances in which the leading principles of laws, supposed to be of late origin, may be traced back to a remote period of antiquity, would far exceed the limits usually de- voted to a preface; but it would be a work of great utility. On the foundation of many of our ancient laws, the superstructure of the modern has been raised; and many of them are much more clearly expressed than those, on the same subject, of a more recent date. This circumstance, added to the reasons often assigned by the early legislatures for the enacting of their laws, would remove much of that doubt and perplexity which is so often experienced in the exposition of a statute. Should the editor meet with that encour- age ment in his arduous undertaking, which will permit him to indulge a hope that his labours have obtained some share of public approbation, he will give a General Index at the end of the work, which shall contain a correct history of our several laws from the earliest period to the present time.

Bridges and ferries were at first established and maintained at public expense; but this being considered burthensome to the in-
habitants of many of the counties, especially the poor, who seldom used them; the law, as to ferries, was repealed, a and the county courts vested with power to establish ferries on the application of individuals, and fix their rates. b The exclusive right of establishing ferries was afterwards resumed by the assembly; and having exercised it for a series of years, to the great interruption of other public business, the legislature at the session of 1803, c restored to the county courts the power exercised by them so long ago as the year 1647.

The present volume has been printed entirely from manuscript, and brings down the laws to the termination of the commonwealth, in 1660. As these documents are at such complete variance with the historical accounts which we have had of the public transactions in Virginia, especially during the four last years of the commonwealth, I have felt it an indispensible duty to annex copious notes, explanatory of the views which I have taken of those subjects. d

In the running title to the acts passed during the Commonwealth, that term has been preserved; contrary to the practice in England, which has been to consider the commonwealth, in the computation of the reign of Charles II., as a period which never existed. Thus we see in the Statute-books, and Reporters, the year 1661, which was in the first year after Charles II. was actually at the head of the government, intituled as the twelfth year of his reign. e

In a work so laborious as the present, where the characters in which the laws are written are as difficult to decypher as the Greek language would be to a person who had never learnt the alphabet, it is impossible to avoid the committing of many errors. The effect upon the eye sight, too, has been incalculably injurious. To this cause may, doubtless, be ascribed some of the mere literal errors which have escaped my utmost diligence. But it is believed that few have passed unnoticed which affect the sense. The only error of any importance which I have to regret, is in the arrangement of the acts of March, 1654-5, and 1655-6. These were dated in the MS. simply 1655, and the acts of March, 1655-6, were there placed before those of March, 1654-5. It was only by the subject matter that the error could be discovered: and when done, it was too late to alter the arrangement. The reader will therefore turn over from page 393 to 404, and having gone to page 414, he will return to 393.

To this volume is prefixed a list of governors of Virginia, du-

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a Pa. 348.  
b Pa. 348, 411.  
c See Revised Code, vol. 2, pa. 130.  
d See Notes to pa. 358, 369, 429, 513, 526.  
e See acts of 1661-2, in vol. 2. See also Hardress's Reports 166. Sir Thomas Raymond's Report 1, and I Levinz's Rep. 1
ring the period comprised in it, taken from an ancient manuscript, with which the editor was favored by Mr. Jefferson, late President of the United States. A similar list will be prefixed to each volume: and at the end of the work, a complete table, exhibiting an historical view of the formation, boundaries, and variation in the names of the several counties in Virginia will be given.

The Ancient Charters to the first adventurers, forming a mass of important information, have hitherto been of very difficult access; and some of them existing only in manuscript, it was thought that a general collection of them would greatly add to the utility of the work.—They have accordingly been compiled and printed from the best authorities.

As an introduction to the laws of an once infant colony, it has been deemed proper to notice those acts of sovereignty, which the people were either compelled to resort to, when the oppressions of the mother country, left them no alternative but absolute slavery, or the formation of an independent government; or which their more mature judgment induced them to adopt. With this view, the Constitution of the United States, with the latest amendments; the Declaration of Independence; the Articles of Confederation; the Declaration of Rights, and Constitution of Virginia have been inserted. But the people of Virginia, represented in convention, being the first to proclaim the idea of American Independence, that solemn act may, with propriety, claim the first place in a collection of their laws; and has accordingly been inserted.

WILLIAM WALLER HENING.

Richmond, 29th August, 1809.
By the act of the 5th day of February, 1808, authorizing the editor to publish the Statutes at Large, and prescribing the mode of authentication, one hundred and fifty copies were subscribed for, on behalf of the commonwealth; which added to two hundred copies printed for the use of the editor's subscribers, made the impression three hundred and fifty copies only. Under this subscription, the work progressed to the end of the 4th volume, when the interruptions produced by the late war, and the death of the publisher, Mr. Samuel Pleasants, Junr. occasioned its suspension. When the committee on the Revised Code of 1819, reported to the legislature, they so strongly recommended the continuation of the Statutes at Large, that the act of the 10th of March, 1819, was passed. By this act, the subscription, on behalf of the state, was increased to eight hundred copies; but no provision was made for completing the sets with the first four volumes. The first volume having been long out of print, and the state having a large surplus of the 5th and subsequent volumes, the act of the 24th of January, 1823, was passed, which provides for completing the sets, and appropriates the proceeds of the sales of 500 copies, under the superintendence of the executive, to the purchase of a public library.

In the first edition, commencing on page 238, the caption of the acts states them to have been taken from a MS. belonging to Edmund Randolph, Esq. The volume was received from that gentleman, by the editor, who understood it to be his property. But from two letters addressed to the editor by Thomas Jefferson, Esq., late President of the United States, the one dated the 25th of April, 1815, the other the 3d of September, 1820, there was such
conclusive evidence that the MS. belonged to him, and had been borrowed, from his library, by Edmund Randolph, Esq., when he contemplated writing a history of Virginia, that it has been sent to the library of Congress, with the other MSS. included in Mr. Jefferson's Catalogue. The error in the caption has been corrected in this edition.

WILLIAM WALLER HENING.

*Richmond, January 30th, 1823.*
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GOVERNORS

OF VIRGINIA DURING THE PERIOD COMPRISED IN THIS VOLUME.

[From a MS. belonging to Thomas Jefferson, President of the United States, and purchased by him from the Executor of Richard Bland, dec'd*]

SIR Thomas Smith, Knt. was treasurer and Governor of the Company during the first twelve year which ended the 18th of November, 1618.†

Sir George Yeardley was Governor from the 18th of November, 1618, till the 18th of November, 1621.

Sir Francis Wyatt was Governor to the Company from the 18th of November, 1621, till the 26th of August. 22d. Jac. 1. And then the King granted him a commission to be Governor till some other course should be settled and resolved upon. But George Wyatt, Esq. father of the Governor dying in Ireland, the Governor got leave from the King, dated the 18th of Sept. in the same year, to go to Ireland to manage his affaires, and at the same time sent a commission to Sir George Yeardley to be Governor in the absence of Sir Francis, or in case of his death, to be chief Govern-

This list of governors is at the end of the volume, and is bro't. down to the year 1722, when Alexander Spotswood ceased to be governor and was succeeded by Hugh Drysdale; who dying in 1726, and Jennings the president of the council being suspended, Col. Robert Carter took upon himself the administration of the government, as president of the council. This manuscript appears to be in the hand-writing of R. Hickman, who, as clerk to the secretary's office, has attested several of the public papers.

† The administration of Sir Thomas Smith must be understood as confined to a presidency of the council and company in England, while the affairs of the colony were managed by one council resident there. He was never actually governor in Virginia—(see Burk's hist. Virg. vol. I. pa. 92.) During the time that Sir Thomas Smith was Treasurer and president of the company in England, the following were the presidents of the council, and governors in Virginia: 1st president of the council, Edward Maria Wingfield. 2d. John Radcliffe. 3d. John Smith. 4th George Percy. 1st Governor, Lord De la War. 2d. Sir Thomas Dale. 3d. Sir Thomas Gates. 4th Sir Thomas Dale. 5th. Capt. George Yeardley. 6th. Capt. Argall.
Capt. Francis West.  

Capt. Francis West continued Governor till the 5th March, 1628, and then (he being designed to go for England) John Pott, Esq. was elected Governor by the Council.

John Pott, Esq. continued Governor till some time between October and March, 1629: for on the 4th of March the Quarter Court ordered an assembly to be called to meet Sir John Harvey on the 24th, and nothing was done after 8br. in Pott's name that can be found.

Sir John Harvey continued Governor till 1635, and the people being enraged at some mismanagements of his, petitioned for an Assembly to hear their complaints against him, and an Assembly was called accordingly. But before they met he agreed in Council to go to England to answer them and upon that, Capt. John West was elected Governor.

How long John West governed is uncertain, but it appears by a paper among the damnified records, that he was out the 3d Jan. 1636, and Harvey, Governor again. There is a patent granted by Harvey 13th April, 1636.

Harvey, after that continued Governor till November, 1639, and then Sir Francis Wyatt came in with a commission to be Governor.

Sir Francis Wyatt continued Governor till February, 1641, and then came Sir William Berkley in Governor.

Sir William Berkley continued Governor till the latter end of June, 1644, and then returned to England, whereupon the Council elected Richard Kempe, Esq. Governor.
Richard Kempe continued till Sir William returned back which was about the 16th of June, 1645.

Sir William Berkley, after that continued Governor till the spring, 1652, and then Richard Bennett, Esq. was Governor.

Richard Bennett continued till 1655, and then Edward Digges, Esq. was made Governor.

Digges continued till between February, 1656 and the April following, and then Samuel Mathews was made Governor.

Samuel Mathews, Esq. continued till January, 1659 and died. And before 23d March next the Assembly elected* Sir William Berkeley Governor: for that day he sat in court.

* This account of the election of Sir Wm. Berkeley by the assembly, is entirely supported by the public records—See act II of March, 1659-60, page 530. The last four Governors, in this list, Bennett, Digges, Matthews and Berkeley were appointed by the assembly of Virginia, during the existence of the commonwealth of England, and not by the parliament or Cromwell, as erroneously represented by Robertson and other historians—See note to page 526.
Resolution

of the

Convention of Virginia,

Instructing their representatives in Congress to propose

A Declaration of Independence.

[Unanimously agreed to, on Wednesday the 15th of May, 1776, one hundred and twelve members being present. See Journ. Conv. pa. 31.]

Forasmuch as all the endeavours of the United Colonies, by the most decent representations and petitions to the King and Parliament of Great Britain, to restore peace and security to America under the British government, and a re-union with that people upon just and liberal terms, instead of a redress of grievances, have produced, from an imperious and vindictive administration, increased insult, oppression, and a vigorous attempt to effect our total destruction. By a late act, all these Colonies are declared to be in rebellion, and out of the protection of the British crown, our properties subjected to confiscation, our people, when captivated, compelled to join in the murder and plunder of their relations and countrymen, and all former rapine and oppression of Americans declared legal and just. Fleets and armies are raised, and the aid of foreign troops engaged to assist these destructive purposes. The King's representative in this colony hath not only withheld all the powers of government from operating for our safety, but having retired on board an armed ship, is carrying on a piratical and savage war against us, tempting our slaves, by every artifice to resort to him, and training and employing them against their masters. In this state of extreme danger, we have no alternative left but an abject submission to the will of those overbearing tyrants, or a total separation from the crown and government of Great Britain, uniting and exerting the strength of all America for defence, and forming alliances with foreign powers for commerce and aid in war: Wherefore, appealing to the Searcher of Hearts for the sincerity of former declarations, expressing our desire to preserve the connexion with that nation, and that we are driven from that inclination by their wicked councils, and the eternal laws of self-preservation,
Resolved unanimously, That the delegates appointed to represent this Colony in General Congress, be instructed to propose to that respectable body, to declare the United Colonies free and independent States, absolved from all allegiance to, or dependence upon the crown or parliament of Great Britain; and that they give the assent of this Colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the colonies, at such time, and in the manner, as to them shall seem best: Provided, that the power of forming government for, and the regulations, of the internal concerns of each colony, be left to the respective colonial legislatures.

Resolved unanimously, That a committee be appointed to prepare a Declaration of Rights, and such a plan of government as will be most likely to maintain peace and order in this colony, and secure substantial and equal liberty to the people.
CONSTITUTION
OF THE
UNITED STATES.

We the people of the United States, in order to form a more perfect Union, establish Justice, insure Domestic Tranquillity, provide for the Common Defence, promote the General Welfare, and secure the Blessings of Liberty to Ourselves and our Posterity, do ordain and establish this Constitution for the United States of AMERICA.

ARTICLE I.

SECTION I.

ALL legislative powers herein granted shall be vested in a CONGRESS of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

The House of Representatives shall be composed of members chosen every second year, by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of
free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence-Plantations one, Connecticut five, New-York six, New-Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Section III.

Of the Senate. The Senate of the United States shall be composed of two Senators from each state, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not when elected, be an inhabitant of that state for which he shall be chosen.
The Vice-President of the United States, shall be
President of the Senate, but shall have no vote, unless
they be equally divided.

The Senate shall choose their other officers, and also
a President, pro tempore, in the absence of the Vice-
President or when he shall exercise the office of Presi-
dent of the United States.

The Senate shall have the sole power to try all im-
peachments. When sitting for that purpose, they shall
be on oath or affirmation. When the President of the
United States is tried, the Chief Justice shall preside:
And no person shall be convicted without the concurren-
ce of two-thirds of the members present.

Judgment in cases of impeachment shall not extend
further than to removal from office, and disqualification
to hold and enjoy any office of honor, trust or profit
under the United States: but the party convicted shall
nevertheless be liable and subject to indictment, trial,
judgment and punishment, according to law.

Section IV.

The times, places, and manner of holding elections for
Senators and Representatives, shall be prescribed in
each state by the legislature thereof; but the congress
may at any time, by law, make or alter such regulations,
except as to the places of choosing Senators.

The Congress shall assemble at least once in every
year, and such meeting shall be on the first Monday in
December, unless they shall, by law, appoint a differ-
ent day.

Section V.

Each House shall be the judge of the elections, re-
turns and qualifications of its own members, and a ma-
jority of each shall constitute a quorum to do business;
but a smaller number may adjourn from day to day,
and may be authorized to compel the attendance of ab-
sent members, in such manner and under such penal-
ties, as each House may provide.

Each House may determine the rules of its proceed-
ings, punish its members for disorderly behaviour, and
with the concurrence of two thirds, expel a member.
Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place, than that in which the two Houses shall be sitting.

Section VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased, during such time: and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Section VII.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

Every bill, which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it; but if not, he shall return it, with his objections, to that House, in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be re-considered, and, if approved by two thirds of that
House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States and before the same shall take effect, shall be approved by him or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section VIII.

The Congress shall have power—

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States: but all duties, imposts and excises, shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;

To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times, to authors and inventors,
exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the supreme court; to define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies; but no appropriation of money to that use, shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards and other needful buildings—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Section IX.

The migration or importation of such persons as any of the states now existing shall think proper to admit,
shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder, or ex post facto law shall be passed.

No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money, shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince or foreign state.

Section X.

No state shall enter into any treaty, alliance or federation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall
be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Section I.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each state shall appoint in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and representatives to which the state may be entitled in the Congress; but no Senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

*The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall

* In lieu of this paragraph, another has been adopted, as an amendment, by which the electors are to distinguish in their votes, those given for President, from those given for Vice-President. See the amendment, post No. 14
immediately choose, by ballot, one of them for President, and if no person have a majority, then from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States, at the time of the adoption of the Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly

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swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.”

Section II.

The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

Section III.

He shall, from time to time, give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both Houses or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.
Section IV.

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Section I.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts, as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section II.

The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases, affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at
such place or places, as the Congress may by law have directed.

Section III.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses, to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

Article IV.

Section I.

Full faith and credit shall be given, in each state, to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section II.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person, held to service or labor in one state under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

Section III.

New states may be admitted by the Congress into this union; but no new state shall be formed or erected with-
in the jurisdiction of any other state—not any state be
formed by the junction of two or more states, or parts of
states, without the consent of the Legislatures of the
states concerned as well as of the Congress.

The Congress shall have power to dispose of, and
make all needful rules and regulations respecting the ter-
ritory or other property belonging to the United States:—
And nothing in this constitution shall be so construed, as
to prejudice any claims of the United States, or of any
particular state.

SECTION IV.

The United States shall guarantee to every state in this
union, a republican form of government; and shall pro-
tect each of them against invasion, and on application of
the Legislature, or of the executive (when the Legisla-
ture cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses
shall deem it necessary, shall propose amendments to this
constitution, or on the application of the Legislatures of
two-thirds of the several states, shall call a convention for
proposing amendments; which, in either case, shall be
valid to all intents and purposes, as part of this constitu-
tion, when ratified by the Legislatures of three-fourths of
the several states, or by conventions in three-fourths
thereof, as the one or the other mode of ratification may
be proposed by the Congress; Provided, That no amend-
ment, which may be made prior to the year one thousand
eight hundred and eight, shall in any manner affect the
first and fourth clauses in the ninth section of the first ar-
ticle; and that no state, without its consent, shall be de-
prived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted, and engagements entered into,
before the adoption of this constitution, shall be as valid
against the United States, under this constitution, as un-
der the confederation.

This constitution, and the laws of the United States
which shall be made in pursuance thereof, and all trea-
CONSTITUTION OF

the laws and treaties of the United States to be the supreme law of the land, and the judges, in every state, shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

Oath to support the constitution.

There shall be no religious test.

The Senators and Representatives before mentioned, and the members of the several state Legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON, President,
And Deputy from Virginia.

New-Hampshire.
John Langdon,
Nicholas Gilman.
Massachusetts.
Nathaniel Gorham,
Rufus King.
Connecticut.
William Samuel Johnson,
Roger Sherman.
New-York.
Alexander Hamilton.
New-Jersey.
William Livingston,
David Brearly,
William Paterson,
Jonathan Dayton.

Delaware.
George Read,
Gunning Bedford, jun.
John Dickinson,
Richard Basset,
Jacob Broom.
Maryland.
James M'Henry,
Dan'l of St. Thos. Jenifer.
Daniel Carroll.
Virginia.
John Blair,
James Madison, jun.
North-Carolina.
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.
IN CONVENTION,

Monday, September 17th, 1787.

Present—The states of New-Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

Resolved,

That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each state by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each convention, assenting to, and ratifying the same, should give notice thereof to the United States, in Congress assembled.

Resolved, that it is the opinion of this Convention, that as soon as the Conventions of nine states shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution: That after such
publication the electors should be appointed, and the Senators and Representatives elected: That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States, in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening and counting the votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous order of the Convention,

GEORGE WASHINGTON, President.

W. JACKSON, Secretary.

IN CONVENTION,

September 17th, 1787.

SIR,

WE have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired, that the power of making war, peace and treaties, that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the Union: But the impropriety of delegating such extensive trust to one body of men, is evident—Hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all—Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all
times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed in our minds, led each state in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every state, is not, perhaps to be expected; but each will doubtless consider, that had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others: that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. With great respect, we have the honor to be, Sir, your excellency’s most obedient and humble servants,

GEO. WASHINGTON, President.

By unanimous order of the Convention.

His Excellency the President of Congress.
Friday, September 28th, 1787.


Congress having received the report of the Convention lately assembled in Philadelphia.

Resolved unanimously,

THAT the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of Delegates, chosen in each state by the people thereof, in conformity to the resolves of the Convention, made and provided in that case.

CHARLES THOMSON, Secretary.

CONGRESS OF THE UNITED STATES,

Begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty-nine.

The Conventions of a number of States, having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And, as extending the ground of public confidence in the government, will best insure the beneficent ends of its institution:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following articles be proposed to the Legislatures of the
several States, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said constitution; viz:

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

ARTICLE I.

AFTER the first enumeration required by the first article of the Constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall be not less than two hundred representatives, nor more than one representative for every fifty thousand persons.

ARTICLE II.

No law varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

ARTICLE III.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE IV.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.
ARTICLE V.

No soldier shall in time of peace be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE VI.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE VII.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VIII.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE IX.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.
ARTICLE X.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE XI.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE XII.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XIII.

THIRD CONGRESS OF THE UNITED STATES,

At the second session, begun and held at the city of Philadelphia, in the state of Pennsylvania, on Monday the second of December, 1793.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, That the following article be proposed to the legislatures of the several states, as an amendment to the Constitution of the United States; which when ratified by three-fourths of the said legislatures, shall be valid as part of the said Constitution, viz: —

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS,
Vice President of the United States, and President of the Senate.

Attest,

JOHN BECKLEY,
Clerk of the House of Representatives.

SAM. A. OTIS,
Secretary of the Senate.
CONSTITUTION OF THE UNITED STATES.

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

As ratified by the constitutional number of the legislatures of the several states, in the year one thousand eight hundred and four.

EIGHTH CONGRESS OF THE UNITED STATES,

At the first session, begun and held at the city of Washington, in the territory of Columbia, on Monday, the seventeenth of October, one thousand eight hundred and three.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, That in lieu of the third paragraph of the first section of the second article of the constitution of the United States, the following be proposed as an amendment to the constitution of the United States, which when ratified by three fourths of the legislatures of the several states, shall be valid to all intents and purposes, as part of the said constitution, to wit:

The electors shall meet in their respective states, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number, not exceeding three on the list of those voted for as Pre-
sident, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.*

Attest,

JOHN BECKLEY,

Clerk to the House of Representatives of the U. States.

SAM: A. OTIS,

Secretary to the Senate of the United States.

* For Laws of Congress relative to the election of President and Vice-President, see Acts of 1st Session of 2d Congress, vol. 2, pa. 22; and Acts of 1st Session of 8th Congress, vol. 7, pa. 142.
DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

WHEN in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.—That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organising its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great-Britain, is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of imme-
diate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to the civil power.
DECLARATION OF INDEPENDENCE.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of the trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.
He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrection amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here.—We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, Free and Independent States; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the state of Great-Britain, is, and ought to be, totally dissolved; and that as Free and Independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do. And for the
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support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.

Signed by order and in behalf of the Congress,

JOHN HANCOCK, President.

Attested,

CHARLES THOMSON, Secretary.

New-Hampshire.
Josiah Bartlett,
William Whipple,
Matthew Thornton.
Massachusetts-Bay.
Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry.
Rhode-Island, &c.
Stephen Hopkins,
William Ellery.
Connecticut.
Roger Sherman.
Samuel Huntington,
William Williams,
Oliver Wolcott.
New-York.
William Floyd,
Philip Livingston,
Francis Lewis,
Lewis Morris.
New-Jersey.
Richard Stockton,
John Witherspoon,
Francis Hopkinson,
John Hart,
Abraham Clark.
Pennsylvania.
Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,

James Smith,
George Taylor,
James Wilson,
George Ross.

Delaware.
Caesar Rodney,
Thomas McKean,
George Read.

Maryland.
Samuel Chase,
William Paca,
Thomas Stone, [ton.
Charles Carroll, of Carroll-
Virginia.
George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,
Thomas Nelson, jun.
Francis Lightfoot Lee,
Carter Braxton.

North-Carolina.
William Hooper,
Joseph Hewes,
John Penn.

South-Carolina.
Edward Rutledge,
Thomas Heyward, Jun.
Thomas Lynch, Jun.
Arthur Middleton.

Georgia.
Button Gwinnett,
Lyman Hall,
George Walton.
ARTICLES OF CONFEDERATION.

In CONGRESS, July 9, 1778.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION.

BETWEEN


ARTICLE I.

THE stile of this confederacy shall be, "The United States of America."

ARTICLE II.

Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

ARTICLE III.

The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV.

Sec. 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same du-
ties, impositions, and restrictions, as the inhabitants thereof respectively; provided, that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state of which the owner is an inhabitant; provided also, that no impositions, duties, or restrictions, shall be laid by any state on the property of the United States, or either of them.

Sec. 2. If any person guilty of or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Sec. 3. Full faith and credit shall be given in each of these states, to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V.

Sec. 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each state shall direct, to meet in congress on the first Monday in November in every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year and to send others in their stead, for the remainder of the year.

Sec. 2. No state shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument, of any kind.

Sec. 3. Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

Sec. 4. In determining questions in the United States in Congress assembled, each state shall have one vote.

Sec. 5. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place
ARTICLES OF CONFEDERATION.

out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE VI.

Sec. 1. No state, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state: nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

Sec. 2. No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

Sec. 3. No state shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

Sec. 4. No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in Congress assembled for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only as in the judgment of the United States in Congress assembled shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

Sec. 5. No state shall engage in any war without the consent of the United States in Congress assembled, unless
such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE VII.

When land forces are raised by any state for the common defence, all officers of or under the rank of colonel shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ARTICLE VIII.

All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in Congress assembled.
ARTICLES OF CONFEDERATION.

ARTICLE IX.

Sec. 1. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures: provided, that no member of Congress shall be appointed a judge of any of the said courts.

Sec. 2. The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority or lawful agent of any state in controversy with another, shall present a petition, to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot; and the persons whose names
shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as that a major part of the judges, who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without shewing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned: Provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward:" Provided also, That no state shall be deprived of territory for the benefit of the United States.

Sec. 3. All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

Sec. 4. The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin, struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United
States; regulating the trade and managing all affairs with
the Indians, not members of any of the states; provided,
that the legislative right of any state within its own limits
be not infringed or violated; establishing and regulating
post offices from one state to another, throughout all the
United States, and exacting such postage on the papers
passing through the same, as may be requisite to defray
the expenses of the said office; appointing all officers of
the land forces in the service of the United States, except-
ing regimental officers; appointing all the officers of
the naval forces, and commissioning all officers whatever in
the service of the United States; making rules for the
government and regulation of the said land and naval
forces, and directing their operations.

Sec. 5. The United States in Congress assembled shall
have authority to appoint a committee, to sit in the recess
of Congress, to be denominated, A committee of the States,
and to consist of one delegate from each state; and to
appoint such other committees and civil officers as may
be necessary for managing the general affairs of the United
States under their direction; to appoint one of their num-
ber to preside; provided, That no person be allowed to
serve in the office of President more than one year in any
term of three years; to ascertain the necessary sums of
money to be raised for the service of the United States,
and to appropriate and apply the same for defraying the
public expenses; to borrow money or emit bills on the
credit of the United States, transmitting every half year
to the respective states an account of the sums of money
so borrowed or emitted; to build and equip a navy; to
agree upon the number of land forces, and to make requis-
sitions from each state for its quota, in proportion to the
number of white inhabitants in such state, which requisii-
tion shall be binding; and thereupon the legislature of
each state shall appoint the regimental officers, raise the
men, and clothe, arm and equip them in a soldier-like
manner, at the expense of the United States; and the offi-
cers and men so clothed, armed, and equipped, shall
march to the place appointed, and within the time agreed
on by the United States in Congress assembled: but if
the United States in Congress assembled shall, on consi-
deration of circumstances, judge proper that any state
should not raise men, or should raise a smaller number
than its quota, and that any other state should raise a great-
or number of men than the quota thereof, such extra num-

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ber shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

Sec. 6. The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same: Nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

Sec. 7. The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state, on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE X.

The committee of the states, or any nine of them, shall be authorised to execute, in the recess of Congress, such of the powers of Congress as the United
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States in Congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided, that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the Congress of the United States assembled, is requisite.

ARTICLE XI.

Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union: But no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII.

All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII.

Every state shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state.

And Whereas it hath pleased the great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorise us to ratify the said articles of confederation and perpetual union: Know ye, that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union and all and singular the matters and
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things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, in all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual. In witness whereof, we have hereunto set our hands in Congress.

DONE at Philadelphia in the state of Pennsylvania, the 9th day of July, in the year of our Lord, 1778, and in the third year of the Independence of America.

New Hampshire.
1 Josiah Bartlett,
   John Wentworth, jun.

Massachusetts Bay.
2 John Hancock,
   Samuel Adams,
   Elbridge Gerry,
   Francis Dana,
   James Lovell,
   Samuel Holton.

Rhode-Island, &c.
3 William Ellery,
   Henry Merchant,
   John Collins.

Connecticut.
4 Roger Sherman,
   Samuel Huntington,
   Oliver Wolcott,
   Titus Hosmer,
   Andrew Adams.

New-York.
5 James Duane,
   Francis Lewis,
   William Duer,
   Gouverneur Morris.

New-Jersey.
6 John Witherspoon,
   Nathaniel Scudder.

Pennsylvania.
7 Robert Morris,
   Daniel Roberdeau,
   Jona: Bayard Smith,
   William Clingan,
   Joseph Read.

Delaware.
8 Thomas M'Kean,
   John Dickinson,
   Nicholas Vandyke.

Maryland.
9 John Hanson,
   Daniel Carroll.

Virginia.
10 Richard Henry Lee,
   John Banister,
   Thomas Adams,
   Francis Lightfoot Lee.

North-Carolina.
11 John Penn,
   Cornelius Harnett,
   John Williams.

South Carolina.
12 Henry Laurens,
   William H. Drayton,
   John Mathews,
   Richard Hutson,
   Thomas Heyward, jr.

Georgia.
13 John Walton,
   Edward Telfair,
   Edward Langworthy.
The aforesaid Articles of Confederation were finally ratified on the first day of March, 1781; the state of Maryland having, by their Members in Congress, on that day acceded thereto, and completed the same.

DECLARATION OF RIGHTS.

At a General Convention of Delegates and Representatives from the several Counties and Corporations of Virginia, held at the Capitol, in the City of Williamsburg, on Monday, the 6th of May, 1776.

A Declaration of Rights, made by the Representatives of the Good people of Virginia, assembled in full and free Convention; which rights do pertain to them, and their posterity as the basis and foundation of Government.

[Agreed to nem con. June 12th, 1776.—See Journ. Conv. page 100]

I. THAT all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

II. That all power is vested in, and consequently derived from, the people; that Magistrates are their trustees and servants, and at all times amenable to them.

III. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community. Of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it, in
such manner as shall be judged most conducive to the public weal.

IV. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of Magistrate, Legislator, or Judge, to be hereditary.

V. That the Legislative and Executive powers of the state should be separate and distinct from the Judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain and regular elections, in which all, or any part of the former members, to be again eligible or ineligible, as the laws shall direct.

VI. That elections of members to serve as representatives of the people, in Assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

VII. That all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

VIII. That in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

IX. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
X. That general warrants whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive and ought not to be granted.

XI. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

XII. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

XIII. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that in all cases, the military should be under strict subordination to, and governed by, the civil power.

XIV. That the people have a right to uniform government; and therefore that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

XV. That no free government, or the blessing of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

XVI. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity, towards each other.
Constitution of Virginia.

The Constitution or Form of Government, agreed to and resolved upon by the Delegates and Representatives of the several Counties and Corporations of Virginia.

[Unanimously adopted, June 29th, 1776.—See Journal Conv. page 167.]

Preamble.

I. WHEREAS George the third, King of Great Britain and Ireland, and Elector of Hanover, heretofore entrusted with the exercise of the kingly office in this government, hath endeavoured to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good: by denying his Governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and, when so suspended, neglecting to attend to them for many years: By refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the Legislature: By dissolving Legislative Assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people: When dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any Legislative head: By endeavoring to prevent the population of our country, and, for that purpose, obstructing the laws for the naturalization of foreigners: By keeping among us in time of peace, standing armies and ships of war: By affecting to render the military independent of, and superior to, the civil power: By combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation: For quartering large bodies of armed troops among us: For cutting off our trade with all parts of the world: For imposing taxes on us without our consent: For depriving us of the benefits of the trial by jury: For transporting us beyond seas, to be tried for pretended offences: For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever: By plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people: By inciting insurrections of our fellow subjects, with the allurements of forfeiture and confiscation: By prompting our negroes to rise in arms among us, those very negroes, whom, by an inhuman use of his
negative, he hath refused us permission to exclude by law: By endeavoring to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence: By transporting at this time, a large army of foreign mercenaries, to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation: By answering our repeated petitions for redress with a repetition of injuries; And finally, by abandoning the helm of government, and declaring us out of his allegiance and protection. By which several acts of misrule, the government of this country, as formerly exercised under the crown of Great Britain, is totally dissolved.

II. We therefore, the Delegates and Representatives of the good people of Virginia, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country must be reduced, unless some regular, adequate mode of civil polity is speedily adopted, and in compliance with a recommendation of the General Congress, do ordain and declare the future form of government of Virginia to be as followeth:

III. The Legislative, Executive, and Judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other; nor shall any person exercise the powers of more than one of them at the same time, except that the Justices of the county courts shall be eligible to either House of Assembly.

IV. The Legislative shall be formed of two distinct branches, who, together, shall be a complete Legislature. They shall meet once or oftener, every year, and shall be called the General Assembly of Virginia.

V. One of these shall be called the House of Delegates, and consist of two Representatives to be chosen for each county, and for the district of West Augusta, annually, of such men as actually reside in and are freeholders of the same, or duly qualified according to law; and also one Delegate or Representative to be chosen annually for the city of Williamsburg, and one for the borough of Nor-
members of which, how qualified, and for what places chosen. When a corporation's right to representation shall cease. Of what number of members the other, called the Senate, shall consist, and how they shall be chosen.

Each house may choose its Speaker & officers, & issue writs for supplying vacancies. Laws shall originate in the House of Delegates, but, if not money bills, amendable by the Senate.

folk, and a Representative for each of such other cities and boroughs as may hereafter be allowed particular representation by the Legislature; but when any city or borough shall so decrease, as that the number of persons having right of suffrage therein shall have been for the space of seven years successively less than half the number of voters in some one county in Virginia, such city or borough thenceforward shall cease to send a Delegate or Representative to the Assembly.

VI. The other shall be called the Senate, and consist of twenty-four members, of whom thirteen shall constitute a House to proceed on business, for whose election the different counties shall be divided into twenty-four districts, and each county of the respective district, at the time of the election of its Delegates, shall vote for one Senator, who is actually a resident and freeholder within the district, or duly qualified according to law, and is upwards of twenty-five years of age; and the sheriffs of each county, within five days at farthest after the last county election in the district, shall meet at some convenient place, and, from the poll so taken in their respective counties, return as a Senator the man who shall have the greatest number of votes in the whole district. To keep up this Assembly by rotation, the districts shall be equally divided into four classes, and numbered by lot. At the end of one year after the general election, the six members, elected by the first division, shall be displaced, and the vacancies thereby occasioned supplied from such class or division, by new election, in the manner aforesaid. This rotation shall be applied to each division, according to its number, and continued in due order annually.

VII. That the right of suffrage in the election of members of both Houses shall remain as exercised at present, and each House shall choose its own Speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies.

VIII. All laws shall originate in the house of Delegates, to be approved or rejected by the Senate, or to be amended with the consent of the House of Delegates, except money bills, which in no instance shall be altered by the Senate, but wholly approved or rejected.
IX. A GOVERNOR, or Chief Magistrate, shall be chosen annually, by joint ballot of both Houses, to be taken in each House respectively, deposited in the conference room; the boxes examined jointly by a Committee of each House; and the numbers severally reported to them, that the appointments may be entered (which shall be the mode of taking the joint ballot of both Houses in all cases) who shall not continue in that office longer than three years successively, nor be eligible until the expiration of four years after he shall have been out of that office. An adequate, but moderate salary, shall be settled on him during his continuance in office; and he shall, with the advice of a Council of State, exercise the executive powers of government according to the laws of this commonwealth; and shall not, under any pretence, exercise any power or prerogative by virtue of any law, statute, or custom of England: but he shall, with the advice of the Council of State, have the power of granting reprieves or pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall otherwise particularly direct; in which cases, no reprieve or pardon shall be granted, but by resolve of the House of Delegates.

X. Either House of the General Assembly may adjourn themselves respectively. The Governor shall not prorogue or adjourn the Assembly during their sitting, nor dissolve them at any time; but he shall, if necessary, either by advice of the Council of State, or on application of a majority of the House of Delegates, call them before the time to which they shall stand prorogued or adjourned.

XI. A Privy Council or Council of State, consisting of eight members, shall be chosen by joint ballot of both Houses of assembly, either from their own members or the people at large, to assist in the administration of government. They shall annually choose out of their own members a President, who, in case of the death, inability, or necessary absence of the Governor from the government, shall act as Lieutenant Governor. Four members shall be sufficient to act, and their advice and proceedings shall be entered of record, and signed by the members present (to any part whereof any member may enter his dissent) to be laid before the General Assembly, when called for by them. This Council may appoint their own
clerk, who shall have a salary settled by law, and take an oath of secrecy in such matters as he shall be directed by the Board to conceal. A sum of money appropriated to that purpose shall be divided annually among the members in proportion to their attendance; and they shall be incapable during their continuance in office, of sitting in either House of Assembly. Two members shall be removed, by joint ballot of both Houses of Assembly, at the end of every three years, and be ineligible for the three next years. These vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections, in the same manner.

XII. The Delegates for Virginia to the Continental Congress shall be chosen annually, or superceded in the mean time by joint ballot of both Houses of Assembly.

XIII. The present militia officers shall be continued, and vacancies supplied by appointment of the Governor, with the advice of the Privy Council, or recommendations from the respective County Courts; but the Governor and Council shall have a power of suspending any officer, and ordering a court-martial, on complaint of misbehaviour or inability, or to supply vacancies of officers happening when in actual service. The Governor may embody the militia, with the advice of the Privy Council, and when embodied, shall alone have the direction of the militia under the laws of the country.

XIV. The two Houses of Assembly shall, by joint ballot, appoint Judges of the Supreme Court of Appeals, and General Court, Judges in Chancery, Judges of Admiralty, Secretary, and the Attorney General, to be commissioned by the Governor, and continue in office during good behaviour. In case of death, incapacity, or resignation, the Governor, with the advice of the Privy Council, shall appoint persons to succeed in office, to be approved or displaced by both Houses. These officers shall have fixed and adequate salaries; and, together with all others holding lucrative offices, and all Ministers of the Gospel of every denomination, be incapable of being elected members of either House of Assembly, or the Privy Council.

XV. The Governor, with the advice of the Privy Council, shall appoint Justices of the Peace for the coun-
ties; and in case of vacancies, or a necessity of increasing
the number hereafter, such appointments to be made up-
on the recommendation of the respective County Courts.
The present acting Secretary in Virginia, and Clerks of
all the County courts, shall continue in office. In case
of vacancies either by death, incapacity, or resignation, a
Secretary shall be appointed as before directed, and the
clerks by the respective courts. The present and future
clerks shall hold their offices during good behaviour, to be
judged of and determined in the General Court. The
Sheriffs and Coroners shall be nominated by the respective
courts, approved by the Governor, with the advice of the
Privy Council, and commissioned by the Governor. The
Justices shall appoint Constables, and all fees of the afore-
said officers to be regulated by law.

XVI. The Governor, when he is out of office, and
others offending against the state, either by mal-adminis-
tration, corruption, or other means by which the safety of
the state may be endangered, shall be impeachable by the
House of Delegates. Such impeachment to be prosecuted
by the Attorney General, or such other person or persons
as the House may appoint in the General Court, accord-
ing to the laws of the land. If found guilty he or they
shall be either forever disabled to hold any office under
government, or removed from such office pro tempore, or
subjected to such pains or penalties as the law shall di-
rect.

XVII. If all, or any of the Judges of the General
Court, shall, on good grounds (to be judged of by the
House of Delegates) be accused of any of the crimes or
offences beforementioned, such House of Delegates may,
in like manner, impeach the Judge or Judges so accused,
to be prosecuted in the Court of Appeals; and he or they,
if found guilty, shall be punished in the same manner as
is prescribed in the preceding clause.

XVIII. Commissions and grants shall run In the name
of the COMMONWEALTH of VIRGINIA, and bear teste by
the Governor, with the seal of the Commonwealth an-
nexed. Writs shall run in the same manner, and bear
teste by the clerks of the several courts. Indictments
shall conclude, Against the peace and dignity of the Com-
monwealth.
XIX. A Treasurer shall be appointed annually, by joint ballot of both Houses.

XX. All escheats, penalties, and forfeitures, heretofore going to the King, shall go to the Commonwealth, save only such as the Legislature may abolish, or otherwise provide for.

XXI. The territories contained within the charters erecting the colonies of Maryland, Pennsylvania, North and South Carolina, are hereby ceded, released, and forever confirmed to the people of those colonies respectively, with all the rights of property, jurisdiction, and government, and all other rights whatsoever which might at any time heretofore have been claimed by Virginia, except the free navigation and use of the rivers Potowmac and Pohomoke, with the property of the Virginia shores or strands bordering on either of the said rivers, and all improvements which have been or shall be made thereon. The western and northern extent of Virginia shall, in all other respects, stand as fixed by the charter of King James the first, in the year one thousand six hundred and nine, and by the public treaty of peace between the Courts of Great-Britain and France, in the year one thousand seven hundred and sixty-three; unless, by act of Legislature, one or more territories shall hereafter be laid off, and governments established westward of the Alleghany mountains. And no purchase of lands shall be made of the Indian natives but on behalf of the public, by authority of the General Assembly.

XXII. In order to introduce this government, the representatives of the people met in Convention shall choose a Governor and Privy Council, also such other officers directed to be chosen by both Houses as may be judged necessary to be immediately appointed. The Senate to be first chosen by the people, to continue until the last day of March next, and the other officers until the end of the succeeding session of Assembly. In case of vacancies, the Speaker of either House shall issue writs for new elections.
RA
RELATING TO THE
FIRST SETTLEMENT OF VIRGINIA.

LETTERS PATENT to Sir Thomas Gates, Sir George Somers, and others, for two several Colonies and Plantations, to be made in Virginia, and other parts and Territories of America.

(Dated April 10th, 1606. 4 James 1st.—Stith's App. No. 1. pa. 1.)

1. JAMES, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. WHEREAS our loving and well-disposed subjects, Sir Thomas Gates, and Sir George Somers, Knights, Richard Hackluit, Clerk, Prebendary of Westminster, and Edward-Maria Wingfield, Thomas Hanham, and Ralegh Gilbert, Esqrs. William Parker, and George Popham, gentlemen, and divers others of our loving subjects, have been humble suitors unto us, that we would vouchsafe unto them our licence, to make habitation, plantation, and to deduce a colony of sundry of our people into that part of America, commonly called Virginia, and other parts and territories in America, either appertaining unto us, or which are not now actually possessed by any

FIRST CHARTERS.

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Preamble

First chapter to Sir Thomas Gates, &c.

H
1606. April 10th.
4th James 1st.

First charter to Sir Thomas Gates and others

Preamble.

III. We greatly commending, and graciously accepting of, their desires for the furtherance of so noble a work which may, by the providence of Almighty God, and the tender to the glory of his divine Majesty, the propagation of Christian religion to such people, as yet live in darkness and miserable ignorance of the true knowledge and worship of God, and may in time bring the infidels and savages, living in those parts, to human civility and to a settled and quiet government; Do by these our letters patents, graciously accept of, and agree to, their humble and well intended desires.

First colony.

IV. And do therefore, for our heirs, and successors, grant and agree, that the said Sir Thomas Gates, Sir George Calvert, Richard Hakluyt, and Edward-Maria Wingfield, adventurers of and for our city of London, and all such others, as are, or shall be joined unto them of that colony, shall be called the first colony; and they
shall and may begin their said first plantation and habitation, at any place upon the said coast of Virginia or America, where they shall think fit and convenient, between the said four and thirty and one and forty degrees of the said latitude; and that they shall have all the lands, woods, soil, grounds, havens, ports, rivers, mines, minerals, marshes, waters, fishings, commodities, and herediments, whatsoever, from the said first seat of their plantation and habitation by the space of fifty miles of English statute measure, all along the said coast of Virginia and America, towards the west and south-west, as the coast lyeth, with all the islands within one hundred miles directly over against the same sea coast; and also all the lands, soil, grounds, havens, ports, rivers, mines, minerals, woods, waters, marshes, fishings, commodities, and hereditaments, whatsoever, from the said place of their first plantation and habitation for the space of fifty like English miles, all alongst the said coast of Virginia and America, towards the east and north-east, or towards the north, as the coast lyeth, together with all the islands within one hundred miles, directly over against the said sea coast; and also all the lands, woods, soil, grounds, havens, ports, rivers, mines, minerals, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the same fifty miles every way on the sea coast, directly into the main land by the space of one hundred like English miles; and shall and may inhabit and remain there; and shall and may also build and fortify within any the same, for their better safeguard and defence, according to their best discretion, and the discretion of the council of that colony; and that no other of our subjects shall be permitted, or suffered to plant or inhabit behind, or on the backside of them, towards the main land, without the express licence or consent of the council of that colony, thereunto in writing first had and obtained.

V. And we do likewise, for us, our heirs, and successors, by these presents, grant and agree, that the said Thomas Hanham, and Ralegh Gilbert, William Parker, and George Popham, and all others of the town of Plimouth in the county of Devon, or elsewhere, which are, or shall be, joined unto them of that colony, shall be called the second colony; and that they shall and may begin their said Plantation and seat of their first abode and habitation, at any place upon the said coast of Virginia and America,
where they shall think fit and convenient, between eight and thirty degrees of the said latitude, and five and forty degrees of the same latitude; and that they shall have all the lands, soils, grounds, havens, ports, rivers, mines, minerals, woods, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the first seat of their plantation and habitation by the space of fifty like English miles, as is aforesaid, all amongst the said coast of Virginia and America, towards the west and southwest, or towards the south, as the coast lyeth, and all the Islands within one hundred miles, directly over against the said sea coast; and also all the lands, soils, grounds, havens, ports, rivers, mines, minerals, woods, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the said place of their first plantation and habitation for the space of fifty like miles, all amongst the said coast of Virginia and America, towards the east and north-east, or towards the north, as the coast lyeth, and all the Islands also within one hundred miles directly over against the same sea coast; and also all the lands, soils, grounds, havens, ports, rivers, woods, mines, minerals, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the same fifty miles every way on the sea-coast, directly into the main land, by the space of one hundred like English miles; and shall and may inhabit and remain there; and shall and may also build and fortify within any the same for their better safeguard, according to their best discretion, and the discretion of the council of that colony; and that none of our subjects shall be permitted, or suffered, to plant or inhabit behind, or on the back of them, towards the main land, without the express licence of the council of that colony in writing thereunto first had and obtained.

VI. Provided always, and our will and pleasure herein is, that the plantation and habitation of such of the said colonies, as shall last plant themselves, as aforesaid, shall not be made within one hundred like English miles of the other of them, that first began to make their plantation, as aforesaid.

VII. And we do also ordain, establish and agree, for us, our heirs, and successors, that each of the said colonies shall have a council, which shall govern and order all matters and causes, which shall arise, grow or happen, to or within the same several colonies, according to such
laws, ordinances, and instructions, as shall be in that behalf, given and signed with our hand or sign manual, and pass under the privy seal of our realm of England; each of which councils shall consist of thirteen persons, to be ordained, made, and removed, from time to time, according as shall be directed and comprised in the same instructions; and shall have a several seal, for all matters that shall pass or concern the same several councils; each of which seals shall have the king's arms engraven on the one side thereof, and his portraiture on the other; and that the seal for the council of the said first colony shall have engraven round about, on the one side, these words: Sigillum Regis Magnæ Britanniae, Franciæ, et Hiberniæ: on the other side this inscription round about; Pro Concilio primo Coloniæ Virginiae. And the seal for the council of the said second colony shall also have engraven, round about the one side thereof, the aforesaid words: Sigillum Regis Magnæ, Britanniae, Franciæ, and Hiberniæ; and on the other side; Pro Concilio secundæ Coloniæ, Virginiae:

VIII. And that also there shall be a council established here in England, which shall, in like manner, consist of thirteen persons, to be, for that purpose, appointed by us, our heirs, and successors, which shall be called our Council of Virginia; and shall, from time to time, have the superior managing and direction, only of and for all matters, that shall or may concern the government, as well of the said several colonies, as of and for any other part or place, within the aforesaid precincts of four and thirty and five and forty degrees, abovementioned; which council shall, in like manner, have a seal, for matters concerning the council or colonies, with the like arms and portraiture, as aforesaid, with this inscription, engraven round about on the one side; Sigillum Regis Magnæ, Britanniae, Franciæ, and Hiberniæ; and round about the other side, Pro Concilio suo Virginiae.

IX. And moreover, we do grant and agree, for us, our heirs and successors, that the said several councils, of and for the said several colonies, shall and lawfully may, by virtue hereof, from time to time, without any interruption of us, our heirs or successors, give and take order, to dig, mine, and search for all manner of mines of gold, silver, and copper, as well within any part of their said several colonies, as of the said main lands on the backside
1606.

April 10th.

4th James 1st.

First charter to Sir Thomas Gates and others.

May coin more.

May invite and carry over adventurers.

May repel intruders.

of the same colonies; and to have and enjoy the gold, silver, and copper, to be gotten thereof, to the use and behalf of the same colonies, and the plantations there; yielding therefore, to us, our heirs and successors, the fifth part only of all the same gold and silver, and the fifteenth part of all the same copper, so to be gotten or had, as is aforesaid, without any other manner of profit or account, to be given or yielded to us, our heirs, or successors, for or in respect of the same:

X. And they shall, or lawfully may, establish and cause to be made a coin, to pass current there between the people of those several colonies, for the more ease of traffic and bargaining between and amongst them and the natives there, of such metal, and in such manner and form, as the said several councils there shall limit and appoint.

XI. And we do likewise, for us, our heirs, and successors, by these presents, give full power and authority to the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Ralegh Gilbert, William Parker, and George Popham, and to every of them, and to the said several companies, plantations, and colonies, that they, and every of them, shall and may at all end every time and times hereafter, have, take, and lead in the said voyage, and for and towards the said several plantations and colonies, and to travel thitherward, and to abide and inhabit there, in every the said colonies and plantations, such and so many of our subjects, as shall willingly accompany them, or any of them, in the said voyages and plantations; with sufficient shipping, and furniture of armour, weapons, ordnance, powder, victual, and all other things, necessary for the said plantations, and for their use and defence there: Provided always, That none of the said persons be such, as shall hereafter be specially restrained by us, our heirs, or successors.

XII. Moreover, we do, by these presents, for us, our heirs, and successors, give and grant licence unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Ralegh Gilbert, William Parker, and George Popham, and to every of the said colonies, that they, and every of them, shall and may, from time to time, and at all times for ever hereafter, for their several defences, encounter, expulse, repel,
and resist, as well by sea as by land, by all ways and means whatsoever, all and every such person and persons, as without the especial licence of the said several colonies and plantations, shall attempt to inhabit within the said several precincts and limits of the said several colonies and plantations, or any of them, or that shall enterprise or attempt, at any time hereafter, the hurt, detriment, or nooynance, of the said several colonies or plantations:

XIII. Giving and granting, by these presents, unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, and their associates of the said first colony, and unto the said Thomas Hauham, Raleigh Gilbert, William Parker, and George Popham, and their associates of the said second colony, and to every of them, from time to time, and at all times forever hereafter power and authority to take and surprise, by all ways and means whatsoever, all and every person and persons, with their ships, vessels, goods, and other furniture, which shall be found trafficking, into any harbour or harbours, creek or creeks, or place, within the limits or precincts of the said several colonies and plantations, not being of the same colony; until such time, as they, being of any realms or dominions under our obedience, shall pay, or agree to pay, to the hands of the treasurer of that colony, within whose limits and precincts they shall so traffick, two and a half upon every hundred, of any thing, so by them trafficked, bought, or sold; and being strangers, and not subjects under our obedience, until they shall pay five upon every hundred, of such wares and merchandises, as they shall traffick, buy, or sell, within the precincts of the said several colonies, wherein they shall so traffick, buy, or sell, as aforesaid, which sums of money, or benefit, as aforesaid, for and during the space of one and twenty years, next ensuing the date hereof, shall be wholly employed to the use, benefit, and behoof of the said several plantations, where such traffick shall be made; and after the said one and twenty years ended, the same shall be taken to the use of us, our heirs, and successors, by such officers and ministers, as by us, our heirs, and successors, shall be thereunto assigned or appointed.

XIV. And we do further, by these presents, for us, our heirs, and successors, give and grant unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, and to their associates of
1606. Ap'1 10th. 4th James 1st. First charter to Sir Thomas Gates and others.

Inhabitants and their children to have the privileges of British subjects.

Penalty for carrying goods, &c. destined for the colonies to any other places.

the said first colony and plantation, and to the said Thomas Hanham, Ralegh Gilbert, William Parker, and George Popham, and their associates of the said second colony and plantation, that they and every of them, by their deputies, ministers, and factors, may transport the goods, chattels, armour, ammunition, and furniture, needful to be used by them, for their said apparel, food, defence, or otherwise in respect of the said plantations, out of our realms of England and Ireland, and all other our dominions, from time to time, for and during the time of seven years, next ensuing the date hereof, for the better relief of the said several colonies and plantations, without any custom, subsidy, or other duty, unto us, our heirs, or successors, to be yielded or paid for the same.

XV. Also we do, for us, our heirs, and successors, declare, by these presents, that all and every the persons, being our subjects, which shall dwell and inhabit within every or any of the said several colonies and plantations, and every of their children, which shall happen to be born within any of the limits and precincts of the said several colonies and plantations, shall have and enjoy all liberties, franchises, and immunities, within any of our other dominions, to all intents and purposes, as if they had been abiding and born, within this our realm of England, or any other of our said dominions.

XVI. Moreover, our gracious will and pleasure is, and we do, by these presents, for us, our heirs, and successors, declare and set forth, that if any person or persons, which shall be of any of the said colonies and plantations, or any other, which shall traffick to the said colonies and plantations, or any of them, shall at any time or times hereafter, transport any wares, merchandises, or commodities, out of any our dominions, with a pretence to land, sell, or otherwise dispose of the same, within any the limits and precincts of any the said colonies and plantations, and yet nevertheless, being at sea, or after he hath landed the same within any of the said colonies and plantations, shall carry the same into any other foreign country, with a purpose there to sell or dispose of the same, without the licence of us, our heirs, and successors, in that behalf first had and obtained; that then, all the goods and chattels of such person or persons, so offending and transporting, together with the said ship or vessel, wherein such trans-
portation was made, shall be forfeited to us, our heirs, and successors.

XVII. Provided always, and our will and pleasure is, and we do hereby declare to all Christian kings, princes, and states, that if any person or persons, which shall hereafter be of any of the said several colonies and plantations, or any other, by his, their or any of their licence and appointment, shall, at any time or times hereafter, rob or spoil, by sea or by land, or do any act of unjust and unlawful hostility, to any the subjects of us, our heirs, or successors, or any the subjects of any king, prince, ruler, governor, or state, being then in league or amity with us, our heirs, or successors, and that upon such injury, or upon just complaint of such prince, ruler, governor, or state, or their subjects, we, our heirs, or successors, shall make open proclamation, within any of the ports of our realm of England, commodious for that purpose, that the person or persons, having committed any such robbery or spoil, shall, within the term to be limited by such proclamations, make full restitution or satisfaction of all such injuries done, so as the said princes, or others, so complaining, may hold themselves fully satisfied and contented; and that, if the said person or persons, having committed such Robbery or spoil, shall not make, or cause to be made, satisfaction accordingly, within such time so to be limited, that then it shall be lawful to us, our heirs, and successors, to put the said person or persons, having committed such robbery or spoil, and their procurers, abettors, or comforters, out of our allegiance and protection; and that it shall be lawful and free for all princes and others, to pursue with hostility the said offenders, and every of them, and their and every of their procurers, aiders, abettors, and comforters, in that behalf.

XVIII. And finally, we do, for us, our heirs, and successors, grant and agree, to and with the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, and all others of the said first colony, that we, our heirs, and successors, upon petition in that behalf to be made, shall, by letters, patent under the great seal of England, give and grant unto such persons, their heirs, and assigns, as the council of that colony, or the most part of them, shall, for that purpose nominate and assign, all the lands, tenements, and hereditaments, which shall be within the precincts limited for that colony,
as is aforesaid, to be holden of us, our heirs, and successors, as of our manor of East-Greenwich in the county of Kent, in free and common soccage only, and not in capite:

XIX. And do, in like manner, grant and agree, for us, our heirs, and successors, to and with the said Thomas Hanham, Ralegh Gilbert, William Parker, and George Popham, and all others of the said second colony, that we, our heirs, and successors, upon petition in that behalf to be made, shall, by letters patent under the great seal of England, give and grant unto such persons, their heirs and assigns, as the council of that colony, or the most part of them, shall, for that purpose, nominate and assign, all the lands, tenements, and herediments, which shall be within the precincts limited for that colony, as is aforesaid, to be holden of us, our heirs, and successors, as of our manor of East-Greenwich in the colony of Kent, in free and common soccage only, and not in capite.

XX. All which lands, tenements, and herediments, so to be passed by the said several letters patent, shall be sufficient assurance from the said patentees, so distributed and divided amongst the undertakers for the plantation of the said several colonies, and such as shall make their plantations in either of the said several colonies, in such manner and form, and for such estates, as shall be ordered and set down by the council of the said colony, or the most part of them, respectively, within which the same lands, tenements, and herediments shall lye or be; although express mention of the true yearly value or certainty of the premises or any of them, or of any other gifts or grants, by us, or any of our progenitors or predecessors, to the aforesaid Sir Thomas Gates, knight, Sir George Somers, knight, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Ralegh Gilbert, William Parker, and George Popham, or any of them, heretofore made, in these presents, is not made; or any statute, act, ordinance, or provision, proclamation, or restraint, to the contrary hereto had, made, ordained, or any other thing, cause, or matter whatsoever, in any wise notwithstanding. In witness whereof, we have caused these our letters to be made patents; witness ourselves at Westminster, the tenth day of April, in the fourth year of the reign of England, France, and Ireland, and of Scotland the nine and thirteenth.

Lukin

Per breve de privato Sigillo.
Articles, Instructions and Orders made, set down and established by us, twentieth day of November, in the year of our reign of England, France, and Ireland the fourth and of Scotland the fortieth, for the good Order and Government of the two several Colonies and Plantations to be made by our loving subjects, in the Country commonly called Virginia and America, between thirty-four and forty-five degrees from the æquinoctial line.

[From a MS. record book, in the Register's-Office of Virginia.—Book No. 2, pa. 1.]

WHERAS wee, by our letters patents under our great seal of England, bearing date at Westminster, the tenth day of April, in the year of our reign of England, France and Ireland the fourth, and of Scotland the 39th have given licence to sundry our loving subjects named in the said letters patents and to their associates, to deduce and conduct two several colonies or plantations of sundry our loving people willing to abide and inhabit in certain parts of Virginia and America, with divers preheminences, privileges, authorities and other things, as in and by the same letters patents more particularly it appeareth, wee according to the effect and true meaning of the same letters patents, doe by these presents, signed with our hand, signe manuel and sealed with our privy seal of our realm of England, establish and ordaine, that our trusty and well beloved Sir William Wade, knight, our Lieutenant of our Tower of London, Sir Thomas Smith, knight, Sir Walter Cope, knight, Sir Gorge Moor, Knight, Sir Francis Popeham, knight, Sir Ferdinando Gorges, knight, Sir John Trevor, knight, Sir Henry Montague, knight, recorder of the city of London, Sir William Runney, knight, John Dodderidge, Esq. Solicitor General, Thomas Warr, Esqr. John Eldred of the city of London, merchant, Thomas James of the city of Bristol, merchant, and James Bagge of Plymouth, in the county of Devonshire, merchant, shall be our council for all matters which shall happen in Virginia of any the territories of America, between thirty-four and forty-five degrees from the æquinoctial line northward, and the Islands to the several colonies limited and assigned, and that they shall be called the King's
1606
Nov. 20th.
4th James
1st.

Instruc-
tions, & c.
for the 2
colonies
of Vir-
ginia.

Each
council to
choose a
president;
his con-
tinuance in
office.

Council of Virginia, which council or the most part of
them shall have full power and authority, att our pleasure,
in our name, and under us, our heires and successors, to
give directions to the counsellors of the several colonies
which shall be within any part of the said country of Vir-
ginia and America, within the degrees first above men-
tioned, with the Islands aforesaid, for the good government
of the people to be planted in those parts, and for the
good ordering and disposing of all causes happening within
thesame, and the same to be done for the substance thereof,
as neer to the common lawes of England, and the equity
thereof, as may be, and to passe under our seale, appoint-
ed for that council, which council, and every or any of
them shall, from time to time be increased, altered or
changed, and others put in their places, att the nominat-
tion of us, our heires and successors, and att our and their
will and pleasure, and the same council of Virginia, or
the more part of them, for the time being shall nominate
and appoint the first several counsellors of those several
counsellors, which are to be appointed for those two seve-
ral colonies, which are to be made plantations in Virginia
and America, between the degrees before mentioned, ac-
cording to our said letters pattents in that behalfe made;
and that each of the same counsellors of the same several
colonies shall, by the major part of them, choose one of the
same council, not being the minister of God’s word, to
be president of the same council, and to continue in that
office, by the space of one whole year, unless he shall in
the mean time dye or be removed from that office; and
wee doe further hereby establish and ordaine, that it shall
be lawful for the major part of either of the said counsellors,
upon any just cause, either absence or otherwise, to re-
move the president or any other of that council, from be-
ing either president or any of that council, and upon the
deathes or removal of any of the presidents or council, it
shall be lawfull for the major part of that council, to elect
another in the place of the party soe dying or removed,
so alwaies, as they shall not be above thirteen of either of
the said counsellors, and we doe establish and ordaine,
that the president shall not continue in his office of presi-
dentship above the space of one year; and wee doe spe-
cially ordaine, charge, and require, the所述 presidents and
counsellors, and the ministers of the said several colonies
respectively, within their several limits and precincts,
that they, with all diligence, care, and respect, doe pro-
vide, that the true word, and service of God and Chris-
tian faith be preached, planted, and used, not only within every of the said several colonies, and plantations, but al-
so as much as they may amongst the salvage people which doe or shall adjoine unto them, or border upon them, according to the doctrine, rights, and religion now professed and established within our realne of England, and that they shall not suffer any person, or persons to withdrawe any of the subjects or people inhabiting, or which shall inhabit within any of the said several colonies and plantations from the same, or from their due allegi-
ance, unto us, our heires and successors, as their immediate soveraigne under God; and if they shall find within any of the said colonies and plantations, any person or per sons soe seeking to withdrawe any of the subjects of us, our heires or successors, or any of the people of those lands or territories, within the precincts aforesaid, they shall with all diligence, him or them soe offending cause to be apprehended, arrested, and imprisoned, until he shall fully and throughly reforme himselfe, or otherwise, when the cause soe requireth, that he shall, with all convenient speed be sent into our realme of England, here to receive condigne punishment for his or their said offence or off-
ences; and moreover wee doe hereby ordaine and estab-
lish for us, our heires and successors, that all the lands, te-
ments, and hereditaments to be had and enjoyed by any of our subjects within the precincts aforesaid, shall be had and inherited and injoyed, according as in the like estates they be had and enjoyed by the lawes within this realne of England; and that the offences of tumults, rebellion, conspiracies, mutiny and seditions in those parts which may be dangerous to the estates there, together with murther, manslaughter, incest, rapes, and adulteries com-
mitted in those parts within the precincts of any the de-
grees above mentioned (and noe other offences) shall be punished by death, and that without the benefit of the clergy, except in case of manslaughter, in which clergie is to be allowed, and that the said several presidents and counsellors, and the greater number of them, within every of the several limits and precincts, shall have full power and authority, to hear and determine all and every the offens es aforesaid, within the precinct of their several colonies, in manner and forme following, that is to say, by twelve honest and indifferent persons sworne upon the Evange-
lists, to be returned by such ministers and officers as every of the said presidents and counsellors, or the most part of them respectively shall assigne, and the twelve persons

1606.

Nov. 20th.

4th James

1st

Instruc-

tions, &c.

for the 2

colonies of

Virginia.

Penalty

for with-

draw- 

ing any of the 

people 

from their 

religion or 

allegiance.

How 

lands to 
descend 

and pass.

How cer-

tain offens 

ces to be 
punished.

Trial by 

jury.
ANCIENT CHARTERS.

1606.

Nov. 20th.
4th James 1st.

Instructions, &c. for the 2 colonies of Virginia.

Judgment on standing mute, or by confession.

President and council to pronounce judgment.

Reprieve by the president and council, pardon by the King.

Offenders to be tried in their colony.

President & council to have power to hear and determine all civil causes.

soe returned and sworne shall, according to their evidence to be given unto them upon oath and according to the truth, in their consciences, either convict or acquit every of the said persons soe to be accused and tried by them, and that all and every person or persons, which shall voluntarily confesse any of the said offences to be committed by him, shall, upon such his confession thereof, be convicted of the same, as if he had been found guilty of the same, by the verdict of any such twelve jurors, as is aforesaid; and that every person and persons which shall be accused of any of the said offences, and which shall stand mute, or refusing to make direct answer thereunto, shall be, and he held convicted of the said offence, as if he had been found guilty by the verdict of such twelve jurors, as aforesaid; and that every person and persons soe convicted, either by verdict, his own confession, or by standing mute, or by refusing directly to answer as aforesaid of any the offences before mentioned, the said presidents, or counsellors, or the greatest number of them within their several precincts and limitts, where such conviction shall be had and made as aforesaid, shall have full power and authority, by these presents, to give judgment of death upon every such offender, without the benefit of the clergy, except only in cause of manslaughter, and noe person soe adjudged, attainted, or condemned shall be deprived from the execution of the said judgment, without the consent of the said president and council or the most part of them by whom such judgment shall be given; and that noe person shall receive any pardon, or be absolutely discharged of any the said offences, for which he shall be condemned to death as aforesaid, but by pardon of us, our heires and successors, under our great seal of England; and wee doe in like manner establish and ordaine, if any either of the said collonies shall offend in any of the offences beforementioned, within any part between the degrees aforesaid, out of the precincts or his or their collony, that then every such offender or offenders shall be tried and punished as aforesaid within his or their proper collony; and that every the said presidents and counsellors, within their several limits and precincts, and the more part of them shall have power and authority by these presents, to hear and determine all and every other wrongs, trespasses, offences, and misdemeanors whatsoever, other than those before mentioned, upon accusation of any person, and proofe thereof made, by sufficient witnesse upon oath; and that in all those cases the said president and counsel, and
the greater number of them, shall have power and authority, by these presents respectively, as is aforesaid, to punish the offender or offenders, either by reasonable corporal punishment and imprisonment, or else by a convenient fine, awarding damages or other satisfaction, to the party grieved, as to the said president and council, or to the more part of them, shall be thought fitt and convenient, having regard to the quality of the offence, or state of the cause; and that also the said president and council, shall have power and authority, by virtue of these presents, to punish all manner of excess, through drunkenness or otherwise, and all idle loitering and vagrant persons, which shall be found within their several limits and precincts, according to their best discretions, and with such convenient punishment, as they or the most part of them shall think fitt; alsoe our will and pleasure, concerning the judicial proceedings aforesaid, that the same shall be made and done summarily, and verbally without writing, until it come to the judgment or sentence, and yet nevertheless our will and pleasure is, that every judgment and sentence hereafter to be given in any the causes aforesaid, or in any other of the said several presidents and councells, or the greater number of them, within their several limits and precincts, shall be briefely and summarily registered into a book, to be kept for that purpose, together with the cause for which the said judgment or sentence was given; and that the said judgment and sentence, so registered and written, shall be subscribed with the hands or names of the said president and council, or such of them as gave the judgment or sentence; alsoe our will and pleasure is, and wee doe hereby establish and ordaine, that the said several collonies and plantations, and every person and persons of the same, severally and respectively, shall within every of their several precincts, for the space of five years, next after their first landing upon the said coast of Virginia and America, trade together all in one stocke or deuideably, but in two or three stocks at the most, and bring not only all the fruits of their labours there, but alsoe all such other goods and commodities which shall be brought out of England, or any other place, into the same collonies, into severall magazines or store houses, for that purpose to be made, and erected there, and that in such order, manner and form, as the councel of that collony, or the more part of them shall sett downe and direct; and our will and pleasure is, and wee doe in like manner ordaine, that in every of the said collonies and plantations
there shall be chosen there, elected yearly, by the president and councell of every of the said several colonies and plantations or the more part of them, one person, of the same colony and plantation, to be treasurer or cape-merchant of the same colony and plantation to take the charge and managings of all such goods, wares and commodities, which shall be brought into or taken out of the several magazines or storehouses; the same treasurer or cape-merchant to continue in his office by the space of one whole year, next after his said election, unless he shall happen to dye within the said year, or voluntarily give over the same, or be removed for any just or reasonable cause; and that thereupon the same president and councell, or the most part of them, shall have power and authority to elect him again or any other or others in his room or stead, to continue in the same office as aforesaid; and that alsoe there shall be two or more persons of good discretion within every of the said colonies and plantations elected and chosen yearely during the said terme of five years, by the president and councell of the same colony, or the most part of them respectively, within their several limits and precincts, the one or more of them to keep a book in which shall be registered and entred all such goods, wares, and merchandizes, as shall be received into the several magazines or storehouses within that colony, being appointed for that purpose, and the other to keep a like book, wherein shall be registred all goods, wares, and merchandizes which shall issue or be taken out of any the several magazines or store-houses of that colony, which clarks shall continue in their said places but att the will of the president and councell of that colony, whereof he is or of the major part of them; and that every person or every the said several colonies, and plantations shall be furnished with all necessaries out of those several magazines or storehouses which shall belong to the said colony and plantation, in which that person is, for and during the terme and time of five yeares, by the appointment, direction and order of the president and councell there, or of the said cape-merchant and two clarks or of the most part of them, within the said several limits and precincts of the said colonies and plantations; alsoe our will and pleasure is, and wee doe hereby ordain, that the adventurers of the said first colony and plantation, shall and may during the said terme of five years, elect and choose out of themselves one or more companies, each company con-
sisting of three persons att the least who shall be resident att or near London, or such other place, and places, as the councell of the colony for the time being, or the most part of them during the said five years shall think fitt, who shall there from time to time take charge of the trade an accompt of all such goods, wares and merchandizes, and other things which shall be sent from thence to the company of the same colony, or plantation in Virginia, and likewise of all such wares, goods and merchandizes, as shall be brought from the said colony or plantation unto that place within our realme of England, and of all things concerning the manning of the affairs and profits concerning the adventurors of that company which shall soe passe out of or come into that place or port; and likewise our will and pleasure is, that the adventurors in the said second colony and plantation shall and may during the said terme of five years elect out of themselves, one or more companies, each company consisting of three persons att the least, who shall be resident att, or near Plymouth in our county of Devon, within our realme of England, and att such one, two, or three other places or ports, as the councell of that colony, or the most part of them shall think fitt, who shall there, from time to time, take care and charge of the trade, and account of all such goods, wares, merchandizes and other things, which shall be sent from thence from the same colony and plantation in Virginia, and likewise of all such goods, wares, and merchandizes as shall be brought from the said colony and plantation in Virginia, into our realme of England, and of all things concerning the manning of the affairs and profits of the adventurors of that company; alsoe our will and pleasure is, that no person or persons shall be admitted into any of the said colonies and plantations there to abide and remaine, but such as shall take not only the usual oath of obedience to us, our heires, and successors, but alsoe the oath which is limited in the last session of Parliament holden at Westminster in the fourth year of our raigne, for their due obedience unto us, our heires and successors, that the trade to, and from any the colonies aforesaid may be mannged to, and from such ports and places, within our realme of England, as is before in these articles intended, any thing set down heretofore to the contrary notwithstanding, and that the said President and Councell of each of the said colonies, and the more part of them respectively shall and may lawful-
ly from time to time constitute, make and ordaine such
colleenas, constitutions, ordinances, and officers, for the better or-
der, government and peace of the people of their several
colloinas, soe alwaies as the same ordinances, and consti-
tutions doe not touch any party in life or member, which
colleenas, and ordinances shall stand, and continue in
full force, until the same shall be otherwise altered, or
made void, by us, our heires, or successors, or our, or
their council of Virginia, soe alwaies as the same altera-
tions, be such as may stand with, and be in substance con-
sonant unto the lawes of England, or the equity thereof;
Furthermore, our will, and pleasure is, and wee doe hereby
determine and ordaine, that every person and persons be-
ing our subjects of every the said colonies and plantations
shall from time to time well entreate those salvages in
those parts, and use all good meanes to draw the salvages
and heathen people of the said several places, and of the
territories and countries adjoining to the true service and
knowledge of God, and that all just, kind and charitable
courses, shall be holden with such of them as shall con-
forme themselves to any good and sociable trafiique and
dealing with the subjects of us, our heires and successors,
which shall be planted there, whereby they may be the
sooner drawne to the true knowledge of God, and the
obedience of us, our heires, and successors, under such
severe paines and punishments, as shall be inflicted by
the same several presidents and councils of the said
several colonies, or the most part of them within their
several limits and precincts, on such as shall offend there-
in, or doe the contrary; and that as the said territories and
countries of Virginia and America within the degrees
aforesaid shall from time to time increase in plantation by
our subjects, wee, our heires and successors will ordaine
and give such order, and further instructions, lawes, con-
stitutions and ordinances for the better order, rule and
government of such, as soe shall make plantations there,
as to us, our heires and successors, shall from time
to time be thought fitt and convenient, which alwaies
shall be such, as may stand with, or be in substance,
consonant unto the lawes of England, or the equity there-
of, and lastly wee doe ordaine, and establish for us, our
heires and successors, that such oath shall be taken by
each of our counsellors here for Virginia concerning
their place and office of counsell, as by the privy coun-
cell of us, our heires and successors of this our realme
of England, shall be in that behalf limited and appointed; and that each councillor of the said colonies shall take such oath, for the execution of their place and office of counsell, as by the counsell of us, our heires and successors here in England, for Virginia shall in that behalf be limited and appointed, and as well those several articles and instructions herein mentioned and contained, as alsoe all such as by virtue hereof shall hereafter be made and ordained, shall as need shall require, by the advice of our counsell here for Virginia shall be transcripted over unto the said several counsellors of the said several colonies, under the seale to be ordained for our said counsell here for Virginia. In witnesse, &c.

1606.
Nov. 20th.
4th James 1st.

Instructions, &c. for the 2 colonies of Virginia. Counsellors to take an oath.
1607.

March 9. 4th James 1st.

**An Ordinance and Constitution enlarging the number of our Council for the two several Colonies and Plantations in Virginia and America, between thirty-four and forty-five degrees of northerly latitude, and augmenting their authority, for the better directing and ordering of such things as shall concern the said Colony.**

[From a MS. record book in the Land-Office of Virginia—Book No. 2.]

Recital.

JAMES, by the grace of God, &c. Whereas wee, by our letters patents, under our great scale of England, bearing date the tenth day of April last past, have given licence to sundry our loving subjects, named in the said letters patents, and to their associates, to deduce and conduct two several colonies or (a) plantations of sundry our

**VARIOUS READINGS.**

(a) "And" in the ancient records relating to Virginia. These are contained in three large folio volumes, MS. which were purchased by William Byrd, Esq. of Westover, at the sale of the library of the Earl of Southampton, who, for many years, was president of the London Company. They are a rich mine of information, and seem to have been compiled, without much regard to method, for the express purpose of forming materials for a history of Virginia. That they are a compilation, is obvious from several circumstances: first, that the orthography of the age, the events of which are recorded, is not preserved; secondly, that in some instances, blanks are left for words, which it is presumed, were so obliterated in the original, that the transcriber could not make them out; and thirdly, that the papers are not arranged in chronological order. But with respect to their authenticity there can be no doubt. It is well known that Col. Byrd was long engaged in collecting materials for some future historian of Virginia; and the respectable source from which these papers were derived, forbids the idea of their being spurious. Besides, as far as we have had an opportunity of comparing them with cotemporaneous papers either printed or manuscript, they agree as nearly as could be expected. These volumes contain minutes of the proceedings of the London Company, and an epitome of the legislative and judicial acts of the constituted authorities in Virginia, so far at least, as they were then extant, which were regularly transmitted to England. The late John Burk, Esq. who had completed three volumes of the History of Virginia when he was snatched away by a premature death, was favored with the use of these manuscripts by John Randolph, Esquire, into whose hands they had fallen. Mr. Burk made frequent reference to them, in the course of his work, and reserved for a general appendix, all the most important papers. They are now in the possession of Skelton Jones, Esq. who has undertaken to complete the History of Virginia, left unfinished by his predecessor. From the well known talents of this gentleman, and his celebrity as a writer, the public, it is believed, will have no cause to regret the change of historians, notwithstanding the deservedly high reputation of Mr. Burk as an author.
loving people, willing to abide and inhabit in certaine parts of Virginia and America, and divers preheminences, priviledges, authorities and other things as in and by the said letters patents more particularly it appeareth; and whereas wee, according to the effect and true meaning of the said letters patents, have, by a former instrument signed with our hand and signe manuel, and sealed with our privy seal of our realme of England, established and ordained, that our trusty and well-beloved Sir William Wade, knight, our Lieutenant of our Tower of London, Sir Thomas Smith, knight, Sir Walter Cope, knight, Sir George Moor, knight, Sir Francis Popeham, knight, Sir Ferdinando Gorges, knight, Sir John Trevor, knight, Sir Henry Montague, knight, recorder of our city of London, Sir William Runney, knight, John Dodderidge, Esqr. (b) our solicitor general, Thomas Warr, Esq. Jo'n Eldred of our city of London, merchant, Thomas James of our city of Bristol, merchant, and James Bagge of Plymouth, in our county of Devon, merchant, should (c) be our counsel for all matters which should (c) happen in Virginia or any territories of America aforesaid, or any actions, businesse or causes, for and concerning the same, which counsel is from time to time to be increased, altered, or changed at the nomination of us, our heires and successors, and at our and their will and pleasure; and whereas our said counsel have found by experience, their number being but fourteen in all, and most of them dispersed by reason of their several habitations far and remote the one from the other, and many of them in like manner far remote from our city of London, where, if need require, they may receive directions from us and our privy counsel, and from whence instructions and directions may be by them left and more readily given, for the said colonies, that when very needful occasion requireth, (d) there cannot be any competent number of them, by any meenes be drawne together for consultation; for remedy whereof our said loving subjects of the several colonies aforesaid, have been humble suitors unto us, and have to that purpose offered unto our royal consideration, the names of certaine sage and discreet persons, and having with the like humility entreated us, that the said per-

**VARIOUS READINGS.**

[b] "Knight," ancient records.  
[c] "shall," ancient records.  
[d] The word "requireth" not in ancient records.
1607.

March 9.
4th James 1st

Ordinance &c. enlarging the councils.

Additional councillors nominated by the 1st colony.

By the 2d colony.

sons or soe many of them, as to us should seem good, might be added unto them, and might (during our pleasure) be of our council for the foresaid colonies of Virginia, wee therefore, for the better establishing, disposing, ordering and directing of the said several colonies, within the degrees aforesaid, and of all such affaires, matters, and things, as shall touch and concerne the same, doe by these presents, signed with our (e) hand and signe manu-
el, and sealed with our privy scale of our realme of Eng-
land, establish and ordaine, that our trusty and well be-
loved Sir Thomas Challonor, knight, Sir Henry Nevil, knight, Sir Fulks Grevil, knight, Sir Jo'n Scot. knight, Sir Robert Mansfield, knight, Sir Oliver Cromwell, knight, Sir Morrice Berkeley, [f] knight, Sir Edward Michil-
bourne, knight, Sir Thomas Holcroft, knight, Sir Tho-
mas Smith, knight, clerk of our privy council, Sir Robert Kelligrew, knight, Sir Robert Croft, knight, Sir George Kopping, knight, Sir Edwyn Sandys, knight, Sir Thomas Row, knight, and Sir Anthony Palmer, knight, nomina-
ted unto us by and on the behalfe of the said first colony; Sir Edward Hungerford, knight, Sir Jo'n Mallet, knight, Sir John Gilbert, knight. Sir Thomas Freake [g] knight, Sir Richard Hawkins, knight, Sir Bartholomew Mitchel, knight, Edward Seamour, Esq. Bernard Greeneville, Esq. Edward Rodgers, Esq. and Matthew Sutcliffe, Doctor of Divinity, nominated to us by and on the behalfe of the said second colony shall, together with the persons for-
merly named, be our council for all matters, which shall or may [h] conduct to the aforesaid plantations, or which shall happen in Virginia or any the territories of America, bet-
ween thirty-four and forty-five degrees of northerly lati-
tude from the aequinoctial line, and the Islands to the se-
veral colonies limited and assigned. That is to say, the first colony, from thirty-four to forty-one degrees of the said latitude, and the second colony between thirty-eight and forty-five degrees of the said latitude; and our further will and pleasure is, and by these presents for us, our heires and successors, wee doe grant unto our said council of Virginia, that they or any twelve of them

VARIOUS READINGS.

[g] "Freake," ancient records.
[h] "May and shall." ancient records.
att the least for the time being whereof six att the least to be members of one of the said colonies, and six more att the least to be members of the other colony, shall have full power and authority, to ordain, nominate, elect, and choose any other person, or persons at their discretion to be and to serve as officer or officers, to all offices and places, that shall by them be thought fit and requisite for the business and affairs of our said council, and concerning the plantation or plantations aforesaid, and for the summoning, calling, and assembling of the said council, together when need shall require, or for summoning and calling before the said council, any of the adventurers, or others which shall passe on (i) unto the said several colonies to inhabit or to traffick there or any other such like officer, or officers, which in time shall or may be found of use behoofe or importance unto the (k) council aforesaid (l). And the said council or any twelve of them as is aforesaid shall have full power and authority from time to time to continue or to alter or change the said officers and to elect and appoint others in their rooms and places, to make and ordain acts and ordinances for the better ordering disposing and marshalling of the said several colonies and the several adventurers or persons going to inhabit in the same several colonies, or of any provision or provisions for the same, or for the direction of the officers aforesaid, or for the making of them to be subordinate or under jurisdiction one of another, and to do and execute all and every of their act and things which by any our grants or letters patents heretofore made they are warranted or authorised to do or execute so as always none of the said acts and ordinances or other things be contrary or repugnant to the true intent and meaning of our said letters patents granted for the plantation of the said several colonies in Virginia and territories of America as aforesaid, or contrary to the laws and statutes in this our realm of England, or in derogation of our prerogative royal. Witness ourself at Westminster, the ninth day of March, in the year of our reign of England, France and Ireland the fourth, and of Scotland the fortieth, &c.

VARIOUS READINGS.

[i] "Over"—Ancient records. [k] "The" omitted in ancient records.

(l) From the beginning to the word "aforesaid" is taken from a MS. Record-Book in the land-office of Virginia; the remainder, from the ancient records of Virginia, before mentioned in note (a).
The Second Charter to the Treasurer and Company, for Virginia, erecting them into a Corporation and Body Politic, and for the further enlargement and explanation of the privileges of the said Company and First Colony of Virginia.

(Dated May 23d, 1609. 7 James 1st.—Stith’s App. No. 2.)

I. JAMES, by the grace of God, king of England, Scotland, France, and Ireland, defender of the faith, &c. To all, to whom these presents shall come, greeting. Whereas, at the humble suit and request of sundry our loving and well disposed subjects, intending to deduce a colony, and to make habitation and plantation of sundry our people, in that part of America, commonly called Virginia, and other parts and territories in America, either appertaining unto us, or which are not actually possessed of any christian prince or people, within certain bounds and regions. We have formerly by our letters-patents, bearing date the tenth day of April, in the fourth year of our reign of England, France, and Ireland, and of Scotland the nine and thirtieth, granted to sir Thomas Gates, sir George Somers, and others, for the more speedy accomplishment of the said plantation and habitation, that they should divide themselves into two Colonies (the one consisting of divers knights, gentlemen, merchants, and others, of our city of London, called the first colony; and the other consisting of divers knights, gentlemen, and others, of our cities of Bristol, Exeter, and town of Plymouth, and other places, called the second colony) and have yielded and granted many and sundry privileges and liberties to each colony, for their quiet settling and good government therein, as by the said letters-patents more at large appeareth:

II. Now, forasmuch as divers and sundry of our loving subjects, as well adventurers, as planters, of the said first colony, which have already engaged themselves in furthering the business of the said colony and plantation, and do further intend, by the assistance of Almighty God.
to prosecute the same to a happy end, have of late been humble suitors unto us, that (in respect of their great charges and the adventure of many of their lives, which they have hazarded in the said discovery and plantation of the said country) we would be pleased to grant them a further enlargement and explanation of the said grant, privileges, and liberties, and that such counsellors, and other officers, may be appointed amongst them, to manage and direct their affairs, as are willing and ready to adventure with them, as also whose dwellings are not so far remote from the city of London, but that they may, at convenient times, be ready at hand, to give their advice and assistance, upon all occasions requisite.


1609.
May 23d.
7th James 1st.
- 2d charter to the treasurer and company of Virginia.
1609.

May 23d

7th James 1st.

Second charter to the treasuruer and company of Virginia.

ANCIENT CHARTERS.

ANCIENT CHARTERS.

1609.
May 23d.
7th James 1st.

2d charter to the treasurer & company of Virginia.

ANCIENT CHARTERS.


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2d charter to the treasurer & company of Virginia.

ANCIENT CHARTERS.

1609. May 23d. 7th James 1st.

2d charter to the treasurer & company of Virginia.

fishmongers, the company of goldsmiths, the company of skinners, the company of merchant-taylors, the company of haberdashers, the company of salters, the company of ironmongers, the company of vintuers, the company of clothworkers, the company of dyers, the company of brewers, the company of leathersellers, the company of pewterers, the company of Cutlers, the company of white-bakers, the company wax-chandlers, the company of tallow-chandlers, the company of armorers, the company of girdlers, the company of butchers, the company of sadlers, the company of carpenters, the company of cordwaynes, the company of barber-chirurgeons, the company of paint-stainers, the company of curriers, the company of masons, the company of plumbers, the company of founders, the company of poulterers, the company of cooks, the company of cooperers, the company of tylers and bricklayers, the company of bowyers, the company of Fletchers, the company of blacksmiths, the company of joiners, the company of weavers, the company of woolmen, the company of woodmongers, the company of scriveners, the company of fruiterers, the company of plaisterers, the company of Brownbakers, the company of stationers, the company of imbroiderers, the company of upholstiers, the company of musicians, the company of turners, the company of gardeners, the company of basketmakers, the company of glaziers, John Levet, merchant, Thomas Nornicot, clothworker, Richard Venn, haberdasher, Thomas Scot, gentleman, Thomas Buxon, merchant-taylor, George Hankinson, Thomas Seyer, gentleman, Matthew Cooper, George Butler, gentleman, Thomas Lawson, gentleman, Edward Smith, haberdasher, Steven Sparrow, John Jones, merchant, Reynolds, brewer, Thomas Plummer, merchant, James Duppa, brewer, Rowland Coitmore, William Southerne, George Whitmore, haberdasher, Anthony Gosnold, the younger, John Allen, fishmonger, Simon Yeomans, fishmonger, Lancelot Davis, gentleman, John Hopkins, alderman of Bristol, John Kettleby, gentleman, Richard Clene, goldsmith, George Hooker, gentleman, Robert Chening, yeoman; and to such and so many, as they do, or shall hereafter admit to be joined with them, in form hereafter in these presents expressed, whether they go in their persons, to be planters there in the said plantation, or whether they go not, but adventure their monies, goods, or chattles; That they shall be one body or commonalty perpetual, and shall have perpetual succession, and one com-

1609.

May 23d.

7th James 1st.

2d charter to the treasurer & company of Virginia.
1609. Stile of the Corporation.

May take and hold property, &c.

May plead and be impleaded.

Confirmation of former grants.

Limits of the Colony and extent of jurisdiction.

MON seal, to serve for the said body or commonalty; and that they, and their successors, shall be known, called, and incorporated by the name of the Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia:

IV. And that they and their successors, shall be, from henceforth, forever enabled to take, acquire and purchase, by the name aforesaid (licence for the same, from us, our heirs or successors, first had and obtained) any manner of lands, tenements, and hereditaments, good and chattels, within our realm of England, and dominion of Wales:

V. And that they and their successors, shall likewise be enabled, by the name aforesaid, to plead and be impleaded, before any of our judges or justices, in any of our courts, and in any actions or suits whatsoever.

VI. And we do also of our special grace, certain knowledge and mere motion, give, grant and confirm, unto the said treasurer and company, and their successors, under the reservations, limitations, and declarations, hereafter expressed, all those lands, countries, and territories, situated, lying, and being, in that part of America called Virginia, from the point of land, called Cape or Point Comfort, all along the sea coast, to the northward two hundred miles, and from the said point of Cape Comfort, all along the sea coast to the southward two hundred miles, and all that space and circuit of land, lying from the sea coast of the precinct aforesaid, up into the land, throughout from sea to sea, west and northwest; and also all the islands, lying within one hundred miles, along the coast of both seas of the precinct aforesaid; together with all the soils, grounds, havens, and ports, mines, as well royal mines of gold and silver, as other minerals, pearls and precious stones, quarries, woods, rivers, waters, fishings, commodities, jurisdictions, royalties, privileges, franchises and preeminences, within the said territories, and the precincts thereof, whatsoever, and thereto and thereabouts, both by sea and land, being or in any sort belonging or appertaining, and which we by our letters patents, may or can grant, in as ample manner and sort, as we or any of our noble progenitors, have heretofore granted to any company, body politic or corporate, or to any adventurer or adventurers, undertaker or undertakers, of any disco-
ANCIENT CHARTERS.

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veries, Plantations, or traffick, of, in or into any foreign parts whatsoever, and in as large and ample manner, as if the same were herein particularly mentioned and expressed; to have and to hold, possess and enjoy, all and singular the said lands, countries and territories, with all and singular other the premises, heretofore by these presents granted, or mentioned to be granted, to them, the said treasurer and company, their successors and assigns forever; to the sole and proper use of them, the said treasurer and company, their successors and assigns for ever; to be holden of us, our heirs, and successors, as of our manour of East Greenwich, in free and common socage, and not in capite; yielding and paying, therefore, to us, our heirs, and successors, the fifth part only of all ore of gold and silver, that from time to time, and at all times hereafter, shall be there gotten, had, or obtained for all manner of services.

VII. And nevertheless, our will and pleasure is, and we do, by these presents, charge, command, warrant, and authorise, that the said treasurer and company, or their successors, or the major part of them, which shall be present and assembled for that purpose, shall, from time to time, under their common seal, distribute, convey, assign, and set over, such particular portions of lands, tenements, and hereditaments, by these presents formerly granted, unto such our loving subjects, naturally born, or denizens, or others, as well adventurers as planters, as by the said company (upon a commission of survey and distribution, executed and returned for that purpose,) shall be nominated, appointed, and allowed; wherein our will and pleasure is, that respect be had, as well of the proportion of the adventurer, as to the special service, hazard, exploit, or merit of any person so to be recompenced, advanced, or rewarded.

VIII. And forasmuch, as the good and prosperous success of the said plantation cannot but chiefly depend, next under the blessing of God, and the support of our royal authority, upon the provident and good direction of the whole enterprise, by a careful and understanding council, and that it is not convenient, that all the adventurers shall be so often drawn to meet and assemble; as shall be requisite for them to have meetings and conference about the affairs thereof; therefore we do ordain, establish and confirm, that there shall be perpetually one
council here resident, according to the tenour of our former letters patents; which council shall have a seal, for the better government and administration of the said plantation, besides the legal seal of the company or corporation, as in our former letters patents is also expressed.


X. And the said Thomas Smith we do ordain to be treasurer of the said company; which treasurer shall have authority to give order, for the warning of the council, and summoning the company, to their courts and meetings.

XI. And the said council and treasurer, or any of them, shall be from henceforth, nominated, chosen, continued, displaced, changed, altered, and supplied, as death, or other several occasions, shall require, out of the company of the said adventurers, by the voice of the greater part of the said company and adventurers, in their assembly for that purpose: Provided always, that every counsellor, so newly elected, shall be presented to the lord chancellor of England, or to the lord high treasurer of Eng-
land, or to the lord chamberlain of the household of us, our heirs, and successors, for the time being, to take his oath of a counsellor to us, our heirs and successors, for the said company of adventurers and colony in Virginia.

XII. And we do by these presents, of our special grace, certain knowledge, and mere motion, for us, our heirs and successors, grant unto the said treasurer and company, and their successors, that if it happen, at any time or times, the treasurer for the time being to be sick, or to have any such cause of absence from the city of London, as shall be allowed by the said council, or the greater part of them, assembled, so as he cannot attend the affairs of that company, in every such case, it shall and may be lawful for such treasurer for the time being, to assign, constitute and appoint, one of the council or company, to be likewise allowed by the council, or the greater part of them, assembled, to be the deputy treasurer of the said company; which deputy shall have power to do and execute all things, which belong to the said treasurer, during such time, as such treasurer shall be either sick, or otherwise absent upon cause allowed of by the said council, or the major part of them, as aforesaid, so fully and wholly, and in as large and ample manner and form, to all intents and purposes, as the said treasurer, if he were present, himself might or could do and execute the same.

XIII. And further, of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, we do, by these presents, give and grant full power and authority to our said council, here resident, as well at this present time, as hereafter from time to time, to nominate, make, constitute, ordain, and confirm, by such name or names, stile or stiles, as to them shall seem good, and likewise to revoke, discharge, change, and alter, as well all and singular governors, officers, and ministers, which already have been made, as also which hereafter shall be by them thought fit and needful to be made or used, for the government of the said colony and plantation;

XIV. And also to make, ordain, and establish all manner of orders, laws, directions, instructions, forms, and ceremonies of government and magistracy, fit and necessary, for and concerning the government of the said colony and plantation; and the same at all times hereafter, to
abrogate, revoke, or change, not only within the precincts of the said colony, but also upon the seas in going and coming, to and from the said colony, as they, in their good discretion, shall think to be fittest for the good of the adventurers and inhabitants there.

XV. And we do also declare, that, for divers reasons and considerations as thereunto especially moving, our will and pleasure is, and we do hereby ordain, that immediately from and after such time, as any such governor or principal officer, so to be nominated and appointed, by our said council, for the government of the said colony, as aforesaid, shall arrive in Virginia, and give notice unto the colony there resident of our pleasure in this behalf, the government, power, and authority of the president and council, heretofore by our former letters patents there established, and all laws and constitutions, by them formerly made, shall utterly cease and be determined, and all officers, governors, and ministers, formerly constituted or appointed, shall be discharged, any thing, in our former letters patents concerning the said plantation contained, in any wise to the contrary notwithstanding; strictly charging and commanding the president and council, now resident in the said colony, upon their allegiance, after knowledge given unto them of our will and pleasure, by these presents signified and declared, that they forthwith be obedient to such governor or governors, as by our said council, here resident, shall be named and appointed, as aforesaid, and to all directions, orders and commandments, which they shall receive from them, as well in the present resigning and giving up of their authority, offices, charges and places, as in all other attendance, as shall be by them, from time to time, required.

XVI. And we do further, by these presents, ordain and establish, that the said treasurer and council here resident, and their successors, or any four of them, being assembled (the treasurer being one) shall, from time to time, have full power and authority, to admit and receive any other person into their company, corporation, and freedom; and further, in a general assembly of the adventurers, with the consent of the greater part, upon good cause, to disfranchise and put out any person or persons, out of the said freedom and company.

XVII. And we do also grant and confirm, for us, our heirs and successors, that it shall be lawful for the said
treaured and company, and their successors, by direction of the governors there, to dig and to search for all manner of mines of gold, silver, copper, iron, lead, tin, and all sorts of minerals, as well within the precinct aforesaid, as within any part of the main land, not formerly granted to any other; and to have and enjoy the gold, silver, copper, iron, lead, and tin, and all other minerals, to be gotten thereby, to the use and behoof of the said company of planters and adventurers; yielding thereof, and paying yearly, unto us, our heirs and successors, as aforesaid.

XVIII. And we do further, of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, grant, by these presents, to and with the said treasurer and company, and their successors, that it shall be lawful and free for them, and their assigns, at all and every time and times hereafter, out of our realm of England, and out of all other our dominions, to take and lead into the said voyages, and for and towards the said plantation, and to travel thitherwards, and to abide and inhabit there in the said colony and plantation, all such and so many of our loving subjects, or any other strangers, that will become our loving subjects and live under our obedience, as shall willingly accompany them in the said voyage and plantation; with sufficient shipping, armour, weapons, ordinance, munition, powder, shot, victuals, and such merchandizes or wares, as are esteemed by the wild people in those parts, clothing, implements, furniture, cattle, horses, and mares, and all other things, necessary for the said plantation, and for their use, and defence, and trade with the people there; and in passing and returning to and fro; without yielding or paying subsidy, custom, imposition, or any other tax or duty, to us, our heirs or successors, for the space of seven years from the date of these presents: Provided, that none of the said persons be such, as shall be hereafter, by especial name, restrained by us, our heirs, and successors.

XIX. And for their further encouragement, of our special grace and favor, we do, by these presents, for us, our heirs, and successors, yield and grant, to and with the said treasurer and company, and their successors, and every of them, their factors, and assigns, that they and every of them, shall be free of all subsidies and customs in Virginia, for the space of one and twenty years, and from all taxes and impositions, for ever, upon any goods or

1609.

May 23d.

7th James 1st

2d charter to the treasurer & company of Virginia.

Treasurer] and company may take adventurers from England or elsewhere.

Colonists to be free from customs for 21 years, and from taxes forever, except five per cent, on goods imported into England.
merchandises, at any time or times hereafter, either upon
importation thither, or exportation from thence, into our
realms of England, or into any other of our realms or do-
minions, by the said treasurer and company, and their
successors, their deputies, factors, or assigns, or any of
them: Except only the five pounds per cent. due for cus-
tom, upon all such goods and merchandizes, as shall
be brought or imported into our realm of England, or
any other of these our dominions, according to the ancient
trade of merchants; which five pounds per cent. only be-
ing paid, it shall be thenceforth lawful and free for the
said adventurers, the same goods and merchandizes to ex-
port, and carry out of our said dominions, into foreign
parts, without any custom, tax, or other duty, to be paid
to us, our heirs, or successors, or to any other our officers
or deputies; Provided, that the said goods and merchan-
dizes be shipped out, within thirteen months, after the first
landing within any part of those dominions.

XX. And we do also grant and confirm to the said
treasurer and company, and their successors, as also to
all and every such governor, or other officers and minis-
ters, as by our said council shall be appointed to have
power, authority of government and command, in or over
the said colony or plantation; that they, and every of them,
shall and lawfully may, from time to time, and at all times
for ever hereafter, for their several defence and safety, en-
counter, expulse, repel, and resist, by force and arms, as
well by sea as by land, and all ways and means whatso-
ever, all and every such person and persons whatsoever,
as (without the special licence of the said treasurer and
company, and their successors) shall attempt to inhabit,
within the said several precincts and limits of the said
colony and plantation; and also, all and every such per-
son and persons whatsoever, as shall enterprise or at-
tempt, at any time hereafter, destruction, invasion, hurt,
detriment, or annoyance, to the said colony and planta-
tion, as is likewise specified in the said former grant.

XXI. And that it shall be lawful for the said treasurer
and company, and their successors, and every of them,
from time to time, and at all times for ever hereafter, and
they shall have full power and authority, to take and sur-
prise, by all ways and means whatsoever, all and every
person and persons whatsoever, with their ships, goods,
and other furniture, trafficking in any harbor, creek, or
place within the limits or precincts of the said colony and plantation, not being allowed by the said company to be adventurers or planters of the said colony, until such time, as they, being of any realms and dominions under our obedience, shall pay, or agree to pay, to the hands of the treasurer or of some other officer, deputed by the said governor of Virginia (over and above such subsidy and custom, as the said company is, or hereafter shall be, to pay) five pounds per cent. upon all goods and merchandizes so brought in thither, and also five per cent. upon all goods by them shipped out from thence; and being strangers, and not under our obedience, until they have paid (over and above such subsidy and custom, as the said treasurer and company, or their successors, is, or hereafter shall be, to pay) ten pounds per cent. upon all such goods, likewise, carried in and out, any thing, in the said former letters patents, to the contrary notwithstanding; and the same sums of money and benefit, as afore-said, for and during the space of one and twenty years, shall be wholly employed to the benefit, use, and behoof of the said colony and plantation; and after the said one and twenty years ended, the same shall be taken to the use of us, our heirs, and successors, by such officers and ministers, as by us, our heirs, or successors, shall be thereunto assigned and appointed, as is specified in the said former letters patents.

XXII. Also, we do, for us, our heirs, and successors, declare, by these presents, that all and every the persons, being our subjects, which shall go and inhabit within the said colony and plantation, and every of their children and posterity, which shall happen to be born within any the limits thereof, shall have and enjoy all liberties, franchises, and immunities of free denizens and natural subjects, within any of our other dominions, to all intents and purposes, as if they had been abiding and born, within this our realm of England, or in any other of our dominions.

XXIII. And forasmuch, as it shall be necessary for all such our loving subjects, as shall inhabit within the said precincts of Virginia, aforesaid, to determine to live together, in the fear and true worship of Almighty God, Christian peace, and civil quietness, each with other, whereby every one may, with more safety, pleasure, and profit, enjoy that, whereunto they attain with great pain, and peril; we, for us, our heirs, and successors, are
likewise pleased and contented, and by these presents, do
give and grant unto the said treasurer and company, and
their successors, and to such governors, officers and mi-
nisters, as shall be, by our said council, constituted and
appointed, according to the natures and limits of their
offices and places respectively, that they shall and may,
from time to time forever hereafter, within the said pre-
cincts, of Virginia, or in the way by sea thither and
from thence, have full and absolute power and authority,
to correct, punish, pardon, govern and rule, all such the
subjects of us, our heirs and successors, as shall, from
time to time, adventure themselves in any voyage thither,
or that shall, at any time hereafter, inhabit in the precincts
and territories of the said colony, as aforesaid, according
to such orders, ordinances, constitutions, directions, and
instructions, as by our said council, as aforesaid, shall be
established; and in defect thereof, in case of necessity,
according to the good directions of the said governor
and officers, respectively, as well in cases capital and crimi-
nal as civil, both marine and other; So always, as the
said statutes, ordinances and proceedings, as near as con-
veniently may be, be agreeable to the laws, statutes, go-
vernment, and policy of our realm of this England.

XXIV. And we do further, of our special grace, cer-
tain knowledge, and mere motion, grant, declare and or-
dain, that such principal governor, as from time to time,
shall duly and lawfully be authorised and appointed, in
manner and form in these presents heretofore expressed,
shall have full power and authority, to use and exercise
martial law, in cases of rebellion or mutiny, in as large
and ample manner, as our lieutenants in our counties,
within this our realm of England, have or ought to have,
by force of their commissions of Lieutenantcy.

XXV. And furthermore, if any person or persons, ad-
vventurers or planters of the said colony, or any other, at
any time or times hereafter, shall transport any monies,
goods or merchandises, out of any of our kingdoms, with
a pretense or purpose, to land, sell or otherwise dispose of
the same, within the limits or bounds of the said colony,
and yet nevertheless, being at sea, or after he hath landed
within any part of the said colony, shall carry the same
ANCIENT CHARTERS.

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into any other foreign country, with a purpose there to sell and dispose thereof; that then all the goods and chattels of the said person, or persons, so offending and transported, together with the ship or vessel, wherein such transportation was made, shall be forfeited to us, our heirs and successors.

XXVI. And further our will and pleasure is, that in all questions and doubts, that shall arise, upon any difficulty of construction or interpretation of any thing, contained either in this, or in our said former letters patents, the same shall be taken and interpreted, in most ample and beneficial manner for the said treasurer and company, and their successors, and every member thereof.

XXVII. And further, we do, by these presents, ratify and confirm unto the said treasurer and company, and their successors, all the privileges, franchises, liberties, and immunities, granted in our said former letters patents, and not in these our letters patents revoked, altered, changed, or abridged.

XXVIII. And finally, our will and pleasure is, and we do further, hereby, for us, our heirs, and successors, grant and agree, to and with the said treasurer and company, and their successors, that all and singular person and persons, which shall at any time or times hereafter adventure any sum or sums of money, in and towards the said plantation of the said colony in Virginia, and shall be admitted by the said council and company, as adventurers of the said colony, in form aforesaid, and shall be enrolled in the book of records of the adventurers of the said company, shall and may be accounted, accepted, taken, held, and reputed, adventurers of the said colony, and shall and may enjoy all and singular grants, privileges, liberties, benefits, profits, commodities, and immunities, advantages, and emoluments, whatsoever, as fully, largely, amply, and absolutely, as if they, and every of them, had been precisely, plainly, singularly, and distinctly, named and inserted in these our letters patents.

XXIX. And lastly, because the principal effect, which we can desire or expect of this action, is the conversion and reduction of the people in those parts unto the true worship of God and Christian religion, in which respect we should be loath, that any person should be permitted

To guard against the superstitions of the church of Rome,

1609.
May 23d.
7th James 1st.

Construction of charters! to be most favorable to treasurer and company.

Former privileges confirmed.

Who entitled to privileges of adventurers.
ANCIENT CHARTERS.

the oath of supremacy to be tendered to all persons.

to pass, that we suspected to effect the superstitions of the church of Rome; we do hereby declare, that it is our will and pleasure, that none be permitted to pass in any voyage, from time to time to be made into the said country, but such, as first shall have taken the oath of supremacy; for which purpose, we do, by these presents, give full power and authority, to the treasurer for the time being, and any three of the council, to tender and exhibit the said oath, to all such persons, as shall, at any time, be sent and employed in the said voyage. Although express mention of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants, by us or any of our progenitors or predecessors, to the aforesaid treasurer and company heretofore made, in these presents is not made; or any act, statute, ordinance, provision, proclamation, or restraint, to the contrary hereof had, made, ordained, or provided, or any other thing, cause, or matter, whatsoever, in any wise notwithstanding. In witness whereof, we have caused these our letters to be made, patent. Witness ourselves at Westminster, the 23d day of May, in the seventh year of our reign of England, France, and Ireland, and of Scotland the ****

Per ipsum Regem.

Lutkin.

A Third Charter of K. James I. to the Treasurer and Company, for Virginia,

(Dated March 12, 1611-2.—Stith's Appendix, No. 3.)

1. JAMES, by the grace of God, king of England, Scotland, France and Ireland, defender of the faith; to all to whom these presents shall come greeting, Whereas, at the humble suit of divers and sundry our loving subjects, as well adventurers as planters of the first colony in Virginia, and for the propagation of christian religion, and reclaiming of people barbarous to civility and humanity, we have, by our letters patents, bearing date, at Westminster, the three and twentieth day of May, in the seventh year of our reign of England, France, and Ireland, and the two and fortieth of Scotland, given and

Third charter to the treasurer and company for Virginia.

Recital.
granted unto them, that they, and all such and so many of our loving subjects, as should from time to time for ever after, be joined with them, as planters or adventurers in the said plantation, and their successors, forever, should be one, body politic, incorporated by the name of, The Treasurer and Company of Adventurers and Planters of the city of London for the first Colony in Virginia.

II. And whereas also, for the greate good and benefit of the said company, and for the better furtherance, strengthening and establishing of the said plantation, we did further give, grant and confirm, by our said letters patents, unto the said treasurer, and company, and their successors, for ever, all those lands, countries, or territories, situate, lying, and being, in that part of America called Virginia, from the point of land, called Cape or Point Comfort, all along the sea coasts, to the northward, two hundred miles, and from the said point of Cape Comfort all along the sea coast, to the southward, two hundred miles, and all that space and circuit of land, lying from the sea coast of the precinct aforesaid, up or into the land, throughout from sea to sea, west and northwest, and also all the islands, lying within one hundred miles, along the coast of both the seas of the precinct aforesaid, with divers other grants, liberties, franchises, and preheminences, privileges, profits, benefits, and commodities, granted, in and by our said letters patents, to the said treasurer and company, and their successors, for ever:

III. Now, forasmuch as we are given to understand, that in those seas, adjoining to the said coast of Virginia, and without the compass of those two hundred miles, by us so granted unto the said treasurer and company, as aforesaid, and yet not far distant from the said colony in Virginia, there are, or may be, divers islands, lying desolate and uninhabited, some of which are already made known and discovered, by the industry, travel, and experiences of the said company, and others also are supposed to be and remain, as yet, unknown and undiscovered, all and every of which it may import the said colony, both in safety and policy of trade, to populate and plant, in regard whereof, as well for the preventing of peril, as for the better commodity and prosperity of the said colony, they have been humble suitors unto us, that we would be pleased to grant unto them * an enlargement of our said

* and MS
former letters patents, as well for a more ample extent of
their limits and territories into the seas, adjoining to and
upon the coast of Virginia, as also for some other matters and articles, concerning the better government of the said company and colony, in which point our said former letters patents do not extend so far, as time and experience hath found to be needful and convenient:

IV. We therefore, tendering the good and happy success of the said plantation, both in regard of the general weal of human society, as in respect of the good of our own estate and kingdoms, and being willing to give furtherance unto all good means, that may advance the benefit of the said company, and which may secure the safety of our loving subjects, planted in our said colony under the favour and protection of God Almighty, and of our royal power and authority, have therefore, of our especial grace, certain knowledge, and mere motion, given, granted, and confirmed, and for us, our heirs and successors, we do, by these presents, give, grant, and confirm, to the said treasurer and company of adventurers and planters of the city of London for the first colony in Virginia, and to their heirs and successors, for ever, all and singular those Islands whatsoever, situate and being in any part of the ocean seas bordering upon the coast of our said first colony in Virginia, and being within three hundred leagues of any the parts heretofore granted to the said treasurer and company, in our said former letters patents, as aforesaid, and being within or between the one and fortieth and thirtieth degrees of northerly latitude, together with all and singular soils, lands, grounds, havens, ports, rivers, waters, fisheries, mines, and minerals, as well royal mines of gold and silver, as other mines and minerals, pearls, precious stones, quarries, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, and preeminences, both within the said tract of land upon the main, and also within the said Islands and seas adjoining, whatsoever, and thereunto or thereabouts, both by sea and land, being or situate; and which, by our letters patents, we may or can grant, and in as ample manner and sort, as we, or any our noble progenitors, have heretofore granted to any person or persons, or to any company, body politic or corporate, or to any adventur-

1 MS. wheel. 2 MS. companies.
er or adventurers, undertaker or undertakers, of any discoveries, plantations, or traffick, of, in or into any foreign parts, whatsoever, and in as large and ample manner, as if the same were herein particularly named, mentioned, and expressed: Provided always, that the said Islands, or any the premises herein mentioned, or by these presents intended or \$ mean't to be granted, be not actually possessed or inhabited by any other Christian prince or estate, nor be within the bounds, limits, or territories of the northern colony, heretofore by us granted to be planted by divers of our loving subjects, in the north parts of Virginia. To have and to hold, possess and enjoy, * all and singular the said Islands, in the said ocean seas so lying, and bordering upon the coast and coasts of the territories of the said first colony in Virginia, as aforesaid; with all and singular the said soils, lands, and grounds, and all and singular other the premises, heretofore by these presents granted, or mentioned to be granted, to them, the said † treasurer and company of adventurers and planters of the city of London for the first colony in Virginia, and to their heirs, successors, and assigns, for ever, to the sole and proper use and behoof of them, the said treasurer and company, and their heirs, and successors, and assigns, forever; to be holden of us, our heirs, and successors, as of our manor of East Greenwich, in free and common socage, and not in capite; yielding and paying therefore to us, our heirs, and successors, the † fifth part of the ore of all gold and silver, which shall be there gotten, had or obtained, for all manner of services whatsoever.

V. And further, our will and pleasure is, and we do, by these presents, grant and confirm, for the good and welfare of the said plantation, and that posterity may hereafter know, who have adventured and not been sparing of their purses in such a noble and generous action for the general good of their country, and at the request, and with the consent, of the company aforesaid, that our trusty and well beloved § subjects, George, Lord Archbishop of Canterbury, Henry, Earl of Huntington, Edward, Earl of Bedford, Richard, of Clanrickard, &c. who since our said last letters patents are become adventurers, and have joined themselves with the former adventurers and planters of the said company and society, shall from

§ MS. mean. * MS. and and singular † MS. Treasurers.
‡ MS. first. § MS. subject.
henceforth, be reputed, deemed, and taken to be, and shall be brethren and free members of the company, and shall and may, respectively, and according to the proportion and value of their several adventures, have, hold and enjoy all such interest, right, title, privileges, preheminencies, liberties, franchises, immunities, profits, and commodities, whatsoever, in as large, and ample, and beneficial manner, to all intents, constructions, and purposes, as any other adventurers, nominated and expressed in any our former letters patents, or any of them, have or may have, by force and virtue of these presents, or any our former letters patents whatsoever.

VI. And we are further pleased, and we do by these presents, grant and confirm, that Philip, Earl of Montgomery, William, Lord Paget, Sir John Starrington, Knt. &c. whom the said treasurer and company have, since the said last letters patents, nominated and set down, as worthy and discreet persons, fit to serve us as counsellors, to be of our council for the said plantation, shall be reputed, deemed, and taken as persons of our said council for the said first colony, in such manner and sort, to all intents and purposes, as those who have been formerly elected and nominated, as our counsellors for that colony, and whose names have been or are inserted and expressed, in our said former letters patents.

VII. And we do hereby ordain and grant, by these presents, that the said treasurer and company of adventurers and planters aforesaid, shall and may, once every week or oftener, at their pleasure, hold and keep a court and assembly, for the better order and government of the said plantation, and such things, as shall concern the same; and that any five persons of our council for the said first colony in Virginia, for the time being, of which company the treasurer, or his deputy, to be always one, and the number of fifteen others, at the least, of the generality of the said company, assembled together in such manner, as is and hath been heretofore used and accustomed, shall be said, taken, held, and reputed to be, and shall be a sufficient court of the said company, for the handling, and ordering, and dispatching of all such casual and particular occurrences, and accidental matters, of less consequence and weight, as shall from time to time, happen, touching and concerning the said plantation:
VIII. And that nevertheless, for the handling, ordering, and disposing of matters and affairs of greater weight and importance, and such as shall or may, in any sort, concern the *weal publick and general good of the said company and plantation, as namely the manner of government from time to time to be used, the ordering and disposing of the lands and possessions, and the settling and establishing of a trade there, or such like, there shall be held and kept, every year, upon the last Wednesday, save one, of Hillary term, Easter, Trinity, and Michaelmas terms, for ever, one great, general, and solemn assembly, which four assemblies shall be stiled and called, The four Great and General Courts of the Council and Company of Adventurers for Virginia; † in all and every of which said great and general courts, so assembled, our will and pleasure is, and we do, for us, our heirs, and successors, for ever, give and grant to the said treasurer and company and their successors, for ever, by these presents, that they the said treasurer and company, or the greater number of them, so assembled, shall and may have full power and authority, from time to time, and at all times hereafter, to elect and choose discreet persons, to be of our said council, for the said first colony in Virginia, and to nominate and appoint such officers, as they shall think fit and requisite, for the government, managing, ordering, and dispatching of the affairs of the said company, and shall likewise have full power and authority, to ordain and make such laws and ordinances, for the good and welfare of the said plantation, as to them, from time to time, shall be thought requisite and meet: so always, as the same be not contrary to the laws and statutes of this our realm of England; and shall, in like manner, ‡ have power and authority, to expulse, disfranchise, and put, out of and from their said company and society, for ever, all and every such person and persons, as having either promised, or subscribed their names, to become adventurers to the said plantation of the said first colony in Virginia, § or having been nominated for adventurers, in these or any other our letters patents, or having been otherwise admitted and nominated to be of the said company, have nevertheless either not put in any adventure at all, for and towards the said plantation, or else have re-

1611-2.  
March 12.  
9th James 1st.  
3d charter, &c.  
4 great & general courts to be held yearly

Their power.

* MS. w, with a blank after it.  
† MS. in and every  
‡ MS. have and authority  
§ MS. of
fused and neglected, or shall refuse and neglect, to bring in his or their adventure, by word or writing promised, within six months after the same shall be so payable and due.

IX. And whereas the failing and not payment of such monies, as have been promised in adventure for the advancement of the said plantation, hath been often by experience found, to be dangerous and prejudicial to the same, and much to have hindered the progress and proceeding of the said plantation, and for that it seemeth unto us a thing reasonable, that such persons, as by their hand writing have engaged themselves for the payment of their adventures, and afterwards neglecting their faith and promise, should be compelled to make good and keep the same; therefore our will and pleasure is, that in any suit or suits, commenced or to be commenced, in any of our courts at Westminster, or elsewhere, by the said treasurer and company, or otherwise, against any such persons, that our judges for the time being, both in our court of chancery, and at the common pleas, do favour and further the said suits, so far forth as law and equity will, in any wise, further and permit.

X. And we do, for us, our heirs, and successors, further give and grant to the said treasurer and company, or their successors, for ever, that they, the said treasurer and company, or the greater part of them, for the time being, so in a full and general court assembled, as aforesaid, shall and may, from time to time, and at all times for ever hereafter, elect, choose, and admit into their company and society, any person or persons, as well strangers and aliens, born in any part beyond the seas where soever, being in amity with us, as our natural leige subjects, born in any our realms, and dominions; and that all such persons, so elected, chosen and admitted to be of the said company, as aforesaid, shall thereupon be taken, reputed, and held, and shall be, free members of the said company, and shall have, hold, and enjoy, all and singular freedoms, liberties, franchises, privileges, immunities, benefits, profits and commodities, whatsoever, to the said company in any sort belonging or appertaining, as fully, freely, and amply, as any other adventurers, now being, or which hereafter at any time shall be of the said com-

*MS as
pany, hath, have, shall, may, might, or ought to have and enjoy the same, to all intents and purposes whatsoever.

XI. And we do further of our especial grace, certain knowledge, and mere motion, for us, our heirs, and successors, give and grant unto the said treasurer and company, and their successors, for ever, by these presents, that it shall be lawful and free, for them and their assigns, at all and every time and times hereafter, out of any our realms and dominions whatsoever, to take, lead, carry, and transport, in and into the said voyage, and for and towards the said plantation, of our said first colony in Virginia, all such and so many of our loving subjects, or any other strangers, that will become our loving subjects and live under our allegiance, as shall willingly accompany them in the said voyages and plantation; with shipping, armour, weapons, ordinance, munition, powder, shot, victuals, and all manner of merchandises and wares, and all manner of clothing, implements, furniture, beasts, cattle, horses, mares, and all other things necessary for the said plantation, and for their use and defence, and for trade with the people there, and in passing and returning to and from, without paying or yielding any subsidy, custom, or imposition, either inward or outward, or any other duty, to us, our heirs, or successors, for the same, for the space of seven years from the date of these presents.

XII. And we do further, for us, our heirs, and successors, give and grant to the said treasurer and company, and their successors, for ever, by these presents, that the said treasurer of that company, or his deputy, for the time being, or any two other of the said council for the said first colony in Virginia, for the time being, or any two other at all times hereafter and from time to time, have full power and authority to minister and give the oath and oaths of supremacy and allegiance, or either of them, to all and every person and persons, which shall at any time or times hereafter go or pass to the said colony in Virginia:

XIII. And further, that it shall be lawful likewise for the said treasurer, or his deputy, for the time being, or any two or others of our said council for the said first colony in Virginia, for the time being, from time to time.
and at all times hereafter, to minister such a formal oath, as by their discretion shall be reasonably devised, as well unto any person or persons, employed in, for, or touching the said plantation, for their honest, faithful, and just discharge of their service, in all such matters, as shall be committed unto them for the good and benefit of the said company, colony, and plantation; as also, unto such other person or persons, as the said treasurer or his deputy, with two others of the said council, shall think meet, for the examination or clearing of the truth, in any cause whatsoever concerning the said plantation, or any business, from thence proceeding, or thereunto belonging.

XIV. And furthermore, whereas we have been certified, that divers lewd and ill-disposed persons, both sailors soldiers, artificers, husbandmen, labourers, and others, having received wages, * apparel, and other entertainment, from the said company, or having contracted and agreed with the said company, to go, or to serve, or to be employed in the said plantation of the said first colony in Virginia, have afterwards either withdrawn, hid or concealed themselves, or have refused to go thither, after they have been so entertained and agreed withal; and that divers and sundry persons also, which have been sent and employed in the said plantation of the said first colony in Virginia, at and upon the charge of the said company, and having there misbehaved themselves, by mutinies, sedition, or other notorious misdemeanors, or having been employed or sent abroad, by the governor of Virginia or his deputy, with some ship or pinnace, for our provision of the said colony, or for some discovery, or other business and affairs, concerning the same, have from thence most treacherously, either come back again and returned unto our realm of England, by stealth, or without licence of our governor of our said colony in Virginia for the time being, or have been sent hither, as misdoers and offenders; and that many also of those persons, after their return from thence, having been questioned by our said council here, for such their misbehaviors and offences, by their insolent and contemptuous carriage in the presence of our said council, have shewed little respect and reverence, either to the place, or authority, in which we have placed and appointed them; and others, for the colouring of their lewdness and misdemeanors

MS. appeal an other
committed in Virginia, have endeavored, by most vile and
slanderous reports, made and divulged, as well of the
country of Virginia, as also of the government and estate
of the said plantation and colony, as much as in them lay,
to bring the said voyage and plantation into disgrace and
contempt; by means whereof, not only the adventurers
and planters, already engaged in the said plantation,
have been exceedingly abused and hindered, and a great
number of other our loving and well disposed subjects,
otherwise well affected, and inclined to join and adven-
ture in so noble, christian, and worthy an action, have
been discouraged from the same, but also the utter over-
throw and ruin of the said enterprise hath been greatly
endangered, which cannot miscarry without some disho-
 honour to us and our kingdom;

XV. Now, forasmuch as it appeareth unto us, that
these insolences, misdemeanors, and abuses, not to be
tolerated in any civil government, have, for the most part,
grown and proceeded, in regard our said council have not
any direct power and authority, by any express words
in our former letters patents, to correct and chastise such
offenders; we therefore, for the more speedy reformation
of so great and enormous abuses and misdemeanors,
hereafter practised and committed, and for the prevent-
ing of the like hereafter, do, by these presents, for us, our
heirs, and successors, give and grant to the said treasur-
er and company, and their successors, for ever, that it
shall and may be lawful for our said council for the said
first colony in Virginia, or any two of them (whereof the
said treasurer, or his deputy, for the time being, to be al-
ways one) by warrant under their hands, to send for, or
to cause to be apprehended, all and every such person,
and persons, who shall be noted, or accused, or found, at
any time or times hereafter, to offend, or misbehave them-
selves, in any the offences before mentioned and expres-
sed; and upon the examination of any such offender or of-
fenders, and just proof made by oath, taken before the
said council, of any such notorious misdemeanors by
them committed, as aforesaid; and also upon any inso-
 lent and contemptuous, or indecent carriage, and misbe-
haviour, to or against our said council, shewed or used
by any such person or persons, so called, convented, and
appearing before them, as aforesaid; that in all such
cases, they, our said council, or any two of them, for the
time being, shall and may have full power and authority,
either here to bind them over with good sureties for their good behaviour, and further therein to proceed, to all intents and purposes, as it is used in other like cases, within our realm of England; or else, at their discretion to remand and send them back, the said offenders, or any of them, unto the said colony in Virginia, there to be proceeded against and punished, as the governor, deputy, or council there, for the time being, shall think meet; or otherwise according to such laws and ordinances, as are and shall be in use there, for the well ordering and good government of the said colony.

XVI. And for the more effectual advancing of the said plantation, we do further, for us, our heirs, and successors, of our especial grace and favour, by virtue of our prerogative royal, and by the assent and consent of the Lords and others of our privy council, give and grant unto the said treasurer and company, full power and authority, free leave, liberty, and licence, to set forth, erect, and publish, one or more lottery or lotteries, to have continuance, and to endure and be held, for the space of our whole year, next after the opening of the same; and after the end and expiration of the said term, the said lottery or lotteries to continue and be further kept, during our will and pleasure only, and not otherwise. And yet nevertheless, we are contented and pleased for the good and welfare of the said plantation, that the said treasurer and company shall, for the dispatch and finishing of the said lottery or lotteries, have six months warning after the said year ended, before our will and pleasure shall, for and on that behalf, be construed, deemed, and adjudged, to be in any wise altered and determined.

XVII. And our further will and pleasure is, that the said lottery and lotteries shall and may be opened and held, within our city of London, or in any other city or town, or elsewhere, within this our realm of England, with such prizes, articles, conditions, and limitations, as to them, the said treasurer and company, as their discretion shall seem convenient:

XVIII. And that it shall and may be lawful, to and for the said treasurer and company, to elect and choose receivers, auditors, surveyors, commissioners, or any other officers, whatsoever, at their will and pleasure, for the better marshalling, disposing, guiding, and governing of
the said lottery and lotteries; and that it shall likewise be lawful, to and for the said treasurer and any two of the said council, to minister to all and every such person so elected and chosen for officers, as aforesaid, one or more oaths, for their good behaviour, just and true dealing, in and about the said lottery or lotteries, to the intent and purpose, that none of our loving subjects, putting, in their names, or otherwise adventuring in the said general lottery or lotteries, may be, in any wise, defrauded and deceived of their said monies, or evil and indirectly dealt withal in their said adventures.

XIX. And we further grant in manner and form aforesaid, that it shall and may be lawful, to and for the said treasurer and company, under the seal of the said council for the plantation, to publish, or to cause and procure to be published, by proclamation or otherwise (the said proclamation, to be made in their name, by virtue of these presents) the said lottery or lotteries in all cities, towns, boroughs, and other places within our said realm of England; and we will and command all mayors, justices of peace, sheriffs, bailiffs, constables, and other officers and loving subjects, whatsoever, that, in no wise, they hinder or delay the progress and proceedings of the said lottery or lotteries, but be therein touching the premises, aiding and assisting, by all honest good and lawful means and endeavours.

XX. And further our will and pleasure is, that in all questions, and doubts, that shall arise, upon any difficulty of construction or interpretation of any thing contained in these, or any other our former letters patents, the same shall be taken and interpreted, in most ample and beneficial manner for the said treasurer and company, and their successors, for ever, and every member thereof.

XXI. And lastly, we do by these presents, ratify and confirm unto the said treasurer and company, and their successors, for ever, all and all manner of privileges, franchises, liberties, immunities, prehominences, profits and commodities, whatsoever, granted unto them in any our former letters patents, and not in these presents revoked, altered, changed, or abridged, although express mention of the true yearly value or certainty of the premises, or any of them, or of any other gift or grant, by us

1 MS. mayor

| MS or |
or any of our progenitors or predecessors, to the aforesaid treasurer and company heretofore made, in these presents is not made; or any statute, act, ordinance, provision, proclamation, or restraint, to the contrary thereof heretofore made, ordained, or provided, or any other matter, cause, or thing, whatsoever, to the contrary, in any wise, notwithstanding.

In witness whereof we have caused these our letters to be made patents. Witness ourself, at Westminster, the twelfth day of March, in the ninth year of our reign of England, France, and Ireland, and of Scotland the five and fortyeth.


(Dated July 24, 1621.—Stith's Appendix, No. 4.)

I. To all people, to whom these presents shall come, be seen, or heard, the treasurer, council, and company of adventurers and planters for the city of London for the first colony of Virginia, send greeting. Know ye, that we, the said treasurer, council, and company, taking into our careful consideration the present state of the said colony of Virginia, and intending by the divine assistance, to settle such a form of government there, as may be to the greatest benefit and comfort of the people, and whereby all injustice, grievances, and oppression may be prevented and kept off as much as possible, from the said colony, have thought fit to make our entrance, by ordering and establishing such supreme councils, as may not only be assisting to the governor for the time being, in the administration of justice, and the executing of other duties to this office belonging, but also, by their vigilant care and prudence, may provide, as well for a remedy of all inconveniences, growing from time to time, as also for advancing of increase, strength, stability, and prosperity of the said colony:

II. We therefore, the said treasurer, council, and company, *by authority directed to us from his majesty un-

* Vide section XIV. and XXIII. of the second charter, and section VIII. of the third.
under the great seal, upon mature deliberation, do hereby order and declare, that, from hence forward, there shall be two supreme councils in Virginia, for the better government of the said colony aforesaid.

III. The one of which councils, to be called the council of state, (and whose office shall chiefly be assisting, with their care, advice, and circumspection, to the said governor) shall be chosen, nominated, placed, and displaced, from time to time, by us the said treasurer, council and company, and our successors: which council of state shall consist, for the present only of these persons, as are here inserted, viz. sir Francis Wyatt, * governor of Virginia, captain Francis West, sir George Yeardley, knight, sir William Nence, knight, marshal of Virginia, Mr. George Sandys, treasurer, Mr. George † Thorne, deputy of the college, captain Thomas Nence, deputy for the company, Mr. Powlet, Mr. Leech, captain Nathaniel Powell, Mr. Christopher Davidson, secretary, Doctor Potts, physician to the company, Mr. Roger Smith, Mr. John Berkeley, Mr. John Rolfe, Mr. Ralph Hamer, Mr. John † Pountis, Mr. Michael Lapworth, Mr. Harwood, Mr. Samuel Macock. Which said counsellors and council we earnestly pray and desire, and in his majesty’s name strictly charge and command, that (all factions, partialities, and sinister respect laid aside) they bend their care and endeavours to assist the said governor; first and principally, in the advancement of the honour and service of God, and the enlargement of his kingdom against the heathen people; and next, in erecting of the said colony in due obedience to his majesty, and all lawful authority from his majesty’s directions; and lastly, in maintaining the said people in justice and christian conversation amongst themselves, and in strength and ability to withstand their enemies. And this council, to be always, or for the most part, residing about or near the governor.

* It is to be noted, that the governor is always inserted in the old commissions, as a part, and the head of the council of state.

† MS. Thorne; but as I am perfectly well acquainted with these names and persons, by perusing the ancient records, I shall take the liberty of correcting the errors of the transcriber.—Stith.

MS. Downtin
IV. The other council, more generally to be called by
the governor, once yearly, and no * oftener, but for † very
extraordinary and important occasions, shall consist ‡ for
the present, of the said council of state, and of two bur-
gesses out of every town, hundred, or other particular
plantation, to be respectively chosen by the inhabitants:
which council shall be called The General Assembly,
wherein (as also in the said council of state) all matters
shall be decided, determined, and ordered by the greater
part of the voices then present; reserving to the governor
always a negative voice. And this general assembly shall
have free power, to treat, consult, and conclude, as well
of all emergent occasions concerning the publick weal of
the said colony and every part thereof, as also to make,
ordain, and enact such general laws and orders, for the
behoof of the said colony, and the good government there-
of, as shall, from time to time, appear necessary or re-
quise;

Their duty.

V. Whereas in all other things, we require the said
general assembly, as also the said council of state, to initi-
tate and follow the policy of the form of government, laws,
customs, and manner of trial, and other administration of
justice, used in the realm of England, as near as may be
even as ourselves, by his majesty's letters patent, are re-
quired.

VI. Provided, that no law or ordinance, made in the
said general assembly, shall be or continue in force or va-
idity, unless the same shall be solemnly ratified and con-
ﬁrmed, in a general quarter court of the said § company
here in England, and so ratified, be returned to them un-
der our seal; it being our intent to afford the like mea-
sure also unto the said colony, that after the government
of the said colony shall once have been well framed, and
settled accordingly, which is to be done by us, as by author-
ity derived from his majesty, and the same shall have
been so by us declared, no orders of court afterwards,
shall bind the said colony, unless they be ratified in

* MS. officer.
† MS. very and extraordinary important; which likewise makes sense,
taking extraordinary adverbially.
‡ MS. for present
§ MS Court
like manner in the general assemblies. In witness whereof we have hereunto set our common seal the 24th of July, 1621, and in the year of the reign of our sovereign lord, James, king of England, &c. the **** and of Scotland the ****

COMMISSION TO SIR FRANCIS WYATT, &c.

Summary of the ORDINANCE and CONSTITUTION of the Treasurer, Council and Company in England, for a Council of State, and another Council to be called the GENERAL ASSEMBLY in Virginia, contained in a Commission to Sir Francis Wyatt, (the first Governor under that Ordinance and Constitution,) and his Council.

(From Ancient Records, Vol. 3, containing Charters, Commissions, &c.)

THE TREASURER and COMPANY's Commission to Sir Francis Wyatt, Governor, and Council, which said council are to assist the governor in the administration of justice, to advance christianity among Indians, to erect the colony in obedience to his majesty and in maintaining the people in justice and christian conversation, and strengthening them against enemies. The said governor, council, and two burgesses out of every town, hundred or plantation, to be chosen by the inhabitants to make up a general assembly, who are to decide all matters by the greatest number of voices; but the governor is to have a negative voice, to have power to make orders and acts necessary, wherein they are to imitate the policy of the form of government, laws, customs, manner of tryal, and other administration of justice used in England, as
the company are required by their letters patents. No law to continue or be of force till ratified by a quarter court to be held in England, and returned under seal.— After the colony is well framed and settled, no order of quarter court in England shall bind till ratified by the general assembly.

Dated 24th July, 1621.

INSTRUCTIONS
TO
GOVERNOR WYATT.

BY instructions dated 24th July, 1621: To keep up religion of the church of England as near as may be;— to be obedient to the king and do justice after the form of the laws of England; and not to injure the natives; and to forget old quarrels now buried:

To be industrious, and suppress drunkenness, gaming, and excess in cloaths; not to permit any but the council and heads of hundreds to wear gold in their cloaths, or to wear silk till they make it themselves:

Not to offend any foreign princes; to punish piracies; to build fortresses and block-houses at the mouths of the rivers:

To use means to convert the heathens, viz. to converse with some; each town to teach some children fit for the college intended to be built:

After Sir George Yeardley has gathered the present year's crop, he is to deliver to Sir Francis Wyatt, the hundred tenants belonging to governor's place; Yeardley's government to expire the 18th November next, and then Wyatt to be published governor; to swear the council:

George Sandis appointed treasurer, and he is to put in execution all orders of court about staple commodities;
to whom is allotted fifteen hundred acres and fifty tenants. To the marshall Sir William Newce the same. To company's deputy the same. To the physician five hundred acres and twenty tenants; and the same to the secretary:

To review the commissions to Sir George Yeardley, governor, and the council, dated 18th November, 1618, for dividing the colony into cities, boroughs, &c. and to observe all former instructions (a copy whereof was sent) if they did not contradict the present; and all orders of court (made in England):

To make a catalogue of the people in every plantation, and their conditions; and of deaths, marriages and christenings:

To take care of dead persons' estates for the right owners; and keep a list of all cattle, and cause the secretary to return copies of the premises once a year:

To take care of every plantation upon the death of their chief; not to plant above one hundred pounds of tobacco per head; to sow great quantities of corn for their own use, and to support the multitudes to be sent yearly; to inclose lands; to keep cows, swine, poultry, &c. and particularly kyne, which are not to be killed yet:

Next to corn, plant mulbury trees, and make silk, and take care of the French men and others sent about that work; to try silk grass; to plant abundance of vines, and take care of the vigneros sent:

To put prentices to trades, and not let them forsake their trades for planting tobacco, or any such useless commodity:

To take care of the Dutch sent to build saw-mills, and seat them at the Falls, that they may bring their timber by the current of the water:

To build water-mills, and block-houses in every plantation:

That all contracts in England or Virginia be performed, and the breaches punished according to justice:
INSTRUCTIONS TO SIR FRANCIS WYATT, &c.

Tenants not to be inticed away; to take case of those sent about an iron work, and especially Mr. John Berkeley, that they don't miscarry again, this being the greatest hope and expectation of the colonies.

To make salt, pitch, tar, soap, ashes, &c. so often recommended, and for which materials had been sent; to make oyl of walnuts, and employ apothecaries in distilling lees of beer, and searching after minerals, dyes, gums, and drugs, &c. and send small quantities home:

To make small quantity of tobacco, and that very good; that the houses appointed for the reception of new comers and public storehouses be built, kept clean, &c. to send the state of affairs quarterly, and a duplicate next shipping.

To take care of captain William Norton, and certain Italians sent to set up a glass house.

A copy of a treatise of the plantation business and excellent observances made by a gentleman of capacity is sent to lie among the records, and recommended to the councillors to study.

Mr. William Clayborne, a surveyor, sent to survey the planters lands, and make a map of the country:

Chief officers that have tenants reprimanded for taking fees; but require that the clerks have fees set for passes, warrants, copies of orders, &c.

Governor and council to appoint proper times for administration of justice; and provide for the entertainment of the council during their session, to be together one whole month about state affairs, and law suits; to record plaints of consequence; to keep a register of the acts of quarter sessions, and send home copies:

If a governor dies the major part of council to choose one of themselves within fourteen days; but if voices be divided, the lieutenant governor shall have the place; and next the marshall: next the treasurer; and one of the two deputies next:

Governor and chief officers not to let out their tenants as usual.
INSTRUCTIONS TO SIR FRANCIS WYATT, &c.

1621.

The governor only to summon the council, and sign warrants, and execute or give authority to execute council orders, except in cases that do belong to the marshall, treasurer, deputies, &c.

The governor to have absolute authority to determine and punish all neglects, and contempts of authority, except the council, who are to be tried at the quarter sessions and censured. Governor to have but the casting voice in council or court, but in the assembly a negative voice.

That care be taken that there be no engrossing commodity, or forestalling the market:

All servants to fare alike in the colony, and their punishment for any offences is to serve the colony, in publick works:

To see that the earl of Pembroke's thirty thousand acres be very good:

To make discoveries along the coast, and find a fishery between James River and Cape Cod.

As to raising staple commodities, the chief officers ought to set examples and to aim at the establishment of the colony:

And lastly, not to let ships stay long, and to freight them with walnut, and any less valuable commodity.

The governor administered the following oath to the council.

"YOU shall swear to be a true and faithful servant unto the king's majesty, as one of his council for Virginia: You shall in all things to be moved, treated, and debated in that council concerning Virginia or any the territories of America, between the degrees of thirty four and forty five from the equinoctial line northward, or the trades thereof, faithfully and truly declare your mind and opinion, according to your heart and conscience; and shall keep secret all matters committed and revealed to you concerning the same, and that shall be treated secretly in that council, or this council of Viri..."
“ginia, or the more part of them, publication shall not (a) be made thereof; And of all matters of great importance, or difficulty, before you resolve thereupon, you shall make his majesty’s privy council acquainted therewith, and follow their directions therein: You shall to your uttermost bear faith and allegiance to the king’s majesty, his heirs, and lawful successors, and shall assist and defend all jurisdictions, preheminences, and authorities granted unto his majesty and annext unto the crown against all foreign princes, persons, prelates or potentates whatsoever, be it by act of parliament or otherwise: and generally, in all things, you shall do as a faithful and true servant and subject ought to do. So help you God and the holy contents of this book.”

(a) The word “not” inserted by the editor. It is not in the MS. but it was certainly an omission of the transcriber.
From the first Session of the Legislature in 1619, &c.

IN June, 1619, the first Assembly ever held in Virginia was convened by Sir George Yeardley, then Governor, and met at James Town; which was at that time, and for many years afterwards, called "James City." Some account of the acts passed at this session, (taken from the Ancient Records relating to Virginia,) is given in a note prefixed to the acts of 1623-4; being those of the earliest period now extant.

In May 1620, we are told by historians, that another assembly was held in Virginia. Beverly, indeed, makes it the first legislature under the colonial government. But of the acts of this assembly there is no mention in the proceedings of the London Company; a circumstance which renders it extremely doubtful whether such an assembly was, in fact, ever held.

In November and December 1621, another assembly was held: an event not mentioned by Stith, or any of our early historians. The acts of this session are very briefly noticed in the minutes of the London Company; and relate entirely to the introduction and culture of such staple commodities as the company in England, recommended; particularly the article of silk, which seems to have engrossed nearly the whole attention of the legislature. Two acts, the one prescribing regulations for planting mulbury trees, the other directing, that in clearing land, no mulbury trees shall be destroyed, are first mentioned. The remaining acts of this session contain little more than an enumeration of the wants of the colony.
From this period to the year 1629, the acts of the legislature of Virginia, are scarcely noticed in the minutes of the London company; the proclamations of the governor supplying, in almost every instance, the place of legislative acts. But from 1629, with but little intermission, for a series of years, the acts of each session, are accurately epitomised.

In March 1623-4, there was another assembly, the acts of which have been preserved, and are the first published in this volume. They are no further noticed in the minutes of the London company, than in an abstract of a letter from the governor and council in Virginia, of the 17th of April, 1624, advising, that "since their last letters they had met in a General Assembly, and had sent Mr. John Pountis to solicit their common cause with the king and council." See ancient records, Vol. 3, p. 176.

Although we may regret the loss of the acts of a few sessions, in the early part of our legislative proceedings, as furnishing materials for history, and exhibiting monuments of the want of parliamentary skill in our ancestors, yet, as it respects the rights of property the loss will not be felt: For if we may judge from the subject matter embraced by such acts as have been preserved, the legislature was exclusively occupied in promoting an uniformity to the doctrines and discipline of the church of England, in enforcing attendance at church and other religious exercises; and in such temporary defensive operations against the Indians as the defenceless state of the colony rendered necessary. Besides, in February 1631-2, all former laws, made by any assembly, were declared to be of no effect. See the 67th act of the session of February, 1631-2. It was also a mode of legislation peculiar to those times, to repeal all former laws, and re-enact them in the very words in which they were originally passed. Hence we often find a repetition of the same act, in the laws of the different sessions.
LAWS AND ORDERS

Concluded on by the General Assembly, March the 5th, 1623-4.

[From a MS. furnished the editor by Thomas Jefferson, President of the United States.—This manuscript is endorsed, (evidently in the same hand writing with the acts themselves,) thus :

"The first Laws* made by the Assembly in Virginia Anno
MDCXXIII."

And immediately underneath, in the hand writing of Mr. Jefferson, is this endorsement:

"This was found among the manuscript papers of Sir John Randolph, and by the Honorable Peyton Randolph, Esqr. his son, was given to Thomas Jefferson."

* Stith, in his history of Virginia, p. 160, says that in the latter end of June, 1619, Sir George Yeardley, then governor, called the first assembly that was ever held in Virginia. Counties not being then laid off, the representatives of the people were elected by townships; the boroughs of James-Town, Henrico, Bermuda Hundred and others, sending their members to the assembly; from which circumstance, the lower house was first called the house of Burgesses. The acts of this assembly, says Stith, were remitted to England and presented to the company, to be read in the court the 20th of March following: For the company had then the regal power of confirming or disannulling the acts of assembly:—but he could no where find, among the records extant, any account of the particulars that passed; only that Sir Edwin Sandys, upon perusal of them, assures the company that they were very well and judiciously formed; but were very intricate and difficult to be reduced into distinct and proper heads.

Beverley (page 35) says that the first assembly was held at James-Town, in May 1620; and that the burgesses sat in the same house with the governor and council, after the manner of the Scotch parliament;
1. THAT there shall be in every plantation, where the people use to meete for the worship of God, a house or roome sequestred for that purpose, and

And, according to Smith, they debated all matters, thought expedient for the good of the colony — See also Burk's Hist. Virg. vol. 1, pa. 203, and notes.

This summer, 1619, were laid off four more corporations, which increased the number of boroughs having a right to representation to eleven in all: Stith, 161.

The acts passed at the general assembly in 1619, were probably a crude, indigested mass, which never received the sanction of the treasurer and company for Virginia; in England; without whose approbation, in a great and general court, they could not have the force of laws.

After a careful examination of the ancient records relating to Virginia, the following is the only notice which I have been able to find of these acts.

At "An extraordinary court held the 20th of March, 1620," Ancient Records, vol. 1, pa. 117, towards the close of the proceedings there is this entry: "The acts of the general assembly in Virginia being yet to read, together with a letter which Mr. Yeardley desireth should be read for the cleering of his brother Sir George Yeardley, because it was held inconvenient to spend an ordinary court therewith, it was agreed that Monday next in the afternoon should be appointed for that purpose.

"At an imperfect court held for Virginia at Sir Edwin Sandys' house, 8th of April, 1620," ancient records, vol. 1, pa. 118, "Mr. Treasurer," (Sir Edwin Sandys,) "signified that having perused the acts of the general assembly, he found them in their greatest part to be very well and judiciously carried and performed, but because they are to be ratified by a great and general court, therefore he hath writ unto them that till then they cannot be confirmed; but in the mean time he moved that a select committee of choice men might be appointed to draw them into head, and to ripen the business that it might be in readiness against the said court."

A committee was thereupon appointed, consisting of eight members, four of the council, and four of the generally, as they were termed, to meet at a future day then assigned, with power to adjourn from day to day.

At a subsequent meeting, another member was added to the committee, and the proceedings of the "imperfect court," were confirmed. Ancient Records, vol. 1, pa. 132.

And "At a preparative court, held May 15th, 1620," Ancient Records, vol. 1, pa. 135, there is the following entry.

"For the committee chosen for the acts of the General Assembly, Mr. Treasurer signified that they had taken extraordinary pains therein, but forasmuch as they were exceeding intricate and full of labour, he in their behalf desired the court to dispense with them till the quarter court in midsummer term, which will be about six weeks hence, which the court with many thanks unto the committee for their great pains willingly assented unto."

No mention is made of these acts, at the next quarter court, or in any subsequent part of the proceedings.

The acts of this session are numbered, in the margin, as they are here printed. I have observed the same form, not only because I
not to be for any temporal use whatsoever, and a place empaled in, sequestered only to the burial of the dead.

2. That whosoever shall absent himselfe from divine service any Sunday without an allowable excuse shall forfeite a pound of tobacco, and he that absenteth himselfe a month shall forfeit 50lb. of tobacco.

3. That there be an uniformity in our church as neere as may be to the canons in England; both in substance and circumstance, and that all persons yeild readie obedience unto them under paine of censure.

4. That the 22d of March* be yeerly solemnized as holliday, and all other hollidays (except when they fall two together) betwixt the feast of the annuntiation of the blessed virgin and St. Michael the archangell, then only the first to be observed by reason of our necessities.

5. That no minister be absent from his church above two months in all the yeare upon penalty of forfeiting halfe his means, and whosoever shall absent

Penalty for being absent from church on Sunday

To be an uniformity in the doctrine and discipline of the church.

The 22d of March to be observed as a holiday

Penalty on ministers absenting them.

think the original should be imitated as nearly as possible, but because, in all the subsequent acts, for a series of years, the former laws are referred to by the number of the act and not by the chapter. In the infancy of our legislation, there was no such thing as a division of the several acts by chapters.

It may not be improper to remark, that, in the course of this work, I shall preserve both the arrangement and orthography of the originals as far as practicable. I cannot well conceive any thing more improper than to give an ancient paper in a modern dress. Besides the suspicions, which are naturally excited, that the paper is spurious, we are deprived of an opportunity of tracing those gradual changes in language, from rudeness to refinement, which are observable in the progress of civilization in all nations. If it were possible I would give a fac simile of the hand writing. But this cannot be done. The most remarkable deviations from the modern characters, in the acts of this session, are, that the small "e" nearly resembles the letter "o" with a horizontal cross near the top;—the small "g" is exactly like the small round Greek sigma, with a circumflex proceeding from the top.

* This was in commemoration of the escape of the colony from entire extirpation by the fatal massacre of the Indians on the 22d of March, 1622. See Burk's Hist. Virg., vol. 1, p. 240.
LAWS OF VIRGINIA.

selves from their church.

Penalty for disparaging a minister.

6. That whosoever shall disparage a minister without bringing sufficient proofe to justify his reports whereby the mindes of his parishioners may be alienated from him, and his ministry prove the less effectual by their prejudication, shall not only pay 500lb. weight of tobacco but also aske the minister so wronged forgiveness publickly in the congregation.

Ministers to be satisfied before any tobacco disposed of.

7. That no man dispose of any of his tobacco before the minister be satisfied, upon pain of forfeiture double his part of the minister’s means, and one man of every plantation to collect his means out of the first and best tobacco and corn.

Limitation of the power of the Governor as to taxes & impositions.

8. That the Governor shall not lay any taxes or impositions upon the colony their lands or commodities other way than by the authority of the General Assembly, to be levied and employed as the said Assembly shall appoynt.

Governor not to withdraw the inhabitants from their private labours to any service of his own upon any colour whatsoever and in case the publick service require ymployments of many hands before the holding a General Assemblie to give order for the same, in that case the levying of men shall be done by order of the governor and whole body of the counsell and that in such sorte as to be least burthensome to the people and most free from partiality.

Certain old planters and their posterity exempted from military service.

9. The governor shall not withdraw the inhabitants from their private labors to any service of his own upon any colour whatsoever and in case the publick service require ymployments of many hands before the holding a General Assemblie to give order for the same, in that case the levying of men shall be done by order of the governor and whole body of the counsell and that in such sorte as to be least burthensome to the people and most free from partiality.

10. That all the old planters that were here before or came in at the last coming of sir Thomas Gates they and their posterity shall be exempted from their personal service to the wars and any publick charge (church duties excepted) that belong particularly to their persons (not exempting their families) except such as shall be ymployd to command in chief.

above four months in the year shall forfeit his whole means and cure.
11. That no burgesses of the General Assembly shall be arrested during the time of the assembly, a week before and a week after upon pain of the creditors forfeiture of his debt and such punishment upon the officer as the court shall award.

12. That there shall be courts kept once a month in the corporations of Charles City and Elizabeth City for the deciding of suits and controversies not exceeding the value of one hundred pounds of tobacco and for punishing of petty offenses, that the commanders of the places and such others as the governor and council shall appoint by commission shall be the judges, with reservation of appeal after sentence to the governor and counsell and whosoever shall appeal ye he be there cast in suit shall pay double damages, The commanders to be of the quorum and sentence to be given by the major parties.

13. That every privat planters devident shall be surveyed and laid out in several and the bounds recorded by the survey; ye there be any pettie differences betwixt neighbours about their devidents to be divided by the surveyor if of much importance to be referred to the governor and counsell: the surveyor to have 10 lbs. of tobacco upon every hundred acres.

14. For the encouragement of men to plant store of corne, the prise shall not be stinted, but it shall be free for every man to sell it as deere as he can.

15. That there shall be in every parish a publick granary unto which there shall be contributed for every planter exceeding the age of 18 years alive at the crop after he hath been here a year a bushell of corne, the which shall be disposed for the publique uses of every parish by the major part of the freemen, the remainder yearly to be taken out by the owners at St. Tho's his day and the new bushell to be putt in the room.
16. That three sufficient men of every parish shall be sworn to see that every man shall plant and tend sufficient of corne for his family. Those men that have neglected so to do are to be by the said three men presented to be censured by the governor and counsell.

17. That all trade for corne with the salvages as well publick as private after June next shall be prohibited.

18. That every freeman shall fence in a quarter of an acre of ground before Whitsuntide next to make a garden for planting of vines, herbs, roots, &c. subpoena ten pounds of tobacco a man, but that no man for his own family shall be tyed to fence above an acre of land and that whosoever hath fenced a garden and of the land shall be paid for it by the owner of the soyle; they shall also plant Mulberry trees.

19. The proclamations for swearing and drunkenness sett out by the governor and counsell are confirmed by this Assembly; and it is further ordered that the churchwardens shall be sworn to present them to the commanders of every plantation and that the forfeitures shall be collected by them to be for publique uses.

20. That a proclamation be read aboard every ship and afterwards fixed to the maste of such ships not to break bulk till they arrive at James City.

21. That the proclamation of the rates of commodities be still in force and that there be some men in every plantation to censure the tobacco.

22. That there be no weights nor measures used but such as shall be sealed by officers appointed for that purpose.
23. That every dwelling house shall be pallizaded in for defence against the Indians.*

24. That no man go or send abroad without a sufficient partie will armed.

25. That men go not to worke in the ground without their arms (and a centinell upon them.)

26. That the inhabitants go not aboard ships or upon any other occasions in such numbers, as thereby to weaken and endanger the plantations.

27. That the commander of every plantation take care that there be sufficient of powder and amunition within the plantation under his command and their pieces fixt and their arms compleate.

28. That there be dew watch kept by night.

29. That no commander of any plantation do either himselfe or suffer others to spend powder unneccessarily in drinking or entertainments, &c.

30. That such persons of quality as shall be founde delinquent in their duties being not fitt to undego corporal punishment may notwithstanding be ymprisoned at the discretione of the commander & for greater offences to be subject to a fine inflicted by the monthlie court, so that it exceed not the value aforesaid.

31. That every man that hath not contributed to the finding a man at the castell shall pay for himself and

* This and the subsequent acts grew out of the situation of the country, arising from the late massacre.
servants five pounds of tobacco a head, towards the discharge of such as had their servants there.

32. That at the beginning of July next the inhabitants of every corporation shall fall upon their adjoyning salvages as we did the last yeare, those that shall be hurte upon service to be cured at the publique charge; in case any be lamed to be maintained by the country according to his person and quality.

33. That for defraying of such publique debts our troubles have brought upon us. There shall be levied 10 pounds of tobacco upon every male head above sixteen years of adge now living (not including such as arrived since the beginning of July last.)

34. That no person within this colony upon the rumur of supposed change and alteration, presume to be disobedient to the present government, nor servants to their private officers, masters or overseers at their uttermost perills.

35. That Mr. John Pountis, counsellor of state, goin to England, (being willing by our intreatie to accept of that imployment,) to solicite the general cause of the country to his majesty and the counsell, towards the charges of which voyage, the country consente to pay for every male head above sixteen years of adge then living, which have been here a yeare four pounds of the best merchantable tobacco, in leafe, at or before the last of October next.

Subscript.

SIR FRANCIS WYATT, Knt. Governor, &c.

Capt Fran's West, John Pott,
Sir George Yeardley, Capt. Roger Smith,
George Sandys Trear, Capt. Raphe Hamer.

John Pountis.
FROM the year 1623 to 1629 there is no notice taken, in the proceedings of the London Company, of any assembly having been held in Virginia, except what can be gathered from the answer of the General Assembly to the letter of King Charles the 1st, of the 16th of June, 1628, recommending the introduction of various staple commodities. This answer bears date the 26th of March, 1628-9, is faithfully abridged in the Ancient Records (vol. 3, pa. 211) and an entire copy is preserved in the MS. containing the acts of six sessions from October, 1629, to August, 1633, with which the editor has been favoured by Mr. Jefferson.—(See note prefixed to Acts of 1629.)

During the above period, the governor and council, by proclamation, seem not only to have exercised legislative powers, but to have enforced in this manner laws of the General Assembly previously enacted. In some instances, reference is made in the proclamations to pre-existing laws (which were probably directed by the legislature to be promulgated in that way;) in others they appear to proceed entirely from the governor and council. Thus, in 1626, we find a proclamation, by the governor and council, prohibiting the trading with Indians for corn, there being a great scarcity of that article. In the same year there is a proclamation "concerninge divers orders about merchandisinge," which
contains regulations to be observed on the arrival of the ships from England, prohibitions against ingrossing, &c. and buying goods to sell again by retail; also, against any person's going on board a vessel, except a member of the council, without a warrant from the governor.—There is also a proclamation of the same year, reciting a former act of assembly, and requiring, under severe penalties, that those who had neglected to palisado their houses, should do it by a given time.

1627. April 12th, a proclamation "To be careful of the Indians." August 1st, "Concerning the intent of paling in the forest." December 4th, "For paying of debts."

1628. April 4th, a proclamation, "concerning the Indians." April 30th, "forbidding to marry without lycence" or asking in church.—Same day—"Concerning the planting of tobacco and corn." This proclamation, which is said to have been made "by the governor together with the advice of the council of state, and general assembly, upon full debate and consideration of the premises," directs that such a reasonable proportion of tobacco shall be planted, only, as may be cultivated without injury to a plentiful crop of corn;—that the plants should be set at least four feet and a half apart, and that not more than twelve leaves should be gathered from a plant;—and finally, that great care should be taken not to burn it in the sweating. August 12th, another proclamation "Concerning the Indians," which had for its object the conclusion of a treaty of peace with them.

1628-9. March 20th. On this day eighteen commissions, all of the same tenor, issued (or perhaps were only renewed, as appears from an indorsement on the manuscript) constituting the person to whom each was addressed, either COMMANDER or PRINCIPAL COMMANDER OF PLANTATIONS. On the same day two commissions issued appointing COMMISSIONERS for holding MONTHLY COURTS, in different parts of the colony.

As the power and jurisdiction of these officers both in their military and civil capacities, are fully expressed in their commissions, a form of each is inserted.
FROM 1623 TO 1629.

COMMISSION

TO A

COMMANDER OF PLANTATIONS.

"By the Governor and Captaine Generall of Virginia.

"To all to whom these presents shall come, I John Pott, Esq. Governor and Captaine General of Virginia, send greeting, in our Lord God everlasting; whereas the affaires of this colony doe necessarily require that men of sufficiency and experience bee appoynted to command and governe the several plantations and inhabitants within the same, both for the better order of government in the conservation of the peace and in the execution of such orders and directions as from tyme to tyme shall be directed unto them, as alsoe for the preventing and avoyding of such mischiefes as may happen unto us by the intrusions and practizes of the Indians our irreconcileable enemies; Now know ye, that I the said John Pott out of the good opinion I conceive of the discretion, care and circumspection of lieutenant Edward Waters doe by these presents, with the consent of the councell of state, constitute and appoynt him the said Edward Waters to bee the present Commander of and for the plantations within the precincts of Elizabeth Citty lying and being on Southampton river and extending towards Fox-Hill and the places thereabouts. Giving and by these presents granting unto him full power and authority to doe, execute and performe all such matters and things as are incident and appertayning to the place and office of Commander there. Reserving allwaies unto Capt. Thomas Perfury all such privileges and authorities as are appertayning to the place of principale commander there. (a) WILLING and requiring him the said Edward Waters to see that all such orders

(a) The commissions to the principal commanders, are the same, nametis mutandis; only styling them principal commanders, and omitting whatever relates to the reservation of power in this commission.
as heretofore have beene or hereafter shall be given by the Governor and Councell bee duly executed and observed. Hereby alsoe chargging all persons residing and beeing, or which hereafter shall reside or bee within the same to yeild due respecte and obedience unto him the same Edward Waters, and to bee ayding and assisting unto him in all things which unto him or them respectively do belong or appertayne. In Witness whereof I have herunto sett my hand and the scale of the colony the twentieth day of March 1628-9, and in the fourth yeare of the reigne of our sovereign Lord Charles, by the Grace of God of England, Scotland, France and Ireland, king defender of the faith, &c. and in the two and twentieth (b) year of this plantation.

(b) In all the public papers of this period, the first settlement of the colony is computed from the year 1607; from the arrival of the expedition in the Chesapeake, on the 26th of April in that year, under the command of Newport, &c.

**COMMISSION**

**APPOINTING COMMISSIONERS TO HOLD**

**MONTHLY COURTS.**

**By the Governor and Captaine Generall of Virginia.**

"TO all to whome these presents shall come, I John Pott, Esq. Governor and Captain Generall of Virginia, send greeting, in our lord God everlasting. Whereas for the greater ease of the inhabitants of dyverse parts of this colony, and for the better conservation of the peace, and due execution of such laws and orders as are or shall bee established for the government of the people and inhabitants in the same, the Governor and Councell have thought fit, and accordingly appoynted by an order of cort made the 7th daie of Marche last past, that there shall be monthly corts held and kepte in some of the more remote plantations thereof; Now
KNOWE YE that according to the said order, these persons whose names are here inserted, are for the tyme being assigned and appoynted to be the present commissioners of and for the holding and keeping of monthly corts within the corporation of Elizabeth City and the partes near adioyning, viz. Capt. Thomas Pursury, Capt. Edward Waters, Lieut. Thomas Willoughby, Lient. George Thompson, Mr. Adam Thoroughgood, Mr. Lyonell Con..., Mr. William Kempe and Mr. John Downman; which sayd commissioners, or any three of them whereof, Capt. Thomas Pursury or Lieut. Edward Waters to be alwaies one, shall have power and authority to heere and determine all such suits and controversies between party and party as exceede not the value of one hundred pounds of tobacco, especially that they take into their care the conservation of the peace, the quiet government and safety of the people there residing or being, and that all orders and proclamations bee kepte and observed and according to the same to inflicte a punishment upon all delinquents either by fine or otherwise (such offences only excepted as concerne the taking away of life or member.) PROVIDED alwaies, that it shall be lawful for the plaintiff or defendant in any suit before the said commissioners depending, to appeal to the cort at James City there holden by the Governor and Councill. And they are hereby required from tyme to tyme to keepe records of all judgments, orders and other matters of moment as by them shall bee concluded and agreed on. GIVEN at James City, the 20th day of March, anno Dom. 1628-9 and in the fourth yeare of the reigne of our soveraigne lord Charles by the grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c. and in the two and twentieth year of this plantation.

A like commission was issued, on the same day, to sundry other commissioners for holding monthly courts in the "upper partes."

The remaining public papers of this period, consist of proclamations, authorising individuals to trade in
certain parts of the colony, of letters to the privy council, and instructions to commissioners sent to England on the affairs of the colony.

The answer of the General Assembly to the king's letter above noticed, is headed thus:

"March, 26th, 1628."

"THE GENERALL ASSEMBLY."

"THE humble answere of the Governor and Councell, togeather with the Burgesses of the seve-

"rall plantations assembled in Virginia, unto his ma-

"jesties letter concerning our tobacco and other com-

"modities."

The introductory part of this letter, details in a firm, but respectful manner, the injuries to which the planters in Virginia had been subjected by the mere report that their tobacco was to be monopolised in England; that it had so discouraged the adventurers, that they were afraid to turn their attention to any other subjects, having no assurance of enjoying the fruits of their labour; and seeing that all contracts had heretofore been concluded in England without their consent. That as to the other staple commodities recommended by the king, it was too great a work for their poor abilities. They then propose to contract with the king, for all their tobacco, at three shillings and six pence per pound, delivered here, and clear of freight or customs; or four shillings, if delivered in London, taking on themselves the dangers of the seas, and payment of freights, but not to pay any customs. And to insure the tobacco to be of good quality, they inform the king that it is all to be examined by men sworn for that purpose, before it is shipped. They request the king to take at least 500,000 weight, at the above price; and if he should not be disposed to take the overplus, if any, that they may be permitted to ship it to the Low Countries, Ireland, Turkey or elsewhere. They offer the contract for seven years, and request that if the consumption of England should exceed the supply from the Somer Islands, with the quantity above stipulated
that that quantity may be proportionally increased. In the event of the king's acceding to their terms, they request that the importation of Spanish tobacco may be prohibited; and again repeat that they have taken special care to insure their tobacco to be of the best quality, and have appointed sworn trialers to examine it after being cured and before it shall be shipped; that they had also ordered a proclamation to be made, requiring the planters to set their plants four feet and a half apart, and to gather 12 leaves only from a plant, instead of 25 or 30 as heretofore. That they had reduced the quantity to be planted as low as they well could, considering the population of the colony, and having a due regard to the culture of a sufficiency of corn.

As to pitch and tar, the country abounded in pine trees, from which it could be produced; but, owing to the want of horses and carriages, and the danger of sending the people into the woods, on account of the Indians, it was deemed inexpedient at that time, to attempt to make those articles for exportation.

Pot-ashes had formerly been made, but the planters were not acquainted with the process.

Pipe-staves, barrel-boards, and clapp-boards, could be had in great abundance, but the freight was too dear to render it an object to export them.

The iron ore at Falling Creek was esteemed of good quality, and considerable progress had been made in erecting a furnace, when the settlement and most of the workmen were cut off by the Indians, at the massacre, and the tools thrown into the river; and that the work could not be resumed without a fresh supply of workmen, money, tools, &c.

As to mines of gold, silver, copper, &c. they have great hopes that the mountains are very rich, from the discovery of a silver mine made nineteen years ago, at a place about four days' journey from the falls of James river; but they have not the means of transporting the ore.

With respect to the planting of vines, they have great hope, that it will prove a beneficial commodity; but
the vignerss sent here either did not understand the business, or concealed their skill; for they spent their time to little purpose.

They expect great benefit from fishing in the bay, and upon the coast of Canada, where some trial had been made.

This letter (an abstract of which is given above) was signed by Francis West, the governor, five members of the council, and thirty-one members of the house of burgesses.
[From a MS. belonging to Thomas Jefferson, President of the United States, which was purchased by him with the library of Peyton Randolph, from his executors.]

WERE PRESENT AS FOLLOWETH.

JOHN POTT, Esq. Governor, &c.
Captain Roger Smyth.
Captain Samuel Mathewes.
Mr. Secretary Claybourne.
Mr. William Farrar.

* This manuscript is apparently of very ancient date, probably a transcript of the acts immediately after they were passed. Though posterior in point of time, it is evidently more ancient than the manuscript of the acts of 1623. This conclusion is drawn from a variety of circumstances. First the orthography (which is preserved in the acts of each session) is much more antique in this, than in the acts of 1623; secondly the characters with which the acts are written agree more nearly with those of a period anterior to that which marks the hand writing of the acts of 1623; and thirdly, in the acts of 1623, there are some blanks in the copy which show it to have been a transcript from an original, at that time not perfectly legible.

The peculiarities in the characters used in the acts of this session, are, that the letter "F" in the beginning of a paragraph, in a proper name, or after a period, is written with a double "f" thus "ff";—the small "e" is invariably written like the small Greek Epsilon; the particle "the" always written "ye" with the "e" over the "y";—the letter "u" is always used instead of "v" and converso; the letter "j" is never introduced, but instead of it the letter "i" in every part of a word; the termination "tion" in this, and all the statutes of this period, is written "cni" with a circumflex over the "e";—the capital "T" is made by a straight perpendicular mark, with a horizontal cross near the top.
The names of the Burgesses were as followeth, viz:  

Imps. for the plantation at Leftn't. Thomas Osborne and Mathew Edlowe,  
for the necke of land—Serit. Sharpe.  
for Shirley Hundred for Shirley Hundred for Mr. Henry Throgmorton's plantation  
for Jurden's Journey—William Popkton.  
for Chaplaines Choice—Walter Price.  
for Westover—Christopher Woodward.  
for Flowerdieu* Hundred—Anthony Pagett.  
for James Citty for Paces Paines's  
for the other side of the water for Pasbehay—Thomas Bagwell.  
for the necke of land—Richard Brewster.  
for Archer's Hope for Archer's Hope  
for Hogg Island  

The plantations between Archer's Hope and Martin's Hundred  

* In Stith and other historians called Flower de Hundred.
OCTOBER, 1629—5th CHARLES 1st.

Tho. Kingston,
Tho. Sawcett.
Tho. Harwood,
Phettiplace Clause.
Christ. Stokes,
Tho. Ceely,
Tho. fl'lint,
Zachary Cripps.
Capt. Nath'l Basse,
Richard Bennett,
Robert Savin,
Tho. Jurdain.

William Cole,
William Bentley.

Left. Thomson,
Mr. English,
Mr. Adam Thorowgood,
Mr. Rowlston,
John Browning,
John Dowman.

for the Easterne shoare, noe burgesses did appear.

The oathes of supremacy and alleidgeance were administered to the governor and council and afterwards to all the burgesses.

ACT I.*

AFTER debate of many matters, it was thought a business of great benefit and good consequence to send and maintain a company of men to plant corne at Kiskyacke, the charges of building to be borne equally by

* The acts of this session are not numbered; nor are they separated from each other by any mark whatever. They appear rather like a journal, containing an account of the joint deliberations of the governor, council and burgesses. For the convenience of reference, I have divided them into Acts, for reasons explained in a note to the acts of 1623.
who are to have shares of land to them and their heirs.

all that should be the adventurers, and to be seated by the 15th of November next. Whereupon voluntarily the Governor offered to find 3 men.

Capt. Mathewes 4
Mr. Farrar 1
Mr. Thorowgood 4
Mr. English 2
Mr. Flint 4
Mr. Rowston 2
Capt. Basse 1
Mr. Harwood 1
Mr. Bennett 1
Goodman Tree 1
Tho. Scely 1
Capt. Peirce 2

IT was ordered they should have shares of land to them and their heirs.

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ACT II.

IT is ordered that every commander of the several plantations appointed by commission from the governor shall have power and authority to levy a partie of men out of the inhabitants of that place soe many as may well be spared without too much weakening of the plantations and to imploy those men against the Indians, when they shall assault us neere unto our habitations, or when they in their discretion shall deeme it convenient to cleare the woods and the parts neere adioyning when the Indians shall bee a hunting or when they have any certaine knowledge of the Indian's aboad in those places. And if there shall be cause that the commander in person can not attend these services, then in such cases, and in his absence hee is to appoint his deputy.

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ACT III.

IT was the opinion of the whole bodie of the Assembly that we should go three severall marches upon the
Indians, at three several times of the yeare, viz. first in November, secondly in March, thirdly in July. To effect this the collony and inhabitants are to bee divided into severer divisions. The plantations of the upper parts as farr downewards as Weanoacke Marsh, and slowerdieu hundred creek on both sides the river to cleare those parts and territoryes, and to doe all manner of spoile and offence to the Indians that may possibly bee effected. The second division to extend from slowerdieu hundred creek and Weanoacke Marsh, as farr downewards as the creek belewe Hogg Island, and to include the whole corporation of James Cittie and Martin’s Hundred, and the plantations of Mulbury Island under the command of capt. Smyth. The third division to be the plantation of Warosquoyacke, and those inhabitants to cleare the grounds and lands betweene Hogg Island creek and Nansamungge river.

There remaine for a fourth division Elizabeth Cittie, Warwicke River, Nutmeg Quarter, Accawmacke, the plantation at Kiskyacke and the places adiowning; to goe twise uppon the Indians in Pamunky river, viz. once before the frost of Christmas, & the other in June, July or August, as alsoe uppon those lands, between Nansamungge river and the river of Chesapeake. And it is concluded that the plantations of Accawmacke shall assist them against the Pamunky Indians in the summer time with every fift man out of the inhabitants.

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ACT IV.

*IT was putt to the question* whether all new comers shall bee restrained from planting tobacco the first yeare and they to bee exempted from all taxes, and marches for that yeare. The major part would have no restraint made to new comers.

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ACT V.

*IT was put to the question* whether for this yeare there should be an ordinance made and established for the stinting of the planting of tobacco. To this the new comers not to be restrained from planting tobacco the 1st yeare; or exempted from marches against the Indians.
opinion of the most voices was, that noe persons working the ground, which are all to be thithable, should plant above 3000 plants upon an head.

An exception is made where the familie consisteth of children and woemen which doe not worke in the ground, and they to plant not above 1000 plants per pol. In case any family shall be aggrieved by this order consisting of some number of woemen and children, It is thought fitt that in speciall cases the Governor and Councell to order them a further proportion.

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**ACT VI.**

**THESE** charges following were allowed by the General Assembly, viz:

*Imprimis.* To Mr. Marshartt for 16 carriagges for ordinance, there is allowed for his account of £. 209 04s 02d. foure thousand five hundred weight of tobacco, see that the remainder that was not paid unto him last yeare shall be fully paid and delivered unto him this yeare, or his assignes, lbs. 4500

*Item.* Six barrells of powder, bought of Capt. Crampton, and yet unspent, 0900

*Item.* One hhd. of wyne, spent in the march, 0255

*Item.* One ancor lost in the march out of Lieut. Thompson his boate,

for shott which Sr. George Yeardley bought of Mr. Mayhow and provision to sett out his ship, 0428

for 300 of fish bought of Mr. Menefie, 0090

for one barrell of pease spent in the shipp, 0050

To Mr. Claybourne for shott spent in the marches in Sr. George his time, and this yeare 1629, 0500

for one hundred of shott more, bought of Mr. Barrington, & 1-2 of biscuite for Chickahominy, 0047

For Ct. Poole's entertainement this yeare, 1200
[The lines following the above, are so obliterated as not to be legible till we come to the words "his legg which hee received in the country's service;" from which we may infer that the above item is on account of a wound received by Capt. Poole.]

It is also ordered that the three Indians here residing shall be maintained by the general charge of the whole colony.

To defray all the charges above said the whole Assembly concluded that there should be five pounds of tobacco per pol levied through the colony.

It is further concluded and ordered that every master of a family, and every freeman that is to pay five pounds of tobacco per pol as aforesaid for the defraying of publique charges, shall bring the same unto the Houses of the Burgesses of the plantations within two dayes after notice thereof given unto them. And if any shall faile to bring in the same, it is thought fit that by virtue of this order the said Burgesses shall have power to levy the same by distresse, upon the goods of the delinquents, and to make sale of the said goods, and to detaine such tobacco which shall be due by this order, and for their fees in making this distresse, restoring to the owner of the said goods the residue and remainder. And if the Burgesses shall make neglecte herein they shall be fined by the Governor and Councell.

The Burgesses doe undertake to provide caske to putt upp the same and if any damadge shall befall unto the tobacco, it shall not light upon the Burgesses, unless they shall be faulty therein.

All the Burgesses are with all convenient speed to send to the Governor a list of the tithable persons within their plantations, that thereby the Governor may appoint those that are the creditors for this tobacco to receive it and that he take order to have an account kept of the same.

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ACT VII.

AT this time the matter of fortification was taken into consideration and there was longe debate had
concerning the place where the forte should be erected. Especially Point Comfort was spoken of and was thought the most convenient place, but the great and many difficultyes therein, and the want of means and materials for effecting thereof doe almost make it impossible for our weake abilityes to bring to perfection: therefore [the lines of the original not legible.]
both the assistance of their persons and estates to accomplish so good a worke as to raise fortifications which will be both a safetie and reputation unto this colony.

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ACT VIII.

IT is ordered that there bee an especiall care taken by all commanders and others that the people doe repair to their churches on the Sabbath day, and to see that the penalty of one pound of tobacco for every time of absence and 50 pound for every months absence sett downe in the act of the Generall Assembly 1623, be levyed and the delinquents to pay the same, as alsoe to see that the Sabbath day be not ordinarily profaned by working in any employments or by journeying from place to place.

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ACT IX.

IT is thought fitt that all those that worke in the ground of what qualitie or condition soever, shall pay tithes to the ministers.
EXTRACT

From the Minutes of the Judicial proceedings of the Governor and Council* of Virginia.

[From the Ancient Records relating to Virginia, Vol. 3; p. 215.]

"JULY the 9th, 1630.—Dr John Pott, late Governor, indicted, arraigned and found guilty of stealing cattle, 13 jurors whereof councillors. This day wholly spent in pleading; next day, in unnecessary disputation: Pott endeavouring to prove Mr. Kingsmell (one of the witnesses against him) an

* That the Governor and Council were vested with judicial powers, under the colonial government, is a historical fact, well known, without resorting to the ancient charters to support it. The following entry taken from some loose manuscript sheets, found among the acts, &c. of the General Assembly, of the period to which they relate, will show how their courts were constituted, and the mode of doing business.

"A court at James City the 16th Nov. 1627."
"Capt. Francis West, Esq. Governor, &c."
"Doct. Pott," "Mr. Persey."
"Capt. Smith," "Mr. Secretary."
"Mr. Farrar."

"At this court the lady Temperance Yeardley, came and did fully and absolutely confirm as much as in her lay, the conveyance made by her late husband, Sir George Yeardley, Knt. late Governor, deceased, unto Abraham Persey, Esq. for the lands of Flowerdieu Hundred, being one thousand acres, and of Weanoake on the opposite side of the water, being 2200 acres. And the said lady Temperance Yeardley, did then altogether absolutely decline and release unto the said Abraham Persey, all her right, interest and claim, in all and every part of the said lands, to herself any ways being or appertaining, either by way of dower or thirds."

"The presentments of the minister and church-wardens of Stanley Hundred, were delivered into the court, under their hands. And also a register of marriages, burials and christenings."

"Upon the presentment of the church-wardens of Stanley Hundred for suspicion of incontinency between Henry Kinge and the wife of John Jackson, they lying together in her husband's absence; it is thought fit that the said Kynge shall remove his habitation from her, and not to use or frequent her company until her husband's returne."

"The copies of the proceedings in the monthlie courts at Warrosquyoake delivered into the court by Mr John Upton and Mr. Thomas Jordan commissioners there."
"hypocrite, by a story of Gusman of Alfrach the rogue."

"In regard of his quality and practice, judgment re-
"spited till the king's pleasure known; and all the
"counsel became his security."

"July 13th, 1630. William Matthewes servant to
"Henry Booth, indicted and found guilty of petit trea-
"son, by fourteen jurors. Judgment to be drawn and
"hanged."

"For scandalous speeches against Governor and
"Councell, Daniel Cugley sentenced to be pilloryd,
"but was forgiven."

"September 17th, 1630. Hugh Davis to be soundly
"whipped, before an assembly of Negroes and others
"for abusing himself to the dishonor of God and
"shame of Christians, by defiling his body in lying
"with a negro,* which fault he is to acknowledge
"next Sabbath day."

"The inventorie of the goods of Roger Prichard delivered into cort
and proved to be a true inventorie by the testimonie of John Hausey."

In deciding controversies between individuals, the evidence was
always recorded, before the judgment of the court was pronounced.

* Negroes were first introduced in Virginia from a Dutch ship, in the
THE

GENERAL ASSEMBLY

HOLDEN THE 24th MARCH, ANNO DOMINI 1629-30.

[From a MS.* belonging to Thomas Jefferson, President of the United States, which was purchased by him with the library of Peyton Randolph, from his executors.]

AT WHICH WERE PRESENT, VIZ:

SIR JOHN HARVEY, Knight, Governor, &c.

Doctor Pott,

Capt. Mathewes,

Mr. Sirrarr.

The names of the Burgesses were as followeth, viz:

Impr. for the plantations of
capt. thos. osbourne.
the college and neck of land
thos. farmer.
flor shirley hundred
thomas palmer.
shirley maine
john harris.
bridgeland
cheyney boys.
hundred
walter aston.

*In the Acts of this session there are some peculiarities in the hand-writing which do not occur in those of October, 1629. The small "c" is reversed, the circular part appearing to the right hand, instead of the left, and most frequently it resembles the small Italic "o" with a horizontal cross near the top:—The letter "c" at the beginning of a word, is written like the capital "O" with a perpendicular stroke through the centre; in the middle of a word it resembles the letter "r" but at the end, it is written like the small Greek sigma as explained in the note at the beginning of the Acts of 1623. The letter "r" is made nearly like the modern "u." But what would create the greatest difficulty with those not accustomed to the reading of the ancient manuscripts, is, the formation of the letter "h," which is invariably written like the modern capital "E," the whole letter extending below the line. The other peculiarities noticed in the MS. of the Acts of the last session, (except in the letter "c") are common to this.

For Flowerdieu Hundred—John ffloyd

For Westover, none appeared.

For Weynock—John Trahorne.

For Paces Paines and Smyths mount { William Perry.

For Pasbyhoy—Bridges freeman.

For James Citty Iland { John Southerne, Robert Barrington

For the other side of the water { Capt. John West, Capt. Robert ffelgate.

For Hog Iland—Capt. John Uty.

For the neck of land in the corporation of James Citty

For Archer's Hope and Glebe land { Theodore Moyses, Henry Ceny

For Harrop and the plantations betweene Archer's Hope and Martin's Hundred { John Browning; Thomas llareley.

For Martin's Hundred { Robert Scotchmore, Thomas flossett.

For Mulbury Iland { Thomas Harwood, Anthony Barham.

For Warwick River { Thomas ffllint, John Brewer.

For Denby { Thomas Ceely, Christopher Stokes, Thomas Key.

For Nutmegg Quarter—Joseph Stratton.
The oaths of allegiance and supremacy were administered to the Governor and Council, and afterwards to all the Burgesses then assembled.

**THE ORDERS**

*AT THIS ASSEMBLY ESTABLISHED, FOLLOW:*

**ACT I.**

*IT is ordered, That all ministers residing and being, or who hereafter shall reside and be within this colony, shall conform themselves in all things according to the canons of the church of England. And if there shall be any that, after notice given, shall refuse to conform himselfe, hee shall undergoe such censure, as by the said canons in such cases is provided for such delinquent. And that all acts formerly made concerning ministers shall stand in force, and bee duly observed and kept.*

Ministers to conform to the canons of the church of England.

* The Acts of this session, like those of the preceding, are not divided into chapters, or acts. They contain, however, a short epitome of each act in the margin, which is not the case with those of any former session.
MATTER of fortifications was againe taken into consideration, and Capt. Samuel Mathewes was content to undertake the raising of a fort at Poynt Comfort, whereupon Capt. Robert Fleghate, Capt. Thomas Purfury, Capt. Thomas Graies, Capt. John Uty, Capt. Tho. Willoby, Mr. Tho. Heyrick, and Leu't. Wm. Perry by full consent of the whole Assembly, were chosen to view the place, conclude what manner of fort shall bee erected, and to compound and agree with the said Capt. Mathewes for the building, raising and finishing the same. And whatsoever bargain or contract the said committee shall make concerning the same, the whole Assembly are content to ratifie and confirm and performe.

ACT III.

IT is concluded and ordered, That noe new-comer for the first yeare shall bee compelled to goe in person upon any march or service upon the enemy, but shall bee only contributary to the charge thereof according to his proportion, excepte it bee in cases of extreme necessity. And noe master of a family shall presume to send any new man upon any march or service as aforesaid upon paine of severe censure.

ACT IV.

FORASMUCH as many inconveniences doe often happen to the inhabitants and planters of this colony by the excessive and exorbitant ingrossing of commodities brought into this country, for repressing whereof, it is ordered and concluded by the whole body of this Assembly, That noe person or persons of what degree, quality, condition or profession soever they bee, doe at any tyme eyther aboard the shippes or on shore or elsewhere ingrosse or forestall any whatsoever, but that such as buy may buy only for their particular use, and if they can spare any of the same, then

* A word torn out in the original, supposed to be "commodities."
not to sell any of the same goods at any dearer rate to
their neighbours for more than they paid at the first
penny. And that all marchants whatsoever now re-
siding or that hereafter shall arrive in Virginia may
upon such penalty and severe punishment as the qual-
ity of the offence shall deserve, deliver their bills of
lading or a true copy thereof to the Governor and
Councell or one of them. And that a true invoice of
such goods consigned to marchants here be delivered
in alse as before upon oath, that the country may not
be defrauded, neyther the marchants ioyne with any
to colour their ingrossings. And that this may bee
upon the forfeutery of treble the value of any such
goods soe bought, ingrossed or coloured, the moytie
thereof to goe to the generall good of the colonys, and
the other moytied to any man that shall complayne and
really prove the same by witnesses.

ACT V.

FOR the better furtherance and advancement of sta-
ples commodities, and more especially that of potashes
and saltpeeter, it is thought fitt that every master of a
flamily within the severall plantations of this colony
shall use their best endeavours to preserve and keepe
in dry and tight houses or casks all those ashes that
shall proceede and bee made by the wood that is burned
in clearing their grounds, that they may be ready at
all tymes to be delivered to those that shall require the
same to make experiment thereof. And that every
master of a flamily shall have a speciall care, after a
notice thereof given, to preserve and keepe all their
urine which shall be made in their severall plantations,
to be disposed and bestowed as by a note in writing
they shall receave directions the benefut whereof shall
the first yeare shall redounde to those that shall make
the experiment. And the next yeare it shall bee law-
full for every planter to make the best benefitt hee can
thereof to his own use. And for other staple commodi-
ties, as iron, salt, vines, &c. the whole asssembly are
willing and readie to yelde their best assistance in set-
ting and raising them, or any of them when they shall
see any encourgement thereunto by such as shall bee
men of experience and skill to perfecte such workes.
ACT VI.

TO prevent the want of corn which oftentimes doth happen to this colony by reason of the neglect of planting sufficient quantities thereof for their necessary provisions, It is ordered, that two acres of corn or neere thereabouts bee planted for every head that worketh in the grounde, and the same to bee sufficiently tended weeede and preserved from birdes, hoggs, cattell and other inconveniences. And if any planter shall bee found delinquent therein hee shall forfeite all his tobaccoe which bee made of his cropp that yeare, the one halfe, to the informer, the other to bee impoyed to publique uses for the good of the country.

ACT VII.

[FOR the improving the planting of tobaccoe the neglect]* thereof in the curing hath caused the same to bee of base price and small esteeme to the discreditt and disadvantage of the whole colony in generall, for the preventing and avoyding whereof, It is thought fitt and accordingly ordered, That noe person whatsoever shall plant or tende above two thousand plants of tobaccoe for every head within his family including women and children. And to the intent that noe tobaccoe of bad condition may be transported out of this country, It is further ordered, That if any man hereafter shall make any bad, or ill conditioned tobaccoe and offer to pay away the same to any person, or persons, eyther for debts, marchandize or any other commodities, it shall be lawfull for the commander of every plantation with two or three discreete men of the said plantation upon view thereof to burne the same. And the partie that shall be found delinquent in any particle of this order shall bee hereby barred from planting any tobaccoe until hee bee re-admitted by a General Assembly.

* The line in the original so obliterated as to be not legible.
MARCH, 1629-30—6th CHARLES 1st.

ACT VIII.

IT is also ordered, That the warr begun upon the Indians bee effectually followed, and that noe peace bee concluded with them. And likewise that all marches which shall hereafter bee ordered and appointed against them, be prosequed and followed with all diligence.

ACT IX.

FFOR the better increase and multiplying of cottell in this colony, it is thought fitt that all the female increase of neate cottell bee with all care and diligence preserved and kepte. And that noe female kinde of cottell bee killed unlesse they bee such as are eyther past breedinge, or are likely to dye by some infirmity. And if any person or persons shall doe contrary to this acte they shall undergo such censure as the Governor and Councell shall thinke fitt to impose upon them.

A GRAND ASSEMBLY

HOLDEN AT JAMES CITTY THE 21ST OF FEBRUARY, 1631-2.

[From a MS.* belonging to Thomas Jefferson, President of the United States, purchased by him with the library of Peyton Randolph, from his executors.]

PRESENT Sir John Harvey, Knight, Governor, &c.

Capt. Francis West, Capt. Wm. Tucker,
Capt. John West, Mr. Wm. Farrar,
Capt. Sam. Mathewes, Capt. Rich'd Stevens,
Capt. Wm. Clayborne, Mr. Henry Finch,
Capt. Natha'l Basse, Capt. Thom. Purifye,

* The peculiarities in the hand-writing of the acts of this session, are such as have been already noticed in the acts of the preceding session.

[FP The MS. from which the acts of this session were printed, is now in the library of Congress at Washington.]
The names of the Burgesses were, viz:

Arrowattockes necke of land, Curles,  
\{ Capt. Thomas Osborne.  

Both Shirley Hundreds, Mr. flarrars, and Chap-  
laynes,  
\{ Capt. Francis Epes,  
Mr. Walter Aston.  

Westover, Flowerdew hund. and Weyanoake,  
\{ John fl ludd.  

from Capt. Perryes downwards to Hogge Island,  
\{ Capt. William Perry,  
Mr. Richard Richards.  

James Citty,  
\{ Mr. John Sontherne,  
Lieut. Thos. Crampe.  

Archer’s Hope,  
\{ Mr. Tho. flarlowe,  
Percivell Wood.  

from Kethes Creek to Mulbury Island & Sax-  
on’s Goale,  
\{ Mr. Thomas Harwood.  
Capt. Thos. filynt.  

Warwicke River,  
\{ Thomas Seely,  
Thomas Ramshawe.  

Waters Creeke and the upper parrish of Elizabeth Citty,  
\{ Capt. Thos Willoughbye  

The lower parrish of Elizabeth Citty,  
\{ Mr. George Downes.  

Worrosquyoake—Mr. Thomas Jourdayne.  

Accawmacke,  
\{ Mr.Edm’d Scarborough.  
Mr. John Howe.  

Kiskyake and the Isle of Kent,  
\{ Capt. Nich’s Matian.  

The oaths of supremacy and allegiance were in the first place administered to the Governor and Councell, and to all the above named burgesses in like manner.

In the afternoone.

The Commission from his majestic nowe in force was read before the whole bodie of the Assembly.
ACT I.

The 24th day of February was enacted this following Order for the Mynisters.

IT is ordered, That there bee a uniformitie throughout this colony both in substance and circumstance to the canons and constitution of the church of England as neere as may bee and that every person yeald ready obedience unto them uppon penaltie of the paynes and forfeitures in that case appoynted.

ACT II.

THAT the statutes for comminge to church every Sunday and holydays bee duly executed. That is to say; that the church-wardens doe levie one shilling for every tyme of any person’s absence from the church havinge no lawfull or reasonable excuse to bee absent. And for due execution hereof the Governor and Councell togetheer with the burgisses of this grand assembly doe in Gods name earnestlie require and chardge all commanders, captaynes and church-warriors that they shall endeavour themselves to the utmost of their knowledge that the due and true execution hereof may be done and had through this colony, as they will answere before God for such evills and plagues wherewith Almighty God may iustlie punish his people for neglectinge this good and wholesome lawe.

ACT III.

IT is ordered, That as many of the mynisters as convenientlie may, and one of the church-wardens at least, of every parish be present yearlie at midsomer quarter cort holden on the first day of June; and their to make there presentments uppon oath, togetheer with a register of all burials, christnennings, & marriages, as likewise their accounts of all levyes, collections and disbursements as have beene or fallen out in their tymes concerning the church affayres. And further that they choose church-wardens at the feast of Easter yearlie.
And it is further ordered and thought expedient, according to a former order made, by the governor and council that all church-wardens shall take this oath and that it be administered before those that are of the commission for monthlie corts, viz.

"YOU shall sweare that you shall make presentments of all such persons as shall lead a prophayne or ungodlie life, of such as shall be common swearers, drunkards or blasphemers, that shall ordinarily profane the sabbath dayes or contemne Gods holy word or sacraments. You shall also present all adulterers or fornicators, or such as shall abuse their neighbors by slanderinge tale carryinge or back bitinge, or that shall not behave themselves orderlie and soberlie in the church duringe devyne service. Likewise they shall present such maysters and mistresses as shall be delinquent in the catechisinge the youth and ignorant persons. So helpe yow God!"

ACT V.

NOE man shall disparage a mynister whereby the myndes of his parishoners may be alienated from him and his mynistrie prove less effectuall upon payne of severe censure of the governor and councell.

ACT VI.

NO mynister shall celebrate matrimony betweene any persons without a facultie or lycense graunted by the Governor, except the baynes of matrimony have beene first published three severall Sundays or holydays in the time of devyne service in the parish churches where the sayd persons dwell accordinge to the booke of common prayer, neither shall any mynister under any pretense whatsoever ioyne any persons soe licensed in marriage at any unseasonable tymes but only betweene the howers of eight and twelve in the forenoon, nor when bannes are thrice asked, and no lycense in that respect necessarie, before the parents or guardians of the parties to be married beinge under the age
of twenty and one years, shall either personally or by sufficient testimony signifie unto him their consents given to the said marriage.

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ACT VII.

EVERY mynister in this colony havinge cure of soules shall preach one sermon every sunday in the yeare, having no lawful impediment, and yf the mynisters shall neglect their charge by unneceesarie absence or otherwise the church wardens are to present it. But because in this colony the places of their cure are in many places far distant, It is thought fitt that the mynisters doe soe divide their turnes as by joynt agreement of the parishoners they should be desired.

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ACT VIII.

**IT is also thought fitt**, That upon every Sunday the mynister shall halfe an hower or more before evenenge prayer examine, catechise, and instruct the youth and ignorant persons of his parish, in the ten commandments the articles of the belief and in the Lord's prayer; and shall diligentlie heere, instruct and teach them the catechisme, sett forth in the booke of common prayer And all fathers, mothers, maysters and mistrisses shall cause their children, servants or apprentizes which have not learned the catechisme to come to the church at the tyme appoynted, obedientlie to heare, and to be ordered by the mynister untill they have learned the same: And yf any of the sayd flatthers, mothers, maysters and mistrisses, children, servants or apprentises, shall neglect their duties as the one sorte in not causinge them to come and the other in refusinge to learne as aforesayd, they shall be censured by the corts in those places holden. And this act to take beginninge at Easter next.

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ACT IX.

WHEN any person is dangerouslie sicke in any parrish, the mynister hauinge knowledge thereof shall
tending the sick. resort unto him or her to instruct and comfort them in their distresse.

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**ACT X.**

IN every parish church within this colony shall be kept by the mynister a booke wherein shall be written the day and yeare of every christeninge, weddinge, and buriall.

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**ACT XI.**

MYNISTERS shall not give themselves to excesse in drinkinge, or riott, spendinge theire tyme idellye by day or night, playinge at dice, cards, or any other unlawful game; but at all tymes convenient they shall heare or reade somewhat of the holy scriptures, or shall occupie themselves with some other honest study or exercise, always doinge the things which shall apperettye to honesty and endeavoure to profitt the church of God, always haveinge in mynd that they ought to excell all others in puritie of life, and should be examples to the people to live well and christianlie.

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**ACT XII.**

IN every parish church where sacraments are to be admystered within this colony, the holie communio shall be admystered by the mynister thrice in the yeare, whereof the feast of Easter to be one.

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**ACT XIII.**

AND all preachinge, admynistringe of the communio, and marriages shall be done in the church except in cases of necessitie.
ACT XIV.

The 24th of February was enacted this following Order for the Ministers, viz:

THE governor and counsell togeather with the burgisses in this present grand assembly, uppon the petition of the sayd ministers within this colony, have taken into their consideration by what way there might be a sufficient means allowed unto the said ministers for their better subsistance and encouragement in their ministrie; and thereupon have ordeyned and enacted that there shall be payd unto the sayd ministers the former allowance of 10lb. of tobacco and a bushel of corne, in such manner as formerlie hath beene done; and because of the lowe rates of tobacco at this present it is further graunted and ordered, that there shall be likewise due to the ministers from the first day of March next ensuinge the 20th calfe, the 20th kidd of goates, and the 20th pigge, throughout all plantations within this colony; and that there may arise no diffi-
cultie nor controversie in the payment of this new allowance of meanes, It is thought fitt and ordered, That where any parishioners shall not have the complete number of 20 calves, kidds or pigges then the number which hath fallen at the feast of Easter shall be praysed and rated betweene the ministers and one or more of his parishioners, and the 20th part thereof allowed to the minister proportionably; but yt if it fall out the number of calves, kidds or pigges arise to twenty then the owner is to choose five out of the sayd number and the minister to make his choyse in the sixt place, and it is thought fitt that the owners kepe the sayd calves, kidds, or pigges untill the tyne that they bee weaneable, that is to say, for calves the owner to kepe them 7 weeakes, and kidds likewise 7 weeks and pigges a month. And the parishioners are to give notice to the ministers when they shall fetch their calves, kidds, or pigges that be due unto them. And this act to continue in force, untill the next meetinge of the grand assembly, at which tyme there may fall out just cause of alteration either by the advancement of tobacco or some other meanes, for that formerlie the ancient allowance of 10lb of to-

batto and a bushel of corne hath beene a sufficient propor-
tion for their maynteynance in their callinge.
It is likewise ordered, That the mynister shall have these petty duties as followeth, viz:

**Imprimis.**

- For Marriage 2 0
- for Christening 0 0
- for Churchinge 1 0
- for Buryinge 1 0

It is ordered, That uppon the 25th day of October if it be not Sunday, and then the day followinge, the church-wardens shall give notice to the parishioners that they bringe in the dutie of 10 lb of tobacco for the mynisters unto a place to be appoynted within that plantation by the sayd church-wardens, and that the mynister bee warned to be there or appoynt some other to receive the same. And it is likewise ordered, That the dutie of a bushell of corne be brought in uppon the 19th day of December to the place appoynted within that plantation by the mynister. And no planter or parishoner may neglect the bringinge of the tobacco, or corne uppon the penalty that yf any make defect they shall forfeit double the quantitiue of the tobacco and corne to be levied by distresse by authoritie from the commander; and likewise, by distresse, all arrearages of tobaccoe and corn due to the mynisters as duties shall or may be recovered by virtue of this order of this assembly. And yf the church-wardens shall fayle in the execution of their office hereby inioyned then the commander shall take order that it be levied by distresse out of the church-wardens' goods and chattells.

**ACT XV.**

It is ordered and enacted that in all such places where any churches are wantinge, or decayed, the inhabitants shall be tyed to contribute towards the buildinge of a church, or repayringe any decayed church, the commissioners, togeather with the mynisters, church-wardens and chief of the parish to appoynt both the most convenient place for all parts to assemble togeather, and also to hire and procure any workeman, and order such necessaries as are requisite to be done in such workes. This they are to effect be-
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fore the feast of the nativitie of our Saviour Christ, or else the sayd commissioners, ye they be deficient in theire duties, to forfeit 50l. in money, to be imploied as the whole bodie of the Assembly shall dispose.

And it is ordered in like manner, That theire be a certayne portion of ground appoynted out, and impal-ed or fenced in (upon the penalty of twenty Marques) to be for the buriall of the dead.

ACT XVI.

UPON a remonstrance preferr'd to the assembly, complayninge that the frenchmen who were, about ten yeares since, transported into this country for the plantinge and dressinge of vynes, and to instruct others in the same, have willinglie concealed the skill, and not only neglected to plant any vynes themselves, but have also spoyled and ruinated that vyniard, which was, with great cost, planted by the charge of the late company and theire officers here; and yet notwithstandinge have receaved all favour and encouragement thereunto, which hath dishartened all the inhabitants here, It is therefore ordered that the sayd frenchmen, togeather with theire families, be restrayned and prohibited from plantinge tobacco, upon penaltie to forfeit theire leases, and imprisonment untill they will depart out of this colony.

ACT XVII.

AND it is provided and ordered, That all workers upon corne and tobacco shall this springe, before the 25th day of March, plant five vynye plants per pol, and the next yeare, before the first day of March, 20 per pol, upon penaltie to forfeite one barrell of corne for every one that shall make default, halfe to be to him that shall make information thereof, and the other halfe to publique uses. And the commissioners for the mounthlie corts established in divers parts of this colony shall have full power to heare and determinye this matter.
LAWS OF VIRGINIA.

ACT XVIII.

IT is ordered, that all the counsell and burgisses of the assembly shall, in the morininge, be present at divine service, in the roome where they sitt, at the third beatininge of the drum, an hower after sun rise, uppon the penalty of one shillinge to the benefitt of the marshall at James Citty; and yt any shall absent himselfe from the assembly, to pay 2s. 6d. to the same use; and yt any shall after neglect, to be fined by the whole bodie of the assembly. And this act to continue in force untill the assembly shall see cause to revoke it.

ACT XIX.

AND it is further ordeyned and enacted by the assembly, That no person or persons, after the publica- tion or notice hereof, doe buy or cause to be bought, any marchandize, goods, or any other thing whatsoever, exceptinge cattle, goates, hoggges, poultrey, or any housshould stuffe, corne, hides or any commodities that is, or shall be raysed here, or make any contract, bargayne or promise for the havinge or buyinge of the same, or any part thereof, in exchange for the commoditie of tobacco, directlie or indirectlie allowinge under the rate of 6d. per lb. for every pound of tobacco, as the goods first cost in England, bona fide, uppon penalty to have or suffer, for his or theirie first offence, imprisonment by the space of 2 mounthes without bayle or maynprize, and shall also loose and forfeite the value of the sayd marchandize or goods soe by him or them bought or had, as aforesayd.

And yt any person lawfully convicted or attaynted of and for the sayd offence, be thereof agayne lawfully convicted or attaynted that then every person or persons soe offendinge, shall have and suffer for his second offence, imprisonment by the space of one halfe yeare without bayle or maynprize; and shall loose double the value of all the goods and marchandize soe by him bought or had, as aforesayd.

And yt any person beinge lawfully twice convicted or attaynted of and for the sayd offences, and the third tyme be thereof lawfully convicted and attaynted, that
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then every such person for the sayd third offence shall be sett on the pillory in the place where he shall then dwell or inhabite and loose and forfeite all the goods and cattle that he or they have to their owne use, and also to be committed to prison there to remayne during the governor's pleasure; Provided that the complaint be made within 12 mouthes after the fact committed.

And be it further ordered, That the commissioners at the mountlie corts in all places of the country now established, shall have full power and authoritie by virtue of this act to enquire, heere, and determinye all and every the defaults and offences perpetrated, committed and done contrary to this act; and to make proces agaynst the offenders as the governor and counsell use to doe in such cases; Provided always, that the sayd corts doe, in this, as in all other matters, send the true coppies of their proceedinge to the governor and counsell at their next sessions of their quarter corts at James City.

ACT XX.

The first of March, 1631-2.

WHEREAS nothinge can more conduce to the welfare of this colony, then that some effectuall course be taken in the trade of our tobacco. as well to moderate the excessive plantinge as to devise some meanes for betteringe the qualitie, It is ordeyned and assented by the Governor and Counsell, togetheer with the Burgisses of this present Grand Assembly, That every shipp arivinge in this colony from England, or any other parts, shall, with the first winde and weather, sayle upp to the porte of James City and not to unlade any goods or breake any bulke before she shall cast anchor there, uppon payne that the captayne and mayster of the sayd shipp shall forfeite the sayd goods or the value thereof, and shall have and suffer one mouthes imprisonment; the one halfe of which forfeiture shall be to him or them that will or shall sue for the same, in any cort of record within this colony, and the other halfe to publique uses to be yearlie disposed by the Assembly.
LAWS OF VIRGINIA.

ACT XXI.

BE it also further ordered, That no planter or mayster of a famylié shall plante or cause to be planted above two thousand plants per pol, and that those that shall not plante or be otherwise imployed shall not transferr or make over theire right of plantinge unto any other; and to prevent any greater quantities, every planter or mayster of a famylié plantinge a cropp of tobacco, more or lesse, shall be tyed to procure one of his neighbours or some sufficient man to come and nomber his or theire plants of tobacco, who will uppon his oath declare and testifie unto the commander of that place, before the tenth day of July, that he hath counted and nombered the sayd plants, and shall say in his conscience the just and true number of them, which thinge yf the sayd planter or mayster of a famylié shall neglect, or that the number of the plants is found to exceede the proportion of 2000 per pol, then the commander is hereby to present it to the next mountlie cort, and the commissioners thereof shall give present order to have all that whole cropp of tobacco cutt down under payne of imprisonment and censure of the governor and counsell and grand assembly yf they neglect the execution thereof. Also uppon the neglect of the commander, he shall be censured in like manner.

ACT XXII.

IT is likewise enacted, That no person shall tend, or cause to be tended, above 14 leaves, nor gather or cause to be gathered above 9 leaves uppon a plant of tobacco; and the several commanders shall hereby have power to examine the truth thereof; and yf any offend, to punish the servants by whippinge, and to bind over the mayster unto the next quarter cort at James Citty to be censured by the governor and counsell.

ACT XXIII.

IT is ordered and ordeyned, That no person shall tend, or cause to be tended any slipps of old stalkes of tobacco, or any of the second cropps, upon the forfeiture of the whole cropp, whereof halfe to be to the informer, and halfe to publique uses as aforesayd.
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ACT XXIV.

AND it is further ordered and enacted, That all tobacco, shall be taken downe before the end of November, or else not to be adjudged or accounted merchantable.

ACT XXV.

AND whereas these orders concerninge tobacco are of soe difficult a nature that all inconveniencyes cannot possibly be foreseen, yf therefore any mischiefe shall ensue, and that complaynt thereof be made by any five or more of the burgisses of this assembly, the governour signified unto them that he will for remedie thereof, with all conveniencye summon an assembly to consult and treat thereupon.

ACT XXVI.

AND it is further ordeyned, That yf any marchant or any other person whatsoever, shall hereafter make complaynt, unto the governor of the place, that any tobacco tendered unto him or them, from or by any planter or person in Virginia, is not good and merchantable, then the sayd commander is hereby required uppon penaltie of being disabled from bearinge any office in this colony for one whole yeare and further censure of the governor and counsell, to make choyce of two sufficient men whom he shall by word of mouth, or warrant under his hand, require to vewe the sayd tobacco and uppon oath to deliver unto him the goodnes or badnes thereof; and to cause the same to be burnt, yf it be not found marchantable; but yf any person or persons shall refuse to vewe the sayd tobacco and accordinglie to declare the quallitie thereof uppon oath, then it is ordered that the sayd commander shall bynd over the sayd person or persons to answer theirire contempt at the next quarter cort before the governor and counsell.
What quantity of corn to be tended.

For prevention of forestalling and ingrossing;

Captain of every vessel to deliver a list of all persons on board.

Commander of the fort to administer the oaths of supremacy & allegiance.

Proclamation commanding the capt. to sail with the first wind to James City.

**ACT XXVII.**

*It is likewise ordered,* That every man workinge in the ground, shall plant, or cause to be planted, and sufficiently tended, this year, at the least two acres of corne per pol, uppon penaltie of forfeiture of their whole cropp of tobacco, yf uppon vewe thereof they shall be found deficient.

**ACT XXVIII.**

*It is ordered by the Grand Assembly,* for the prevention of forestallinge the markett and ingrossinge of commodities, and other inconveniencies, that the present commander of the florte at Poynt Comfort. uppon the arrivall of any shipp or shipps shall immediateli make his repayre aboard and there require the commander, captyayne or mayster, of the shipp or shipps, to deliver unto him a true list of all such persons, which were imbarqued in theire shipp, at theire coming out of England, togethether with theire ages, countryes and townes where they were borne, and to keepe record of the same; and he the sayd commander of the florte, to admynister unto them the oaths of supremacy, and allegiance, which yf any shall refuse to take, that he committ him to imprisonment. And it is further ordered, that the sayd commander of the florte there read and fixe at the mayne mast of the shipp or shipps a proclamation as followeth, to wit:

**ACT XXVIII.**

"TO the captyaynes, maysters and commanders of any shipp or shipps ariveinge at the florte at Poynt Comfort, I sir John Harvey, knight, governor and captyayne generall of Virginia, send greenge, These are in his majesties name to will and require you and straightlie to charge & command you accordin to the instructions and directions unto me and the counsell of state, from the right honorable the lords of his majesties, most honorable privye counsell, And accordinge to an act of the Grand Assembly, that with the first wynd and weather you sayle directlie to the porte of James city, and that you unlade no goods, nor breake any bulke untill you shall come to
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"an anchor there, uppon payne of the losse of the 
goods, and one mounthes imprisonment. Given at 
James City, the 1st of March, 1631."

ACT XXIX.

IT is ordered, That no person or persons shall dare to speake or parlie with any Indians either in the woods or in any plantation, yf he can possibly avoys it by any meanes, but as soone as he can, to bringe them to the commander, or give the commander notice there-of uppon penalty of a mounthes service for any free man offendinge and twenty stripes to any servant. But for the planters of the Eastern Shoare, the commanders are required to observe all good termes of amitie; but that they cause the planters to stand uppon therie guard, and not to suffer the Indians especially the Mattawombes to make any ordinarie resort or aboade in therie houses, and yf any English without leave resort unto therie townes, the commanders to bynd them over to the next quarter court.

ACT XXX.

THE statutes for artificers and workemen are thought fitt to be published in this colony. (1 Jacobi c. 6.)

ACT XXXI.

AND the lawes of England agaynst drunkards are thought fitt, to be published and dulle put in execution, that is to say, for every offence to pay five shillings to the hands of the church wardens, and further as is conteyned in the statutes of the 4th of kinge James and the 5th chapter.

ACT XXXII.

AND it is thought fitt, That whosoever shall sweare an oath shall pay for every oath one shilling, as is ordevned by the statute, &c.
**Laws of Virginia,**

**Act XXXIII.**

According to the former orders of the assembly the 5th of March, 1623, and of the governor and counsell, *It is thought fitt* and accordinglie ordered that the mouthlie courts be held and kept in remote parts of this colony: vizt.

- for the upper parts; for Warwicke River;
- for Warrosquyoake; for Elizabeth-Citty;
- for Accawmacke.

The Commission for the upper parts followeth, vizt.

"To all to whom these presents shall come, I Sir John Harvey, Kn. governor and captyane generall of Virginia, send greetinge in our Lord God everlastinge. Whereas for the greater ease of the inhabitants in divers parts of this colony, and for the better conservation of the peace, and due execution of such lawes and orders, as are or shall be established for the government of the people, and the inhabitants of the same.—The governor and counsell togeather with the assembly, have thought fitt, and accordinglie ordered and appoynted that there shall be mouthlie courts, and oftener uppon extraordinarie causes requiring and agreed upon by the maior part of the comissioners, held and kept in some of the remote plantations.

"Nowe knowe yee, that according to the sayd orders these persons whose names are here inserted are for the tyme beinge assigned and appoynted to be the present comissioners of and for the upper parts within the precincts of Charles Citty and Henrico, William Sfarrar, Esqr. Capt. Francis Epes, Captayne Thomas Pawlett, Captayne Thomas Osborne, Thomas Palmer gent. Walter Aston, gent. which sayd comissioners, or any fowre of them, whereof Mr. William Sfarrar to be always one, shall have power and authoritie to here and determine, all such suites and controversies betweene partie and partie, as excede not the value of five pounds stirlinge; and farther, that they take into their cares, matters of petty offences, the conservation of the peace, the quiett government of, and safetie of the people there residing or beinge; and that all orders, and proclamations be kept and observed, and according to the same, and as neere as may be, accord-
ing to the laws of the realm of England, to inflict
punishment, upon the offenders and delinquents, and
to doe and execute, whatever a justice of peace, or two
or more justices of peace may doe, such offences only
excepted, as concern the taking away of life or mem-
ers; Provided always that it shall and may be lawfull
for the plaintiff or defendant, in any suite before the
sayd commissioners dependinge either before, or after
judgment, yt it be before execution awarded, to appeale
to the cort of James Citty there holden by the gover-
nor and counsell. And they are hereby required from
tyme to tyme, to keepe records, of all judgments, orders,
and other matters of moment, as by them shall be con-
cluded and agreed on. And this comission to con-
tinue in force untill I by my comission under the scale
of the colony shall signifie the contrarie. Given at
James Citty, the first day of March, 1631, and in the
seaventh yeare of the raigne of our soveraigne Lord
Charles, by the grace of God of England, Scotland,
France and Ireland, kinge, defender of the sayd,
and in the 25th yeare of this plantation."

It is thought fitt, that the commissioners shall take
this oath as followeth, vizt. "You shall sweare as a
comissioner for the upper parts, within the precincts of
Charles Citty and Henrico, according to the articles
of the comission directed unto you, by the governor,
you shall doe equall right, to the poore and to the rich
after your cunninge, witt, and power, and after the
lawes and customes of this colony, and as neere as may
be after the lawes of the realm of England and statutes
thereof made, you shall not be of counsell in any case
or quarrell hangeinge before you, and that you hold your
corts accordinge to the sayd comission, you shall not lett
for guift, or other cause, but well and trulie you shall
do your office of comissioner, doe helpe you God, &c."

The like comission to be drawen mutatis mutandis
for Warwicke river. These commissioners Capt. Samuel
quor. Capt. Thomas Fflynt, John Brewer, gent. Za-
charie Cripps, gent. Thomas Seely gent.

WARROSQUYOAKE.

Upton, gent.
ELIZABETH CITY.

Capt. Wm. Tucker, Esq. quor. Wm. English, gent.

ACCAWMACKE.


ACT XXXIV.

IT is thought fitt and accordinglie ordered, That there be a publication made that all estates of any deceased persons, be appraysed after the rates of money and not in tobacco as hath beene accustomed heretofore.

ACT XXXV.

IT is thought fitt, That the monthlie corsets, doe as in their discretions they see fitt, strictlie doe right agaynst such persons as shall take away or loose any other mens boates or cannoes, or shall take away any wares, because of the great damage, that may ensue, uppon such trcspasse, and wronge.

ACT XXXVI.

IT is ordered, That a barrell of corne shall be accounted five bushells of Winchester measure, that is to say, 40 gallons to the barrell, and that the comissioners, for the monthlie corsets throughout the colony, doe take order and see that sealed barrells are made and sealed with this scale as in the margent, [VG] which scale they are to keepe, and uppon request to scale such barrells, and bushells, as shall be brought unto them.—And be it ordyned and established, That whossoever shall use or cause to be used any unsealed barrells or bushells after the feast of St. John Baptist, next ensueinge, shall forfeit 13s. 4d. and sett on the pillorye and
the measure and barrel deficient shall be broken or burnt. And for defective weights, it is ordained that the offender shall be punished according to the statute in that case provided.

ACT XXXVII.
The 2d of March, 1631.

The Assembly doth order and grant, That there be paid out of the general levy unto Capt. Marshall's attorney in full for the carriage for the ordnance, 1375 lb. of tobacco. And likewise in consideration of the good service done, by the said Captain Marshall to this colony, and to relieve the necessities of his wife and children, the Assembly doth give as a gratuitie, to be sent unto her, 4500 lb. of tobacco, to be payd the next crop.

ACT XXXVIII.

IT is ordered. That the Governor and Counsell, shall not lay any taxes or impositions, uppon the colony, their land, or commodities, otherwise than by the authority of the Grand Assembly, to be levied, and employed, as by the Assembly shall be appointed.

ACT XXXIX.

THE Assembly allowed of these publique charges followinge, vizt.

<table>
<thead>
<tr>
<th>Imprimis, to Capt.</th>
<th>lb. Tobacco</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Marshall</td>
<td>5875</td>
</tr>
<tr>
<td>Mathewes for the fort</td>
<td>103000</td>
</tr>
<tr>
<td>Peirce he beinge to shew account</td>
<td>007351</td>
</tr>
<tr>
<td>Sayre and to shew the account</td>
<td>1680</td>
</tr>
<tr>
<td>Pot he beinge to shew the account</td>
<td>3400</td>
</tr>
<tr>
<td>Osborne for lead</td>
<td>0150</td>
</tr>
<tr>
<td>Buffe Coates</td>
<td>0500</td>
</tr>
<tr>
<td>Kempe for shott</td>
<td>0100</td>
</tr>
<tr>
<td>Mathews for Robt. Watchingsayle</td>
<td>0500</td>
</tr>
</tbody>
</table>

Summa Totalis 122856
Governor not to withdraw the inhabitants from their private labours, to service of his own, upon any coullor whatsoever. And in case the publique service require imployments of many hands, before the holdinge of a Grand Assembly, to give order for the same, in that case the levyinge of men shall be done by order of the Governor, and whole bodie of the Counsell, and that in such [manner] as to be the least burthensome to the people, and most free from partialitie, (sudden incursions of the Indians, and such like cases excepted.)

And whereas many occasions doe happen wherein the Governor is to imploie boates and hands, It is thought fitt five or six sufficient men. shall be provid-ed on purpose, and they to be allowed maynteynance from the Governor.

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**ACT XLI.**

ALL the old planters that were here before, or came in at the last cominge of Sir Thomas Gates. shall be exempted from theire personable service in the warrs, and any publique charge (church duties excepted) that belonge particularly to theire persons, not exemptinge theire families except such as shall be comander in cheife.

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**ACT XLII.**

NO Burgisses of the Generall Assembly shall be ar-rested duringe the tyme of the Assembly, a weeke be-fore or a weeke after, uppon payne of the creditor's forfeiture of his debt, and such punishment uppon the officer as the cort shall award.

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**ACT XLIII.**

THE statutes and lawes of England agaynst for-stallers, and engrossers, to be made known and exe-cuted in this colony.
FEBRUARY, 1631-2—7th CHARLES 1st.

ACT XLIV.

EVERY private planter's devident, shall be survey-ed and layd out in severall, and the bounds recorded by the surveyor, and yf there be any petty differences betwixt neighbours about therei devidents, to be desi- ded by the surveyor, yf of mayne importance to be re- fered to the Governor and Counsell.

ACT XLV.

FFOR encouragement of men to plant store of corne, the prize shall not be stinted, but it shall be free for every man to sell it as deere as he can. And the reason hereof is contrary to the president of other coun- tryes, and kingdoms, for none are so poore heere, as that they may not have as much corne, as they will plant, haveinge land enough.

ACT XLVI.

ALL trade with the Savages prohibited, as well publique as private.

ACT XLVII.

NOE man shall goe or send abroade without a suf- ficient party well armed.

ACT XLVIII.

NOE man shall goe to worke in the grounds with- out theire armes, and a centinell uppon them.

ACT XLIX.

THERE shall be due watch kept by night where Watch. neede requires.

ACT L.

NOE commander of any plantation, shall either himselfe or suffer others to spend powder unnec- cessarilie, that is to say, in dringinge or enterteyn- ments.
LAWS OF VIRGINIA,

ACT LI.

ALL men that are fittinge to beare armes, shall bringe their peices to the church uppon payne of every effence, yt the mayster allow not thereof to pay 2 lb. of tobacco, to be disposed by the church-wardens, who shall levy it by distresse, and the servants to be punished.

ACT LII.

NOE person within this colony uppon rumour of supposed change and alteration shall presume to be disobedient to the present government, nor servants to their private officers, maysters and overseers, at their uttermost perills.

ACT LIII.*

THE ioyninge plantations, to assisst the fronteires or their neighbours, uppon alarmns, the default to be severelie censured, and false alarmns punished.

ACT LIV.

IT is ordered, That no cowe hides, oxe hides, bull hides, goat skynes, deer skynes, or other hides, or skynes whatsoever, be sent or carried out of this colony uppon forfeiture of thrice the value, whereof the one halfe to the informer, and the other halfe to publique uses.

ACT LV.

IT is established and appointed, That the fowre quarter courts shall be held at James-Citty yearlie, as followeth, vizt. uppon the first day of September, the first day of December, the first of March, and the first day of June.

ACT LVI.

IT is ordered and appointed, That the comanders of all the severall plantations, doe upon holy days exercise the men under his comand, and that the coman-

* There is no act numbered LIII in the manuscript.
ders yearlie doe likewise upon the first day of December, take a muster of their men, together with the women and children, and their ages, countries, and towns, where they were borne, with the shipps they came in, and the yeare of the Lord, as also of armes and munition, corne, cattle, hoggs, goates, barques, boates, gardens, and orchards, and if they shall make default, to be censured by the Governor and Counsell.

ACT LVII.

The third of March, 1631.

IT is agreed uppon by the Grand Assembly, That Capt. Samuel Mathwes, when he hath finished, and perfected, the worke at the fort at Poynt Comfort, shall give notice to the comissioners for that purpose, that they may viewe the worke.

ACT LVIII.

IT is further agreed, That Capt. Samuel Mathewes, shall leave 6 sufficient men thereon for a guard, and that he shall receive satisfaction for them, of the country, until such tyme as it can be otherwise provided for.

ACT LIX.

THAT the inhabitants about the corporation of James City, with the ayde of the Burgisses thereof, shall with all convenient speed that may be, remove the carriadges for the ordinance, into some dry place to preserve them for the decayinge of the weather, or otherwise.

ACT LX.

IT is thought fitt, That no boates be permitted to goe and trade to Canada, that be not of the burden of ten tunnes, and have a flush deake, or fitted with a gratinge and a trapaulinge.
LAWS OF VIRGINIA,

ACT LXI.

FOR the Indians we should them our irrecosileable enemies* thought fit, That if any Indians doe molest or offend hoggs, or any thing else. or that they be found lurking, then the commanders shall have power by vertue of this sufficient partie of men, to fall out upon them. And shall finde occasion.

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ACT LXII.

EVERY vessell or shipp cominge out of the ocean, shall until further order be taken therein, shall pay after the rate of gun powder, and ten iron shot for every hundred tunns the fort at Poynt Comfort, and so to be accounted proportionably bigger or lesser.

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ACT LXIII.

EVERY man shall enclose his ground with sufficient fences upon their owne perill.

---

ACT LXIV.

THE secretaries fees shall be as followeth, vizt.

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>for a warrant</td>
<td>05 lb. Tobacco</td>
</tr>
<tr>
<td>for a passe</td>
<td>10</td>
</tr>
<tr>
<td>for a freedom</td>
<td>20</td>
</tr>
<tr>
<td>for a commission of adminst.</td>
<td>20</td>
</tr>
<tr>
<td>for a patent,</td>
<td></td>
</tr>
<tr>
<td>for recording,</td>
<td></td>
</tr>
<tr>
<td>for an order of cort,</td>
<td></td>
</tr>
</tbody>
</table>

An yf the secretary shall desire it he may require for every here mentioned, one bushel of corne.

The Marshalls fees shall be—

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>for an arrest</td>
<td>10 lb. Tobacco</td>
</tr>
<tr>
<td>for warrantinge to the cort</td>
<td>2</td>
</tr>
</tbody>
</table>

* In this and a few succeeding chapters a few words are not legible in the manuscript—but they are inserted in similar acts passed at the next session.
FEBRUARY, 1631-2—7th CHARLES 1st.

Imprisonment \{ cominge in 10 lb. Tobacco.
\{ goinge out 10
Layinge by the heeles 5
Whippinge
Pillory
Duckinge}

The prisoner lyinge in prison, 5
marshall’s attendance par day
for every 5 lb. of tobacco the marshall may require 1 bushel of corne.

ACT LXV.

BESIDES the 103000 of tobacco afore allotted to be payd to Captayne Samuel Mathewes, It is agreed and granted, that halfe a bushel of corne for every titheable person be payd unto the said Capt. Matthewes, togeather with the tobacco.

ACT LXVI.

ALL former acts and orders made heretofore by any Assembly to be held and accounted repealed and of none effect.

ACT LXVII.

IT is ordered, That the 22d day of March be yearelie kept Holyday in comemoration of our deliverance from the Indians at the bloodye massaker which happened upon the 22d of March 1621.

ACT LXVIII.

LASTLIE, It is ordered, That these acts and ordinances be published throughout this colony, and the commissioners, for the mouthlie corts doe at the begininge of theire corts always read or cause to be read, all these acts, and that true coppies thereof be kept in the corts afforded to be read by all that shall desire the same.

The Burgisses were dismissed the 6th of March, 1631-2.
GRAND ASSEMBLY
holden at James Citty the 4th day of September, 1632.

[From a MS. belonging to Thomas Jefferson, President of the United States, and purchased by him with the library of Peyton Randolph, of his executors.]

BEINGE present Sir John Harvey, Knight Governor, &c.

Capt. Sam. Mathewes, Capt. Wm. Peirce.
Capt. Wm. Clayborne, Capt. Wm. Perry.
Mr. Wm. Siaarrar.

The names of the Burgisses were, vizt:

for Arrowhattockes, the necke of Land & Corles
  Capt. Thomas Osborne.
for Shirley Hundred Mayne & Cawseyes Care
  Mr. Walter Aston.
for Shirley Hundred Land—Mr. Cheyney Boys.
for Westover & filowerde Hundred—Mr. John Illudd.
for Weyanoake—Mr. Richard Coxe.
for Checohominiey—Mr. Bridges freeman.
for Smythes mount and Per-  Mr. John Smyth.
yes Poyut
for James Citty Island—Mr. John Jackson.
for Pasbeyhoigh—Mr. John Corker.
for the Necke of Land—Seir Thomas Crumpe.
for Gleabe Land & Archers
  Roger Webster, Hope
  Henry Ceny.
for over the water agaynst
  James Citty
  Mr. Richard Richards.
Whereas in the sessions of the Grand Assembly in March last past, divers acts were then made, which since are found in some cases defective and inconvenient, wee the Governor and Counsell togeather with the Burgiss in this present Grand Assembly have taken the sayd acts into their consideration, and according as was then provided where neede required have made a cleerer explanation of some of them, as likewise some additions and alterations, wee doe therefore hereby ordeyne and establish that these acts and orders in these presents followinge soe explained and altered be pub.
Repeal of all former acts.

Uniformity in doctrines and discipline of the church of England.

Penalty for not attending church.

Exhortation to attend.

Ministers and church wardens to make presentments; and return a register of marriages, births and deaths.

Church-wardens, when chosen.

lished in this colony and to be accounted and adjudged in force. And all other acts and orders of any assembly heretofore holden to be void and of none effect.

ACT I.

FIRST, *It is ordered,* That there be a uniformity throughout this colony both in substance and circumstance to the cannons & constitutions of the church of England as neere as may bee and that every person yield ready obedience unto them upon penalty of the paynes and forfeitures in that case appointed.

ACT II.

*AND it is thought fitt,* That the statutes for coninge to church every Sunday and holidayes be dule executed that is to say that the church-wardens doe levy one shillinge for every tyme of any persons’ absence from the church havinge no lawfull or reasonable excuse to bee absent. And for due execution hereof the governor and counsell togethers with the Burgises of this Grand Assembly doe in God’s name ernestlie require and charge all commanders, capitaynes and church wardens that they shall endeavor themselves to the uttermost of their knowledge that the due and true execution hereof may be done and had through this colony as they will answer before God for such evills and paynes wherewith Almighty God may justlie punish his people for neglectinge this good and wholesome lawe.

ACT III.

*It is ordered,* That as many of the mynisters as convenientie may, and one of the church-wardens at the least of every parish be present yearlie at midsomer quarter cortes holden at James Citty, on the first day of June and there to make their presentments uppon oath togethers with a register of all Burialls, christenings and marriages as likewise their accounts of all levyes, collections or disbursements as have beene or fallen out in their times concerninge the church affayres. And further that they choose church-wardens at the feast of Easter yearlie.
SEPTEMBER, 1632—8th CHARLES 1st.

ACT. IV.

NOE man shall disparage a mynister whereby the mynds of his parishioners may bee alienated from him and his mynistry prove lesse effectuall uppon payne of severe censure of the Governor and Counsell.

ACT. V.

NOE mynister shall celebrate matrimony betwene any persons without a facultie or lycence granted by the Governor except the bannes of matrimony have beene first published three severall Sondayes or holidayes in the tyme of divine service in the parish churches where the sayd persons dwell according to the booke of common prayer, neither shall any mynister under any pretence whatsoever, ioyne any persons so lycened in marriage at any unseasonable tyme but onlie betwene the howres of eight and twelve in the forenoon, nor when bannes are thrice asked, and no lyicense in that respect necessary, before the parents or governors of the parties to be maryed ye they be under the age of twenty one yeares, shall either personally or by sufficient testimony, signifie to him their consents given to the sayd marriage.

ACT VI.

EVERY mynister in this colony havinge cure of soules shall preach one sermon every Sunday in the yeare, havinge no lawfull impediment, and yf the mynister shall neglect theire charge by unnecessarie absence or otherwise, the church-wardens are to present it But because in this colony the places of theire cure are in many parts farr distant; It is thought fitt, That the mynisters doe soe devide theire turnes as by the ioynnt agreement of the parishioners shall be desired.

ACT VII.

IT is thought fitt, That upon every Sunday the mynisters shall halfe an hower or more before eveninge prayer examine, catechise, and instruct the youth and ignorant persons of his parish in the ten commandments, the articles of the beliefe and the Lords prayer. And
shall diligently here, instruct and teach them the catechism, sett forth in the booke of common prayer, and all fathers, mothers, masters, and mistresses shall cause their children, servants, and apprentices which have not learned the catechism to come to the church at the time appointed obediently to here and to be ordered by the ministre until they have learned the same. And yf any of the said fathers, mothers, masters, or mistresses, children, servants, or apprentices shall neglect their duties as the one sort in not causing them to come, and the other in refusinge to learne as aforesayd, they shall be censured by the courts in those places holden.

ACT. VIII.

And it is further ordered and thought expedient, according to a former order made by the Governor and Councill, that all church-wardens, shall take this oath and that it be administered before those that are of the comission for the monthlie courts, vizt.

"You shall sweare that you shall make true presentments of all such persons as shall lead a prophan or ungodlie life, of such as shall be common swearers, drunkards, or blasphemers, that shall ordinarielie prophan the sabath dayes or contemne God's holy word, or sacraments, you shall also present all adulterers or fornicators, such as shall abuse their neibours by slanderinge, tale carryinge or backbitinge, or that shall not behave themselves orderlie and soberlie in the churche duringe devine service. Likewise you shall present such masters and mistresses as shall be delinquent in catechising of the youth and ignorant persons, see help you God."

ACT. IX.

WHEN any person is dangerouslie sick in any parish the ministre havinge knowledge thereof shall resort unto him or her to instruct and comfort them in their distress.

ACT. X.

IN every parish church within this colony shall be kept, by the ministre a booke, wherein shall be writ-
ten, the day and yeare of every christeninge, wed-
dinge, and burriall.

ACT XI.

MYNISTERS shall not give themselves to excesse in drinkinge or ryott, spending theire tyme idelie by day or by night playinge at dice, cards, or any other unlawfull game, but at all tymes convenient they shall heare or reade somewhat of the holy scriptures, or shall occupie themselves with some other honest studies, or exercise, always doinge the things which shall apperteyne to honestie and endeavoure to profitt the church of God, havinge always in mynd that they ought to excell all others in puritie of life, & should be examples to the people, to live well and christianlie.

ACT XII.

IN every parish church within this colony the holy communion shall bee administred by the mynister thrice in the yeare whereof the feast of Easter to be one.

ACT III.

AND all preachinge, administeringe of the communon baptizinge of children and marriages, shall be done in the church except in cases of necessitie.

ACT XIV.

THE Governor and Counsell, togeather with the burgisses of this Grand Assembly uppon the petition of the mynisters within this colony, have taken into theire considerations by what way theire might be a sufficient means allowed unto the sayd mynisters, for theire better subsistence and encouragement in theire mynistry, and thereupon have ordeyned and enacted, That theire shall be payd unto the said mynisters, the former allowance of 10lb of tobacco and a bushell of corne, in such manner as formerlie hath beeene due. And because of the low rates of tobacco at present, it is further granted and ordered that theire shall be likewise due to the mynisters, from the first day of March last past, for and duringe the terme of one whole yeare next
LAWS OF VIRGINIA,

Also the 20th calf, kid and pig.

How set out.

How long the owners to keep them.

To give notice to the ministers.

Fees of ministers.

How the Ministers duties of 10 lbs. of Tobacco, and a bushel of corn collected.

Penalty.

ensuinge, the twentyeth calf, the twentyeth kidd of goates, and the twentyeth pigge throughout all the plantations in this colony; and where the number of the calves, kidds, or piggs arise to twenty, then the owner is to choose five out of the sayd number of twenty, and the mynister to make chyosse in the sixt place. but ye it soe fall out that the number bee lesse than twenty, then the mynister shall sett the price, and the owner either to take the sayd calves, kidds or piggs, then fallen and pay the mynister the twentieth part or else the mynister to take the same and allow unto the owner soe much as shall be due unto him. And it is thought fitt, That the owner keep the sayd calves, kidds or piggs, untill the tyme that they be weanable, that is to say, for calves the owner to keepe them seaven weekes, and kidds likewise seaven weekes and piggs one mouth. And the parishioners are to give notice unto their mynisters when they are to fetch their calves, kidds and piggs that be due unto them.

ACT XV.

IT is likewise ordered, That the mynisters shall have these petty duties followinge, vizt:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>for marriage</td>
<td>2s. 0</td>
</tr>
<tr>
<td>for churchinge</td>
<td>1 0</td>
</tr>
<tr>
<td>for burryinge</td>
<td>1 0</td>
</tr>
</tbody>
</table>

ACT XVI.

IT is ordered, That uppon the 25th of October, ye it bee not Sunday, & then the day followinge the church wardens shall give notice to the parishioners, that they bringe in the dutie of 10 lbs. of tobacco for the mynisters unto a place to be appoynted, within that plantation by the church wardens, and that the mynisters be warned to be there, or appoynt some other to receive the same. And it is likewise ordered, That the dutie of a bushell of corne, be brought in upon the 19th day of December to the place appoynted within that plantation, by the mynister. And no planter or parishioner may neglect the bringinge of the tobacco, or corne as aforesayd, upon the penalty that ye any make default, they shall forfeite double the quantitie of tobacco and corne, to be leveyed by distresse, by the authoritie of the comanders. And likewise all arrerages of tobac-
co and come which have been due to the mynisters as duties shall and may be recovered by distresse, by virtue of this act of this Assembly, and if the church wardens shall fail in the execution of their office, hereby enjoined, then the comander shall take order, that what shall remaine unpaid, and owinge to the mynisters shall be levied by distresse out of the church wardens goods and chattels.

ACT XVII.

IT is ordeyned and enacted, That in all such places where any churches are wantinge or decayed, the inhabitants shall be tyed to contribute towards the buildinge of a church, or repayring any decayed church. The commissioners, togethers with the mynisters, church wardens and cheife of the parish, shall appoynt both the most convenient place for all parts to assemble togethers and also to hire and procure any workemen and order such necessarie businesses as are requisite to be done in such works. This they are to effect before the feast of the nativitie of our Saviour Christ, or else the sayd commissioners yf they be deficient in their duties to forfeite £. 50 in money. And it is ordered in like manner, That there be a certain portion of ground appoynted out, impaled or fenced in to be for the buriall of the dead uppon the penaltie of 20 marks.

ACT XVIII.

ACCORDINGE to the former orders of the Assembly, the fift of March, 1623, It is now thought fitt and accordingly ordered, That the mounthlie corts be held and kept in remote parts of this colony, vizt. for the upper parts, Warwicke river, Warrosquyoke, Elizabeth Citty and Accawmacke. The commission for the upper parts shall be as followeth, vizt. "To all to whom these presents shall come I Sir John Harvey, Knt. Governor and Captayne General of Virginia send greetinge in our Lord God everlastinge, Whereas for the greater ease of the inhabitants in divers parts of this colony and for the better execution of the peace and due execution of such lawes and orders as are or shall be established for the government of the people and inhabitants,
The Governor and counsel together with the Burgesses of the Grand Assembly have thought fit and accordinglie appoynted that there shall be mouthlie corts and oftener uppon extraordinarie causes requiring, and agreed uppon by the maior part of the commissioners, held and kept in the remoate plantations,

"Nowe Knowe ye that accordinge to the same ordar, these persons whose names are here inserted, are for the tyme beinge assigned and appoynted to be the present commissioners of and for the upper parts within the precincts of Charles Citty and Henrico, William Efarrer, Esq. Capt. Francis Epes, Capt. Thomas Paulett, Capt. Thomas Osborne, Thomas Palmer, gent. Walter Aston, gent. which sayd commissioners or any fowre of them shall have full power and authoritie to heere and by the maior part of voyces to determine all such suites and controversies betweene partie and partie as exceed not the value of five pounds sterlingle. And further that they take into their care the conservation of the peace, the quiett government and safetie of the people their residinge or beinge. And that all orders and acts of the Assembly be kept and observed, and accordinge to the same and as neere as may bee accordinge to the lawes of the realme of England, to inflict punishment uppon the offenders and delinquents, and to doe and execute, whatsoever a justice of peace, or two or more justices of peace may doe, such offences onlie excepted, as concerne the taking away of life or members; Provided alwayes that it shall and may be lawfull for the plaintiff or defendant, in any suite before the sayd commissioners dependinge either before, or after judgment, yf it be before execution awarded, to obtayne a warrant from the Governor to stay the proceedings in any cort of the sayd commissioners, and to remove the cause and the records concerninge the same, into the cort holden before the Governor and Counsell at James Citty. And whosoever shall sue or obteyne any such warrant he shall put in good securitie to answer the costs and damages that shall be awarded agaynst him yf he shall be cast in the sayd suite. And they are hereby required from tyme to tyme, to keepe records of all judgments, orders, and other matters of moment, as by them shall be concluded and agreed on, And this comission to continue in force untill I by my commissi-
on under the seal of the colony shall signify the contrary. Given at James Citty, the fourth day of September, 1632, and in the eight yeare of the raigne of our soveraigne Lord Charles, by the grace of God of England, Scotland, France and Ireland, kinge, defender of the faught, &c. and in the 26th yeare of this plantation."

It is thought fitt, That the commisioners shall take this oath as followeth vizt.—You shall sweare as a commissner for the upper parts within the precincts of Charles Citty, and Henrico, according to the articles of the commision directed unto you by the governor, you shall doe equall right to the poore and to the rich, after your cunninge, witt and power, and after the lawes and customs of this colony, and as neere as may be after the lawes of the realme of England, and statutes thereof made; you shall not be of counsell in any case or quarrell hanginge before you; you shall hold your corts accordinge to the sayd commision; you shall not lett for guift or other cause, but well and truly shall doe your office of commissoner, so help you God, &c.


ACT XIX.

IT is established and appoynted, That the 4 great quarter corteis shall be held at James Citty, yearlie as followeth, vizt. The first day of March, the first day of June, the first day of October, and the first day of December.
WHEREAS nothinge can more conduce to the welfare of this colony then that some effectuall courses be established, in the trade of our tobacco, and that wee should take order both to moderate the excessive plantinge and to better the condition and qualitie thereof:

Be it therefore first ordeyned and enacted by this present Assembly, That no person or persons, after the publication and notice hereof, doe buy or cause to be bought any marchandise, goods, or any other thing whatsoever, or make any contract, bargaine or promise for the havinge or buyinge of the same or any part thereof in exchange for the commoditie of tobacco directlie or indirectlie allowinge under the rate of 6d per pound for every pound of tobacco, as the goods first cost in England bona fide upon penalty for his or their first offence to forfeite the value of the sayd marchandize or goods soe by him or them bought or had as aforesayd. And yf any person lawfully convicted or attaynyed of and for the sayd offence be thereof agayne lawfully convicted or attaynted, then every person or persons soe offendinge, shall for his second offence loose double the value of the goods and marchandize soe by him bought or had as aforesayd. And yf any person beinge lawfully twice convicted or attaynted of and for the sayd offences and the 3d tyme be thereof lawfully convicted and attaynted, that then every such person for the said third offence shall loose and forfeit thrice the value of all such goods bought or had as aforesaid, the one halle of which forfeiture shall be to him or them, who shall sue for the same by action of debt or information, in any cort within this colony, provided that the complaint be made within 6 moneths after the fact comited. And be it therefore further or- dered, That the commissioners at the mouthlie courts in all places of this country now established have full power and authoritie by virtue of this act to enquire, heere and determine all and every the defaults and offences perpetrated, comitted, and done contrary to this act, and to make processe against the offenders as the Governor and counsell use to doe in such cases; Provided, That the said corts doe send the true copyes of the proceedings to the Governor and Counsell at their
next sessions of their quarter courts at James City: Nevertheless it shall and may be free and lawfull to buy or bargain for tobacco at such rates as the parties can agree, any cattle, hoggs, poultry or any household stuffe, hides, skinnes or any commodities that are or may be raised in this colony any thinge in this act conteyned to the contrary notwithstanding.

Secondlie, be it further ordered, That no planter or master of a familie, shall plant or cause to be planted above two thousand plants of tobacco per pol, and that they which shall not plant tobacco or they which shall be otherwise imploied shall not transfer or make over their right of plantinge unto any other. And to prevent any greater, every planter or master of a familie, plantinge a cropp of tobacco more or less shall be tyed to procure one of his neighbors or some sufficient man to count and number his or their plants of tobacco, who will uppon his oath declare and testifie unto the comander of that place, before the 10th day of July, that he hath counted and numbered the sayd plants, and shall say in his conscience the inst and true number of them, which thinge ye the said planter or master of a familie shall neglect, or that the number of plants be found to exceede the proportion of two thousand plants per pol, then the comander is hereby required to present it to the mounthlie corts, and the commissioners there shall give present order to have that whole cropp of tobacco cut downe, uppon payne of imprisonment and censure of the Governor and Counsell, and Grand Assembly, ye they the said commissioners shall neglect the execution hereof. Also uppon neglect of the comander herein he shall be censured by the Governor and counsell in like manner.

Thirdlie, It is ordered, That no person or persons shall tend or cause to be tended above 14 leaves, nor gather or cause to be gathered above 9 leaves uppon a plant of tobacco, and the several commanders shall hereby have power to examine the truth hereof and ye any offend, to punish the servants by whippinge and to binde over the masters unto the next quarter cort at James City, to be censured by the Governor and Counsell. And this act shall continue in force untill the first day of March next ensuinge.
Fourthlie, *It is ordered*, That no person or persons shall tend or cause to be tended any slips of old stalkes of tobacco, or any of the second cropps upon the forfeiture of his whole cropp of tobacco, whereof one halfe to be to the informer that shall sue for the same in any cort within this colony.

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**ACT XXI.**

*It is likewise ordeyned*, That if any marchant or any other person whatsoever shall hereafter make complaint to the comander of the place, that any tobacco tendered unto him or them is not good and marchantable, then the sayd comander is hereby required, uppon penalty of beinge disabled from bearinge any office in this colony for one whole yeare, and further censure of the Governor and Counsell, to make choyce of two sufficient men, whom he shall by word of mouth or warrant under his hand require to viewe the sayd tobacco, and uppon oath to deliver unto him the goodnes and badnes thereof, and to cause the same to be burnt if it bee not found marchantable. But if any person or persons shall refuse to view the sayd Tobacco, and accordinglie to declare the qualitie thereof uppon oath, then it is ordered that the sayd comander shall binde over the sayd person or persons to answer the contempt at the next quarter cort before the Governor and Counsell.

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**ACT XXII.**

*It is likewise ordered*, That every man workinge in the ground shall plant or cause to be planted and sufficientlie tended yearely at the least 2 acres of corne per pol, uppon penalty of the forfeiture of his whole cropp of tobacco, yf uppon viewe thereof they shall be found deficient, unlesse they shall have a lawfull cause to the contrary.

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**ACT XXIII.**

FOR the prevention of forestalling the marketts and ingrossinge commodities, *It is ordeyned and as- sented by the Governor and Counsell togeather with the*
Burgisses of this present Grand Assembly, That every shipp or barque arrivinge in this colony from England or any other parts shall with the first wynd and weather sayle up to the port of James Citty, and not to unlace any goods or breake bulke before she shall cast anchor there, unless the Governor and Counsell shall give leave and lyicense to the contrary uppon payne that the captayne and master of the sayd shipp shall forfeite the sayd goods or the value thereof, and shall have and suffer one mouthes imprisonment, the one halfe of which forfeiture shall be to him or them that will prosecute or shall sue for the same in any cort within this colony. And it is therefore further ordered, That the present commander of the fort at Poynt Comfort, uppon the arrivall of any shipp or shippes or other vessel out of the sea shall immediateelie make his repayre aboard and there require the commander, captayne, and master of the sayd shipp or shippes or other vessel to deliver unto him a true list of all such persons as were imbarqued in theire shipp at theire cominge out of England togetheer with theire ages, countreyes and townes where they were borne; and to keepe record of the same, and he the sayd commander of the fort shall administer unto them the oathes of supremacy and allegiance, which yt any shall refuse to take that he comitt him or them to imprisonment. And it is further ordered, That the sayd commander of the fort shall there read and fixe at the mayne mast of the said shipp or shippes a proclamation as followeth, vizt. “To the captaynes, masters, and commanders of any shipp or shippes arrivinge at the fort at Poynt Comfort, I, Sir John Harvey, Knight, Governor and captayne generall of Virginia send greetynges. These are in his majestyes name, to will and require, and straightlie to chardge and command you accordinge to the instructions directed unto me and the Counsell of State, from the right hon’ble the Lords of his Majesties most hon’ble privy counsell, that with the first wynde and weather, you saile directlie to the port of James Citty; and that you unlade no goods nor breake any bulke until you shall come to an anchor there, uppon payne of the losse of the sayd goods, and one mouthes imprisonment.—Given at James Citty the 4th day of September, 1632.” Nevertheless it shall and may be lawful for any such vessells, boates, or shippes, as belong to any person or Vessels arriving not to break bulke till they come to J. City; without leave from the governour, &c.

Penalty.

Commander at Point Comfort to require a list of all persons arriving, &c.

Proclamation to be fixed at the main mast head.

To administer the oathes of supremacy and allegiance.

Exception.
LAWS OF VIRGINIA,

persons dwellinge or inhabitinge within this colony upon their arrivaull out of the sea, to goe and sayle unto any place or places to which they do belonge, or at which they shall desire to unlade their goods, and the merchant or factor shall deliver unto the command-er of that place, an invoice of the goods they have brought in.

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ACT XXIV.

EVERY vessel or shipp cominge out of the ocean customs untill further orders be taken therein shall pay after the rate of one barrell of gunpowder containinge 100 lbs. and ten iron shott for ordinance, for every hundred tunns of burthen, to be for the use of the fort at Poynt Comfort, and soe to be accounted proportionably bee the shipp or barque bigger or lesser.

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ACT XXV.

IT is provided and ordered, That all workers upon corne and tobacco shall this ensuinge springe before the first day of March next ensuinge, plant, or cause, to be planted 20 vynce plants per pol uppon penaltie to forfeite one barrell of corne for every one that shall make default one halfe to be to him which shall make information thereof and the other halfe to publique uses. And the commissioners for the mouthlie corts shall have full power to heare and determine this mat-ter and to see that the sayd vynes bee weeded, tended, and well preserved.

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ACT XXVI.

IT is ordered, That no person or persons shall dare to speake or parlie with the Indians either in the woods or in any plantation yf it can possibly be avoyded by any meanes. But yf any Indian shall voluntarilie presse uppon any in the woods, or into any planta-tion, as soon as can be, they shall bringe them to the commander, or give the comander notice thereof, uppon penaltie of a mouthes service for any free man offendinge, and twenty stripes for any servant. But for the planters of the Eastern Shoare, the commanders

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Tonnage duty.

Vines; 20 a head to be planted.

Penalty.

To be assess-ed by month-ly courts.

No person to speak or par-ley with the Indians.

Exception as to the Eastern Shore.
are required to observe all good terms of amitie, and
that they cause the planters nevertheless to stand up-
pon their guard, and not to suffer the Indians espe-
cially the Mattowombes to make any ordinary resort
or aboade in their houses, and yt any English without
leave resort unto their townes, the commanders are
to binde them over to the next quarter cort.

ACT XXVII.

AND because wee hold the neighbouringe Indians our
irreconcileable enemies, it is further thought fitt, That
yn any Indians doe molest or offend any plantations in
theire cattle, hoggs, or any thinge else, or that they
bee found lurkinge about any plantation, then the
commander shall have power by virtue of this act to
rayse a sufficient partie and fall out uppon them, and
persecute them as he shall finde occasion.

ACT XXVIII.

BE it also enacted, That every artificer or laborer
that shall be lawfully reteyned in and for the buildinge
or repayringe of any church, house, shipp, milne, or
every other peice of worke taken in greate, or that
shall hereafter take uppon him to make or finish any
such thinge or worke, shall continue and not depart
from the same unlesse it be for not payinge of his wa-
ges, or hire agreed on, or otherwise by lawfull autho-
rutie taken from the sayd worke, or lycense to depart
by him, that hath the charge thereof before the finishinge
of the sayd worke uppon penaltie of one mounthes
imprisonment without bayle or mayneprinse and the
forciture of the sum of £ 5 sterlinge to the partie sue
greaved, over and besides such ordinarie costs and da-
mages as may or ought to be recovered by the common
lawes for any such offence.

ACT XXIX.

BE it also enacted according to the lawes of England,
That all and every person or persons which shall be
drunke, and of the same offence of drunkenesse shall

Penalty on
the English
resorting to
their towns

Command-
ers to fall
upon Indians
lurking about
or molesting
their cattle, &
&c.

Workmen
not to with-
draw from
their work
under a penal-
ty.

Drunken-
ness, how
punished.
be lawfully convicted, shall for every such offence forfeite and lose five shillings of lawful money of England, to be paid to the hands of the church wardens of that parish where the offence shall be committed, and if the said person so convicted shall neglect or refuse to pay the said forfeiture as aforesaid, then the same shall be levied of the goods of every such person or persons so neglecting or refusing by warrant from the court before whom the said conviction shall be made.

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**ACT XXX.**

*IT is thought fitt,* That whosoever shall swear any oath, shall pay for every oath one shilling as is ordained by the statute.

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**ACT XXXI.**

**WHATSOEVER** person or persons shall buy or cause to be bought any marchandize, victuals, or any other thing, comming by land or water to the market to be sold, or make any bargain, contract or promise for the haveinge or buyinge of the same or any part thereof soe comminge as is aforesaid, before the said marchandize, victuals, or other thinge shall bee at the markett readie to be sold; or make any motion by word, letter or message or otherwise to any person or persons for the enhaunsinge of the price, or dearer sellinge of any thinge or thinges above mentioned, or else dissuade, move, or stirr any person or persons cominge to the marquett, to abstaine or forbeare to bringe or convey any of the things above rehearsed to any markett as aforesayd shall be deemed and adjudged a forestaller. And if any person or persons shall offend in the things before recited and being thereof dulie convicted or attaynted shall for his or their first offence suffer imprisonment by the space of two mouthes without baile or maineprize, and shall also loose and forfeite the value of the goods soe by him or them bought or had as aforesayd; and for a second offence, after his or their first conviction, shall suffer imprisonment by the space of one halfe yeare without baile or maineprize, and shall loose the double value of
all the goods and marchandize soe bought or had as
aforesayd; and for the third offence being lawfully

twice convicted or attaynted shall be set on the pillor-
rie in the place where he then dwelleth and loose and

forfeite all the goods and chattels that he or they then
have to their own use, and also be committed to pri-
son there to remayne duringe the Governor's pleasure,
provided that the complaynt be made within two
years after the offence done or committed.

ACT XXXII.

IT is ordered, That a barrell of corne shall be ac-
counted five bushells of Winchester measure, that is
to say 40 gallons to the barrell, and that the commis-
sioners for the mounthlie corts throughout this colony
do take order and see that sealed barrells be made
and sealed with this seale as in the margin [VG] which
seal they are to keepe, and uppon reasonable request
to scale such barrells and bushells as shall be brought
unto them, being of a just size. And it is ordeyned
and established that whosoever shall use or cause to
be used any unsealed barrells or bushells, after the pub-
lication hereof, shall forfeite 13s 4d, and for the second
offence 26s 8d, and for the third offence shall be sett in
the pillorie, and the measures and barrells defective
shall be broken or burnt. And for defective weights,
IT is ordeyned, That the offender shall be punished ac-
cordinge to the statute in that case provided.

ACT XXXIII.

THE Assembly doth order and graunt, That there
be payd out of the generall levy unto capt. Michaell
Marshartt's attorney, in full for the carriages for the
ordinance, 1375 lb. of tobacco, and likewise in consi-
deration of the good service done by the sayd capt.
Marshartt to this colony, and to relieve the necessitie
of his wife and children, the Assembly doth give as a
gratuitie to be sent unto her, 4500 lb. of tobacco to be
payd this cropp.
Restriction, as to the power of the governor, &c.

It is ordered, That the Governor and Counsell shall not lay any taxes or impositions upon this colony, their lands or commodities otherwise than by the authority of the Grand Assembly, to be levied and employed as by the Assembly shall be appointed.

ACT XXXV.

THE Assembly alloweth of the publique chardges followinge, vizt:

<table>
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<th>lb. of tobacco.</th>
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<tr>
<td>Imprimis</td>
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<tr>
<td>to Capt. Michael Marshartt</td>
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<tr>
<td>to Capt. Mathewes for the flort</td>
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<tr>
<td>to Capt. Pierce</td>
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<tr>
<td>to Capt. Give uppon account</td>
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<tr>
<td>to Doct. Pott uppon account</td>
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<td>to Capt. Osborne for lead</td>
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<td>for Bulle coats</td>
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<tr>
<td>to Wm. Kempe for shott</td>
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<tr>
<td>to Capt. Mathewes for wachinge, &amp;c.</td>
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<tr>
<td>to Mr. Corker</td>
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<tr>
<td>to Richard Smyth</td>
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It is therefore thought fittinge that there shall be levyed uppon every tithable person sixty-fowre pounds of tobacco per pol throughout this colony. And for such persons as have departed out of this country since the contract for the flort, and for such as are since deceased leavinge sufficient estates it is ordered that they shall be lyable to pay this taxe. And that it be required out of the estates remayninge and the overplus to remayne in Mr. Corker's hands.

ACT XXXVI.

THE Governor shall not withdrawe the inhabitants from their privat laboures to any service of his owne uppon any color whatsoever, and in case the publique service require imployments of many hands before the holdinge of a Grand Assembly to give order for the same, in that case the levyinge of men shall be
done by the Governor and whole bodie of the Counsell, And that in such sort as to be least burthensome to the people, and most free from partialitie; suddaine incursions of the Indians, and such like cases excepted.

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ACT XXXVII.

ALL the old planters that were here before or came in at the last cominge of Sr Thomas Gates shall be exempted from their personall service to the warrs and any publique chardges (church duties excepted) that belonge particularlie to their persons not exemptinge their families except such as shall be imploied in cheife.

---

ACT XXXVIII.

EVERY private planter's devident shall be surveyed and layd out in severall, and the bounds recorded by the surveyors, if there be any petty differences betwixt neighbours about their devidents, to be decayed by the surveyors, yf of mayne importance, to be referred to the Governor and Counsell.

---

ACT XXXIX.

FFOR encouragement of men to plant store of corne, the price shall not be stinted, but it shall be free for every man to sell it as deere as he can, the reason and ground hereof being contrary to the president of other countryes and kingdoms, in regard all men may plant what store of corne they please.

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ACT XL.

[Obliterated.*]

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ACT XLI.

[Obliterated.*]

* These two acts are obliterated, but it appears from the marginal abstract which is preserved, that act XL prohibited any trade with the Indians for corn, and act XLI directed that planters should go in sufficient parties to guard against the attacks of the Indians.
Arms.

ACT XLII.

NOE man shall goe to werke in the groundes without theire armes, and a centinell uppon them places where the commander shall require it.

Watch.

ACT XLIII.

THERE shall be due watch kept by night where neede requires.

Not to spend powder.

ACT XLIV.

NOE commander of any plantation, shall either himselfe or suffer others to spend powder unneces- sarsilie, that is to say, in drinkinge or entertainments.

To go armed to church.

ACT XLV.

ALL men that are fittinge to beare armes, shall bringe their peires to the church uppon payne for every effence, if the default be in the master, to pay 2lb. of tobacco, to be disposed by the church-wardens, who shall levy it by distresse, and the servants shall be punished commander.

Obedience to superiors.

ACT XLVI.

NOE person within this colony uppon the rumour of supposed change and alteration shall presume to be disobedient to the present government, nor servants to theire private officers, masters and overseers, at their uttermost perill.

Adjoining plantations to assist the frontiers in case of alarm.

ACT XLVII.

THE adioyninge plantations, shall assist the frontiers or theire neighbours, uppon alarums, the default to be severelie censured, and false alarums punished.

Exportation of certain

ACT XLVIII.

IT is ordered, That no cow hides, oxe hides, bull hides, goats skins, deare skins, or other hides, or skins
whatsoever, shall be sent or carried out of this colony upon forfeiture of thrice the value thereof, the one half to the informer, and the other half to publick uses. Beaver skins, otter skins and all sorts of furres excepted.

ACT XLIX.

NOE man shall kill any wild swyne out of the forest or woods, except in his or devident, without leave or lycense from the Governor. But it is thought convenient that any man be permitted to kill deare or other wild beasts or fowle in the common woods, forests, or rivers in regard that thereby the inhabitants may be trained in the use of their armes, the Indians kept from our plantations, and the wolves and other vermine destroyed. And for encouragement to destroy the wolves, it is thought that whosoever shall kill a wolf, and bringe in his head to the commander, it shall be lawfull for such person or persons for every wolf soe kild, to kill also one wild hogg and take the same for his owne use.

ACT L.

HIGHWAYES shall be layd out in such convenient places as are requisite according as the Governor and Counsell or the commissioners for the mouthlie courts shall appoynt, or according as the parishioners of every parish shall agree.

ACT LI.

ALL suchas will seate downe and inhabit betweene the heads of Archer’s Hope Creeke, and Queens creeke shall be free of all generall taxes untill some other shall be without them, and they shall have fifty acres of land for every person that yeare seate there, as the planters of Kiskyake have had.

ACT LII.

EVERY man shall enclose his ground with sufficient fences or else to plant, uppon their owne perill.
IT is ordered and appointed, That the commanders of all the several plantations, doe upon holy dayes exercise the men under theire command, and that the commanders yeerly doe likewise upon the first day of December, take an exact muster of theire men, together with the women and children, theire ages, countryes, and townes, where they were borne, with the names of the shipps they came in, and the yeare of the Lord, as also of armes and munition, corne, cattle, hoggs, goates, shipps, barques, boates, gardens, orchards, and ye if they shall make default, to be censur'd by the Governor and counsell.

ACT LIV.

IT is thought fitt, That no boates be permitted to goe and trade to Canada or elsewhere that be not of the burthen of ten tunns, and have a flush decke, or fitted with a gratinge and a tarpaulinge exceptinge such as be permitted for discovery by a speciall lycense from the Governor.

ACT LV.

NOE master or commander of any vessell, boates, barques, or shipps, shall transport any person or persons out of this colony except the sayd person or persons doe give notice thereof in the place where he or they are then resident ten dayes before his departure uppon the penaltic to pay all such debts as all such persons shall stand indebted unto any person within this colony at the tyme of his or theire departure.

ACT LVI.

IT is ordered, That no person or persons shall depart out of this colony to inhabitte or abide within any other plantations, of New-England or elsewhere, unlesse he obteyne a lycense or passe for his departure under the Governor's hand.
SEPTEMBER, 1632—8th CHARLES 1st.

ACT LVII.

[Obliterated.]                Secretary's fees.

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for a freedome  - 
for a commission of administ.  20 
for a patent  30 
for recordinge per sheete  2 
for an order of cort,  5 

And ye the secretarie shall desire it he may require for every 5 lb. of tobacco here mentioned, one bushel of corne.

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ACT LVIII.

THE Marshalls fees shall be as followeth, vizt. Marshal's fees.

for an arrest - - 10 lb. Tobacco.

warninge to the cort - 2

Imprisonment { comeinge in 10
{ goinge out 10

Layinge by the heele - 5

Whippinge]

Pillory]

Duckinge

And for lodginge and diett as they can agree.

And for every 5 lb. of tobacco the marshall may require one bushel of corne.

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ACT LIX.

IT is thought fitt and approvinglie orderd, That there be a publication made that all estates of any deceased persons, be appraised after the rate of money and not in tobacco as hath bee accustomed heretofore, and where the deceased partie shall die in debt, IT is thought fitt, That the estate shall be sould by outcry, and notice of the sayd outcry to be given 8 dayes before.
ACT LX.

IT is ordered, That the 22d day of March be yeare-ly kept Holyday in commemoration of our deliverance from the Indians at that bloudie massacre which happened uppon the 22d of March 1621.

ACT LXI.

LASTLY, It is ordered, That these acts shall be published throughout this colony. And that the commissioners, for the mouthlie corts doe at the beginninge of theire corts read or cause to be read all these acts, and that true copyes thereof be kept in the corts to be afforded to be read by all that shall desire the same.

The MS. from which the acts of this session were printed, is now in the library of Congress at Washington.
WHEREAS divers acts and orders were made and established in the Grand Assembly holden at James Citty.
20th & 21st acts of last session repealed.

5 stores or warehouses established.

Inspectors; one of the council always to be of the number.

Bad tobacco to be burnt; and planter disabled from planting any more.

No tobacco to be paid away or received in payment till inspected.

Payments to be made at the warehouses.

All tobacco to be brought to the 4th day of September last past, concerning the plantinge and trade of tobacco [by the] twentieth and one and twentieth acts. And whereas for divers good considerations, it is thought fitt to explyayne the sayd acts in many parts and particulars, and to make some alteration in some of them, It is therefore ordered, That the sayd twentieth and one and twentieth acts be in all and every part repealed and void. And that these orders and constitutions followinge be established and observed within this colony.

First, The whole bodie of this present Grand Assembly, for the better upholdinge the price of this commoditie, and that they may follow works of better consequence, doth assent and agree that there shall be appointed five stores hereafter specified unto which the planters shall be obliged to bringe in all their tobaccoes before the last day of December, and in the same stores to be repacked, viewed and tryed by sworne men appointed for that purpose, who shall be one at least of the counsell whose dwellinge is nearest to that place; to whome rest of the commissioners of the several plantations shall be joyned assistants who shall once a weeke or oftener ye neede require take vewe of such tobaccoes as is brought in, cause all the badd and ill conditioned tobaccoes instantlie to be burnt and the planters thereof to be disabled further from plantinge any more of that commoditie of tobacco.

1st, Any tobaccoes the sayd sworne to be good and marchantable, shall be received into the several stores, and entered severall accounts of those that were the planters thereof.

2dly, It is ordered. That no person or persons doe or shall pay or receave, or cause to be payd or receaved any tobaccoes before it have beene vewed, tryed and entered into the stores aforesayd. And all payments of debts, shall be made and done at the sayd stores, with the privitie and in the presence of the store keepers; and all tobaccoes shall their remayne, until such tyme as the same be laden away aboard some shipp or shippes to be transported out of this colony. And the commissioners for the several parts shall take care to see sufficient stores built and able store keepers appointed as they will answer the contrary.

3dly, And no person or persons for whome one or more cropp or cropps of tobacco shall be planted may
neglect, withhold, or deteyne any tobaccos from bringing the same to the sayd stores uppon penaltie of confiscation of soe much as shall be kept backe at the last day of December; to which purpose alsoe very such person or persons shall be sworne at or before the last day of December yearelie, to take his oath at the sayd stores or theire to present certificate of such oath under the hand of the sayd commissioners, that he or they have kept backe from the sayd stores no tobacco of theire croppe or cropps, except such as is reserved for his or theire owne spendinge to use in his familie.

4thly, The sayd five stores shall be kept in the places followinge, vizt.

At James Citty, at Shirley hand. Iland, Denbeigh, Southampton river in Elizabeth Citty, and Kiskyake, vizt. all the inhabitants in the upper parts, as lowe as Weyanoake shall bringe theire tobacco to the store at Shirley hand. Iland, and the inhabitants from Weyanoake to Stanley hand. and Lawnes Creek to the store at James Citty, and all the inhabitants from Stanley hand. and Laynes Creek downe to Maries Mount to the store at Denbigh. And all the inhabitants of Elizabeth Citty, Accomwacke and the Ile of Kent to the stores in Southampton river.

5thly. Lastlie all the inhabitants of Charles river to the store at the Rocks agaynst Tindall's poynit.

Noe tobacco uppon payne of confiscation after the publication hereof, shall be made upp in rolle except betweene the first day of August and the last day of October, and noe old tobacco shall be made upp upp on the like payne but that which shall be cured that present yeare.

6thly. Be it further ordered, That no planter or master of a familie, shall plant or cause to be planted above 1500 plants per pol; and they which shall not plant tobacco, or they which shall be otherwise employed, may not transferr theire proportion of plantinge the sayd 1500 plants or any part thereof unto any other whomessoever. And as neere as may be the planters shall endeavour themselves to plant and sowe these kindes of tobacco which are of the longe sortes, and all other sorts the next yeare shall be quite left of, and given over; and to prevent any greater quantities every plan-

the ware-houses before the last day of Dec. Oath to be taken.

Exception

At what places stores or ware-houses established.

What tobacco may be made up in rolls.

Number of plants per head limited.

Right of planting not to be transferred.

What sort of tobacco to plant.
Crops of tobacco to be viewed and counted.

Penalty for neglect or excess on the planter.

On the commanders of plantations.

Goods to be landed at James City, & contracts for tobacco there to be made.

Price of tobacco.

Penalty for selling for less.

Invoices of goods to be delivered.

ter or master of a familie plantinge a cropp of tobacco more or lesse shall be tyed to procure one of his neighbours, or some sufficient man to count and number his or theire plants of tobacco who will upon his oath declare and testify unto the commander of that place before the tenth day of July that he hath counted and numbered the sayd plants and shall say in his conscience the just and true number of them, which thinge yt the sayd planters or maysters of a familie shall neglect, or that the number of plants be found to exceede the proportion of 1500 plants per pol, then the commander is hereby required, to present it to the mounthlie corts, and the commissioners there shall give present order to have that whole cropp of tobacco cutt downe, uppon payne of imprisonment and censure of the Governor and Counsel and Grand Assembly, yt the sayd commissioners shall neglect the execution thereof. Also uppon neglect of the commander herein he shall be censured by the Governor and Counsell. And any person soe offending in exceedinge the quantitie of 1500 plants per pol as is aforesayd shall be utterlie excluded from plantinge tobacco, after due conviction of the sayd offence.

7thly, All goods shall be landed at James Citty exceptinge such beddinge and wearinge apperell as belonge to passangers. And all contracts, bargaines and exchanges in tobacco for any part of the sayd goods shall be there only made and done, with the privitie of such store keepers as shall be appoynted at James Citty, uppon penaltie of the forfeiture of the sayd goods and tobacco, both for the buyer and the seller, which shall be elsewhere or otherwise bought or solld. And no person or persons sellinge or barteringe his tobacco shall directlie or indirectlie take any goods for the same under the rate of six pence per pound for every pound of tobacco, which he or they shall see barter or sell, as the goods first cost in England bona fide uppon penaltie of the sayd offence, to forfeite the sayd tobacco soe bartered or solld, the one halfe of which forfeiture shall be to the informer, and the other halfe to publicque uses, and shall also suffer such other punishment as shall be thought fitt by the Governor and Counsell.

8thly, And to avoyd any indirect courses herein to frustrate the good intention of this act all masters or
pursers of shippinge shall deliver uppon oath the true contents of all such goods as are imported in their ships; and that they have discharged none. And yt they shall finde any more than is conteyned in the invoynce which they shall deliver, they shall give knowledge thereof before they land the same. And further to that purpose searchers shall be appoynted to search the shipps and secret places of the sayd shipps, and to seize all concealed goods.

ACT II.

An act concerninge Mynisters' allowance.

THE whole bodie of the Assembly takynge into their consideration the allowance of the twentyeth calves, kidds, and piggs granted unto the mynisters in the 14th act in the Assembly holden on the 14th day of September last past, and made to endure for the terme of one whole yeare, then next ensuinge, for the better encouragement of the mynisters in theire callinge, have thought fitt to continew, the sayd 14th act in all parts and respects, untill the sessions of the next Assembly.

ACT III.

An act for the payment of the Mynisters' Tobacco and Corne.

CONCERNINGE the payment of the dutie of 10 lb. tobacco to the mynisters appoynted by the 16th act of the Assembly holden the 4th day of September last past, It is thought fitt, That the sayd act be repealed so farr forth as concerneth the bringinge in of the sayd 10 lb. of tobacco unto appoynted places for that purpose; and in all other poynuts to continue and remayne in full force and strength. And it is further ordered by the Assembly, That the sayd dutie of ten pounds of tobacco be payd to such whome the mynister shall appoynt at the severall stores aforesaid, before any other tobacco of any man's cropp be disposed of.
**ACT IV.**

An act that the Mynisters appoynt Deacons in remoate places to read common prayer.

IN such places where the extent of the cure of any mynister is so large that he cannot be present himselfe on the Saboth dayes and other holydays, *It is thought fitt*, That they appoynt and allow mayntenance for deacons where any havinge taken orders can be found for the readinge common prayer in their absence.

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**ACT V.**

An act for Tradesmen to worke on their trades.

THE necessitie of the present state of the country requiringe, *It is thought fitt*, That all gunsmiths and naylers, brickmakers, carpenters, joyners, sawyers, and turners, be compelled to worke at their trades and not suffered to plant tobacco or corne or doe any other worke in the ground—And the commissioners in the severall parts of this colony, shall take care to see this act performed. And further to see that they have good payment made unto them for their worke out of the stores as soone as the tobacco is brought thither.

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**ACT VI.**

An act for the Seatinge of the middle Plantation.

*It is ordered*, That every fortyeth man be chosen and maynteyned out of the tithable persons of all the inhabitants, within the compasse of the forrest conteynd betweene Queenes creeke in Charles river, and Archers Hope creeke in James river, with all the lands included, to the bay of Chesepiake, and it is appoynted that the sayd men be there at the plantation of Doct. John Pott, newlie built before the first day of March next, and that the men be imployed in buildinge of houses, and securinge that tract of land lyinge betweene the sayd creekes. And to doe such other workes as soone as may bee, as may defray the chardges of that worke, and to be directed therein as they shall be ordered by the Governor and Counsell. And ye any free men shall this yeare before the first day of May, voluntarilie goe and seate uppon the sayd place of the
middle plantation, they shall have fifty acres of land Inheritance, and be free from all taxes and publique charges according to a former act of Assembly made the forth day of September last past.

Extract from the Minutes of the Judicial Proceedings of the Governor and Council in Virginia.

"24th June, 1633.—A woman, Margaret Hatch, "indicted for murdering her child. Petit jury find "her guilty of manslaughter. Sentenced to be hang- "ed; pleads pregnancy; and jury of Matrons find "her not pregnant."—Ancient Records, vol. 3, pa. 224.

ACTS
MADE BY THE
GRAND ASSEMBLY
HOLDEN AT JAMES CITTERY, THE 21ST AUGUST, 1633.

ACT I.*

An act concerninge the Orders about Tobacco.

WHEREAS for the better orderinge of tobacco, as well concerninge the trade as the plantinge thereof divers acts from tyme to tyme have been made and established, yet partlie for the imperfections and inconveniencees, that are found and doe appeare in sundry of the said acts, and for the varietie and number of them, and cheifelie for that the price of tobacco in the same sett and lynited is so small and not answerable to this tyme, respectinge the present advancement of this commoditie in the kingdome of England and other parts the said act cannot convenientlie be understood, nor without great prejudice continew and be put in execution. And as the said severall acts were at the makinge of them thought to be very good and benefi-

* The acts of this session are generally numbered in the MS. in the margin.
cially for the common welfare of this colony; as divers of them yet are so, if the substance of as many of the said orders as are meete to be continewed shall be reduced and digested into one sole law and act in some uniforme order prescribed and limited for the prices of tobacco, and also for the true dischardginge and landinge of all goods and marchandise at the port of James Citty, there is good hope that it will come to passe that the same lawe beinge duly executed, should advance the price of this comoditie, and yeild unto the planters a good helpe towards theire supportation and further enablinge them to take in hand workes of better consequence;

Be it therefore enacted by the authoritie of this present Grand Assembly, That the orders made in the Grand Assembly holden the first day of February 1632, in one act intituled "The orders concerninge tobacco," with the severall parts in eight distinct branches specified, and the penalty and forfeitures concerninge the same, shall be from and after the publication hereof repealed and utterlie voved. And likewise that the 20 and 21st acts made the 4th day of September, 1632, be also repealed and of none effect.

And be it further enacted, That all goods and marchandise imported into this colony which shall be sould for tobacco shall be only sould and bartered at James Citty, with the knowledge and privitie of such store keepers as shall be there appoynted, who shall be able to testify whether 9d per lb. be really given for the said tobacco and marchandize upon penaltie of the forfeiture of the said goods which shall be otherwise bought and bartered. And if any person or persons within this colony doe directlie or indirectlie sell or barter away any of the tobacco of the groath of this colony for such goods as he or they shall buy at James Citty, under the rate of 9d per lb. bona fide as the goods first cost in England he or they shall forseite for soe doinge the said tobacco, the one halfe of which forfeitures shall be to the informer and the other halfe to publique uses; and shall also suffer such further punishment as shall be thought fitt by the governor and Counsell.

Nevertheless it shall and may be lawfull and free to buy and barter for tobacco at such rates as the parties
can agree, any lands, leases, houses, servants, corne, cattle, hogggs, poultry or any household stuffe, hides, skynnes or any other such commodities as are or shall be raised, built or made in this colony. Any thing in this act to the contrary contented notwithstanding.

Be it further enacted and appoynted, That there be seven stores erected and built in the places hereafter specified, vizt. the first and second of the said stores, to be sett upp in the upper parts in such convenient places, as the counsellors and commissioners for those parts shall thinke most fittinge, for the ease of the inhabitants, comprehendinge all the plantations on both sides the river from the falls to Weyanoake includinge the plantations of Weyanoake. And it is further appoynted, that the third store be erected and built at James Citty, for the inhabitants from Weyanoake to Stanley Hund. and Lawnes creeke on both sides the river. And the forth store to be for the inhabitants of Warrosquyoake in such convenient places where the commissioners shall appoynt. And the fift store at Denbigh comprehendinge all the inhabitants there, in Stanley Hund. and from thence downe to Maries Mount. And the sixt store to be in Southampton river, for the inhabitants of Maries Mount, Elizabeth Citty, Accawmacke and the Ile of Kent. And the seaventh store to be in Charles river, for the inhabitants of Kiskyake, Yorke, and the places adjoyninge. And the commissioners for the severall parts shall take care to see sufficient stores built and able store keepers appoynted as they will answer the contrary. And all the planters shall be obliged to bringe in all their tobaccoes into the said severall stores before the last day of December next, and soe forth from yeare to yeare. And all the said tobacco beinge brought into the said stores, shall be there repacked, viewed and tryed by sworn men nominated for that purpose, whereof one at least to be of the counsell, whose dwellinge is nearest to that place, to whom the rest of the commissioners of the severall plantations shall be joyued assistants, who togethether with such as they shall appoynt shall once a weeke or ofter if neede require, take veiwe of such tobacco as is brought in, and cause the badd and ill conditioned tobbacco instantly to be burnt. And such tobacco as the said sworn shall finde to be good and marchan-

Commissioners to cause stores to be built, & store keepers appointed.

All tobacco to be brought to the warehouses before the last day of Dec. To be inspected by sworn inspectors. One of the council, whose dwelling is nearest to be always an inspector, to be assisted by commissioners of monthly courts.

To attend once a week at least. End tobacco to be burnt. Good, to be received, or

mesic articles.

7 stores or warehouses established.

At what places.
LAW OF VIRGINIA,

Sections of Planting and planting tobacco, preventing planteers from taking the respective parts of the tobacco plant, and the penalties for failure to plant tobacco for the uses of the colonial government.

1. **Plants and Planting**
   - Plants shall be numbered and every planter shall make a plan of their tobacco to be planted, and the said 1500 plants per pole shall be divided between the first day of August and the last day of December, or the said plants being left at the time of the tobacco这时

2. **Planting Limitations**
   - No tobacco shall be planted between the first day of August and the last day of December, and all tobacco shall be planted between the first day of February and the last day of May.

3. **Penalties for Planting**
   - Any planter who fails to plant tobacco according to the above provisions shall be liable to a fine of $200 for every 100 plants not planted.

4. **Planting Certificate**
   - Each planter shall receive a planting certificate from the Governor, President, and other public officers, certifying that they have planted the tobacco as required.

5. **Payments for Tobacco**
   - Payments for tobacco shall be made up in rolls, and any person or persons for whom the planters shall be entitled to receive any tobacco received by the planters shall be entitled to receive any tobacco received by the planters for the use of the colonial government.

6. **Penalties for Non-Planting**
   - Any planter who fails to plant tobacco as required shall be fined $200 for every 100 plants not planted.
oath declare and testify unto

Return on oath.

of

Penalty for neglect.

that place before the last day of July yearelie that he

For exceeding the quantity.

hath counted and numbered the said plants, and shall

Invoices of goods to be delivered.

say in his conscience the just and true number of them,

Oath to be taken.

which thinge yf the said planter or master of a familie

Penalty.

shall neglect, he shall forfeite for the said neglect the

Searchers to be appointed

value of £10 sterlingle to the mainteynance of the cast-

tle. And the commander is hereby tyed under severe

And further it is ordered, that able searchers be appoynted

punishment to present such offenders unto the next

from tyme to tyme to search the holds and secrett

mountlie cort which shall either take good se-

places appoynted at James Citty, the

curity for the payment of the said £10 or commit

true contents of all such goods, and every part thereof

their knowledge, and

in particular to the uttermost of their knowledge, and

that they have not disposed nor sold any of the said

goods, and yf in case they shall finde after such

given in upon oath more than are mentioned in the

same they shall give knowledge of the same; which

oath yf any shall refuse to take then he shall be comit-
ted to prison, untill he shall take the same oath. And

further it is ordered, that able searchers be appoynted

from tyme to tyme to search the holds and secrett

places of all shipps or vessels which shall import any

goods as aforesaid, and yf the said searchers shall finde

any concealed goods, they shall give notice thereof to

the Governor and Counsell and seize them into their

hands.
ACT II.

An act to repeal the 23d act made the 4th day of September, 1632, and for laundinge of goods at James City and speedie repaire of shipps thither, and duty belonginge to the present comander of the fort.

IT is ordered, That the 23d act made the 4th day of September 1632 for the dischardginge and unladinge of all shipps at James City, be in the whole and every part thereof repealed; and that this act in place thereof, with such additions as are therein conteyned be established and concluded, Be it therefore enacted, That every shipp, barque, boate or vessell arrivinge into this colony from England or any other parts whatsoever shall, the first wynd and weather, sayle upp to the port of James City, and shall not unlade any goods or breake any bulke before she shall cast anchor there, upon paine that the captayne, master, owner or pilott, of the said shipp, barque, boate, or vessell, havinge charge and command of the same, shall forfeite the said goods, or the value thereof, and shall also suffer one monthes imprisonment, the one halfe of which forfeite shall be to him or them who will or shall sue for the same, in any cort within this colony, and the other halfe to public uses.—And it is further enacted, That the present comander of the flort at Poynt Comfort or his deputie appoynted to that purpose, upon the arivall of any shipp, barque, boate or vessell the sea without the capes, shall immediateli make his repaire aboard comander of the flort shall administer unto them and every of them the oathes of supremacy and allegiance, which yt any shall refuse to take that then he comit him or them to imprisonment.

And it is further ordered, That the present comander of the flort, shall there read and fixe at the maine mast of the said shipp, barque, boate, or vessell, a proclama- tion followinge:

"To the captaynes, masters, commanders, and pursers of any shipp, barque, boate or vessell arrivinge at the flort at Poynt Comfort; I, Sir John Harvey, Knight, Governor and captayne generall of Virginia send greet-
AUGUST, 1633—9th CHARLES 1st.

These are in his majesties name, to will and require and straightlie to charge and command you and every of you accordinge to the instructions directed unto me and the Counsell of State, from the right hon'ble the Lords of his Majesties most hon'ble privy counsell, that with the first wynd and weather, you sayle directlie to the port of James Citty; and that you unlade no goods nor breake any hulke until you shall come to an anchor there, uppon penaltie of the losse of the sayd goods, and one mounthes imprisonment. Given at James Citty the 21st day of August Anno Domini 1633."

And it is further enacted and ordered, That all such goods whatsoever cominge in any shipp, barque, boate or vessell unto the port at James Citty as aforesaid, shall be there discharged and landed upon penaltie of the forfeiture of all such goods not soe discharged and landed. Nevertheless it shall and may be lawfull to discharge and land any beddinge and wearinge apparell as belonge to passengers; also any strangers or planters after leave obteyned from the Governor, may after the arivall of the shipp at James Citty take such goods as belonge unto them for theire owne use, and convey them to such place as they shall have occasion to imploy them, provided that they doe not sell these goods, nor any part thereof for tobacco.

ACT III.

An act for Wayters to be put aboard all Shipps at theire arrivall at the fort at Poynt Comfort.

WHEREAS it appeareth plainely that divers cap-taynes, masters, officers, saylors and owners of shippes, barques, boates or vessels have notwithstandinge strict lawes made to the contrary, made contracts, sales, and delivered many goods after theire arrivall at the fort at Poynt Comfort, before theire castinge anchor at James Citty, for the prevention of the like abuses hereafter, It is ordered by this Grand Assembly, That all and every shipp, barque, boate, or vessell arrivinge at Poynt Comfort, shall have a sufficient wayter put aboarde from the fort, and not to depart out of the said shipp, barque, boate, or vessell, untill she arrive at the
port of James Citty, which wayter shall see that there be no breach of any of the acts by them the captaynes, masters, officers, saylors, and owners, of any goods shipt or laden in any of the said shipps, barques, boates, or vessells.

ACT IV.

An act for all Contracts, Bargaines, Pleas and Judgments to be made in money and not in tobacco.

WHEREAS it hath beene the usuall custome of marchants and others dealinge intermutually in this colony to make all bargaines, contracts, and to keepe all accounts in tobacco and not in money, contrary to the former custome of this plantation and manner of England, and other places within the king's dominions, which thinge hath bread many inconveniencyes in the trade, and occasioned many troubles as well to the marchants as to the planters, and inhabitants amongst themselves. It is thought fitt by the Governor and Counsell and the Burgisses of this Grand Assembly, That all accounts and contracts, be usually made and kept in money and not in tobacco, and to that purpose, It is also thought fitt, That all pleas and actions of debt or trespass be commended and sett downe in lawfull money of England oulie, and in no other commoditie. And further that all orders, Judgments, decrees, and acts, made and ordered in any of the corts within this colony concerninge the premises shall be sett downe and entered in English money accordinge to the custome of all pleas and judgments in the kingdome of England.

ACT V.

An act that no Tobacco be laden in Shipps that come emptie, but to be freighted accordinge to theire ladinge unlesse at £3 per tun.

THE whole bodie of this Assembly takinge into their consideration the best means to animate & encourage such marchants as adventure hither for the supply of this colony and that they may have such convenient freights as may induce them to continew their
trade with us and divers other shipps cominge almost emptie into this colony havinge either altogether or discharged theire ladinge in other parts have yet obtained full freight of tobacco occasion of enhanseinge the rates of tunnage and freight to the great prejudice of this colony; It is therefore ordered that no shipps or vessels be permitted to have any more freight here then quantitie of theire goods imported in the said shipps, or otherwise except those said shipps cominge wholly unladen or in part will accept of freight of tobacco at 3 £ per tunn.

ACT VI.

rates that they bought the same, to the great prejudice of the inhabitants here, It is ordered and enacted, That what person or persons soever shall buy any shoos, Irish stockings, course wollen stuffs, servants shirts or course lynnens to make shirts, or sheets for servants, or course wollen clothes for fittinge for servants apparell, and afterwards doe sell the same at dearer rates than he bought the same, shall be judged, reputed and taken an unlawful ingrosser and ingrossors, and shall receive such punishment as is apoynted by the statutes and the lawes of England. Neverthelesse, this act any thinge therein conteyned shall not preiudice any marchant or other that shall buy any of the goods aforesaid for any planter in any remote plantation, haveing under the hands of the planters there to buy any of the goods aforesaid for theire uses, and to take such allowance as they can agree, provided that he buy no more than he hath order to buy, and that such goods soe bought be onlie and meerelie necessarie for the use of that plantation.
ACT VII.

An act made to repeale the 24th act made the 4th day of September 1632 and for the shipps to pay powder and shott to the flort.

FOR divers considerations it is thought fitt and soe ordered, That the 24th act made the 4th of September, 1632, be repealed and stand voyd, and this ensuinge act be instead thereof in full force and power.

Be it therefore enacted by the authoritie of this present Grand Assembly, That every shipp cominge out of the ocean unto the habour at Poynt Comfort, in dischardge of all payments and duties there for the said shipp, shall pay one quarter of a pound of powder and shott proportionably for every tunn of burthen that the said shipp is of. And the commander of the flort at Poynt Comfort shall hereby have power to require and take the same.

ACT VIII.

An act to repeale the 25th act made the 4th of September 1632, and that Hempe and Flaxe be planted.

IT is ordered, That the 25th act made the 4th day of September 1632 be repealed and voyd. And that every planter as soone as he may, provide seede of flaxe and hempe and sowe the same.

ACT IX.

An act against Transportation of Cowes and Female Catle.

WHEREAS it doth appeare that the late preservation of female neate catle within this colony hath much encreased the number of them and inricht this colony, and the continewance thereof yet for a tyme will much encrese the number of them further; It is ordered, That no cowes, heifers, or female catle be transported to any other parts of the government of this colony now established, upon the forfeiture of the catle soe transported, or the true value of them, the one halfe of which forfeiture shall be to the informer, and the o-
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ther halfe to publique uses, And this act to continew in force untill the next Generall Assembly.

ACT. X.

An act that no Armes or Amunition be sould to the Indians.

IT is ordered and appoynted, That yf any person or persons shall sell or barter any gunns, powder, shott, or any armes or amunition unto any Indian or Indians within this territorie, the said person or persons shall forfeite to publique uses all the goods and chattells that he or they then have to theire owne use, and shall also suffer imprisonment duringe life, the one halfe of which forfeiture shall be to him or them that shall informe and the other halfe to publique uses.

ACT. XI.

An act that no Cloath be sould to the Indians.

WHEREAS there hath beege great quantities of cloath, bayes, and cotton, bought upp out of the stores of this colony, by such as have traded the same with the Indians, at such tyme when as the inhabitants have beeene in great want and neede. Now although all trade with the natives is to be cherished for many respects, yett it is thought fitt that the necessitie of our present want, be first to be supplyed, And therefore it is ordered, That no person or persons, doe trade or trucke any such cloath, cotton or bayes, unto any Indians which is or shall be brought into this colony, as mar- chandize intended to be sould to the planters here, upon penaltye and forfeiture of double the value of such cloath, cotton or bayes, as any such person or persons shall trade or trucke unlesse the Governor uppon veiwe taken in the stores that there is such cloath, cotton or bayes doe give leave and lyccuse to trade and trucke such cloaths, cotton or bayes to the Indians.
SECRETARIES' & marshal's fees, to be paid in money.

SECRETARIES' FEES.

WHEREAS by the 57 and 58 acts made the 4th of September, 1632, the fees of the secretaries shall be appointed in tobacco and corne, It is ordered by this present Grand Assembly, That the fees be rated in money as followeth, vizt.

The Secretaries fees to be—

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>for an ordinarie warrant</td>
<td>2s 6d</td>
</tr>
<tr>
<td>for a passe</td>
<td>5 0</td>
</tr>
<tr>
<td>for a commission to trade</td>
<td></td>
</tr>
<tr>
<td>for a commission of administration</td>
<td>10 0</td>
</tr>
<tr>
<td>for a patent</td>
<td>15 0</td>
</tr>
<tr>
<td>for recording per sheete</td>
<td>1 0</td>
</tr>
<tr>
<td>for an order of court</td>
<td>2 6</td>
</tr>
</tbody>
</table>

The Marshalls fees to be—

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>for an arrest</td>
<td>5 0</td>
</tr>
<tr>
<td>for warninge to the cort</td>
<td>1 0</td>
</tr>
<tr>
<td>for imprisonment</td>
<td></td>
</tr>
<tr>
<td>Layinge by the Heeles</td>
<td>5 0</td>
</tr>
<tr>
<td>For whippinge</td>
<td>2 6</td>
</tr>
<tr>
<td>pillory</td>
<td></td>
</tr>
<tr>
<td>duckinge</td>
<td></td>
</tr>
</tbody>
</table>

And for lodginge and diett as the prisoner and the marshall can agree.

And these fees as well for the secreatorie as the marshall shall be paid in tobacco or corne accordinge as the rate then goeth.

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ACT XIII.

An act to repeale the allowance of the 20th Calfe, Kidd, or Pigge, to the Mynisters.

WHEREAS by the Assembly held on the first day of February 1632 the act intituled "An act concerninge the Mynisters' allowance," is onlie to continew
untill the session of this present Assembly, *It is now thought fitt, That the said act be fully repealed, voyd, and of none effect untill it shall be fittinge to re-estab-lish the sayd act. And for such mynisters as have not this yeare, for the tyme past, taken the sayd tythes of the 20th calfe, kidd, or pigge, *It is also ordered, That the composition which they have made for the said act be fully repea-ted, and of none effect untill it shall be fitte to re-es-tablish the sayd act. And for such mynisters as have not this yeare, for the tyme past, taken the sayd tythes.

**ACT XIV.**

*In act act for the allowance of Store Keepers.*

*It is ordered, That the store keepers for the seaven stores appoynted by the Assembly shall have 1 per cent, for theire care in keepinge accounts of the seve-rall parcells of tobacco receaved into these stores and theire attendance keepinge the keyes and carefull look-inge to the said tobacco. And it is ordered, That the store keeper at James Citty shall have 1 per cent, of all tobacco which shall be paid to any marchants for any kinde of goods bought for tobacco at James Citty; and the said store keeper at James Citty shall kepe sealed weights and lawfull and true stilliards allowed by the Governor to weigh all such tobacco, as shall passe out of the said store for goods bought at James Citty. And the said 1 lb. of tobacco shall be borne as follow-eth, vizt. one moyetie thereof by the planters, & one moyetie by the marchant or partie to whom the said tobacco shall be paid as aforesaid.*

**ACT XV.**

*In act for the payment of 1-2 a bushelel of Corne to Captayne Mathewes.*

*It is ordered, That the 1-2 bushell of corne which by the assembly was formerlie given to Captayne Sa-muell Mathewes, shall be brought to such landinge places, as the commanders shall appoynt, that it may with the more conveniency be payd into such boates as shall be sent to collect the same.*
An act for all new comers to pay 64 lb. of Tobacco to the maintenancy of the fort at Poynt Comfort.

FFOR the maintenancy of the fort at Poynt Comfort, *It is enacted and ordered,* That all such as have arrived in this colony since the taking of the general muster for the paymt. of the generall debts the 4th Sept. last past, being freemen, and likewise all titheable persons of the said freemens families, shall pay in like manner as the planters of this colony have paid 64 lb. of tobacco per poll, to be paid the next crop after their arrival, by soe many as shall be liveinge the first day of September; *Nevertheless* it is permitted unto them that yf the said new comers with their families shall not plant tobacco the said first yer, they shall be free and exempted from payinge the said 64 lb. of tobacco. And yf any surplusage shall remayne over and above the mainteuncy of the fort, *It is thought fitt,* that 1000 lb. of tobacco be allowed out of this levy of 64 lb. of tobacco unto the interpreter who shall be resident with the Governor. And the commanders, upon the first day of December, shall, togeather with the generall muster, deliver a list of such new comers in. *And it is ordered* that the severall storekeepers for the stores in this colony, shall receave the said 64 lb. of tobacco, and deliver an account of the same unto Mr. John Corker the generall accountant. And this present Assembly doe confirme and approve of the order of court made the 14th day of December last past by the Governor and Counsell, vizt.

<table>
<thead>
<tr>
<th>lb.</th>
<th>tob.</th>
<th>barr's.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>10 corne</td>
<td></td>
</tr>
<tr>
<td>1000</td>
<td>6 corne</td>
<td></td>
</tr>
<tr>
<td>1000</td>
<td>6 corne</td>
<td></td>
</tr>
<tr>
<td>500 lb. tob. &amp; 4 barr's of corne</td>
<td></td>
<td>2000 and 16</td>
</tr>
<tr>
<td>6000</td>
<td>38 corne</td>
<td></td>
</tr>
</tbody>
</table>

"October 7th, 1634.—Henry Coleman excommunicated for 40 days, for using scornful speeches and "putting on his hat in church, when, according to an "order of court, he was to acknowledge and ask for- "giveness for an offence."—Ancient Records, vol. 3, pa. 225.

Since the foregoing work was put to press, the Editor has discovered, in a MS. volume, with which he was favored by the President of the United States (Mr. Jefferson) that all the preceding extracts, as taken from the Ancient Records of the London Company, are accurately given. The matter and arrangement of the two MSS. so entirely correspond, that they induce a belief that the one was copied from the other. The MS. belonging to Mr. Jefferson was procured from the executor of Richard Bland, Esq. and is in the same hand-writing with which the acts of 1623, and several other public papers of that period are attested by "R. Hickman, Clk. of the Secretary's Office." In this MS. there is a reference to the Roll in which the subject matter may be found; which was not the case in the Records of the London Company.]

"Roll No. 11.—1634."

"Pa. 174.—Sherriffs appointed for the several coun- 
ties."

"Acts in 1634, among which, one is, that the Secre- 
tary or his deputy attend his office from 8 to 10 in the "morning; & from 2 till 4 in the evening, except Sun- "days and Holydays.—29th April 1635. And that "during vacancy of the Governor, the Secretary "should sign commissions, and passes, and manage "the affairs of the Indians."

"An Assembly to be called to receive complaints "against Sr. John Harvey, on the petition of many "inhabitants, to meet 7th of May."

"On the 28th of April 1635, Sr. John Harvey "thrust out of his government; and Capt. John West "acts as Governor, till the King's pleasure known.
"In 1634. The country divided into 8 shires, which are to be governed as the shires in England.

"The names of the shires are,

| James City | Warwick River |
| Henrico | Warrosquyoake |
| Charles City | Charles River |
| Elizabeth Citty | Accawmack |

"And Lieuten'ts. to be appointed the same as in England, and in a more especial manner to take care of the warr against Indians. And as in England sheriffs shall be elected to have the same power as there; and sergeants, and bailiffs where need requires."

"Commissioners, instead of £5 causes, may determine £10 causes and one of the council to have notice to attend and assist in each court of shire."

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**ATT A**

**GRAND ASSEMBLY**

6th January, 1639—Sir Francis Wyatt, Gov.

[From a MS.* belonging to Thomas Jefferson, President of the United States, which was purchased by him from the executor of Richard Bland, dec'd.]

**ACT I.**

TOBACCO by reason of excessive quantities made being soe low that the planters could not subsist by

*This MS. volume is lettered "Writings relating to Virginia," and contains most of the old charters, instructions to the governors, &c. At the end of the volume is an abstract of public papers, taken from the rolls, the number and page of which are referred to; but without regard to chronological order. The acts of 1639, appear to be a mere abridgement; and, from the hand-writing and orthography, it seems to have been made long posterior to their date. This abstract concludes with a list of the governors of Virginia, down to the year 1722, at which time, or shortly afterwards, it was probably compiled. The hand-writing on comparison appears to be that of "R. Hickman," by whom, as "Clerk of the Secretary's Office, several public papers are attested."
it or be unable to raise more staple commodities or pay their debts, 

**Enacted** that the tobacco of that year be viewed by sworn viewers and the rotten and unmer-
chantable and half the good to be burned. So the whole quantity made would come to 1,500,000 without strip-
ing and smoothing; and next 2 years 170 lb. tobacco per poll striped and smoothed was to be made which would make in the whole about 1,300,000 lb, and all creditors were to take 40 lb. for a hundred.

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**ACT II.**

**NOE** man to be obliged to perform above half his covenants about freighting tobacco in 1639.

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**ACT III.**

WHEREAS by reason of the late proclamation pro-
hibiting (until further order from this Assembly) all trade for tobacco, diverse persons were indebted for money whose debts are to be satisfied in tobacco at 3d. per pound and merchants to advance but 30 per cent, on their goods and both debtor and creditor to be ac-
countable according to the sale of the tobacco in Eng-
land or the debtor may consign his tobacco and pay money.

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**ACT IV.**

AFTER the planters debts are paid they shall not dispose of the remainder of their tobacco made 1639 under 3d. per pound at the first penny.

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**ACT V.**

A TUN of tobacco to consist of 4 hhd's, and if any master of a ship exacted above £6 per tun freight he was to be fined at pleasure of Governor and Council.

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**ACT VI.**

AFTER 10th May debtors to make tender of their tobacco before the viewers.
ACT VII.

HOW public charges and impositions is to be paid, vizt. ministers 10lb. per poll to maintain himself, clk. and sexton; muster master gen'l. 3lb; capt. of the fort and ten guards, 3lb. Two lbs. to be raised next year. to build a new fort at Point Comfort and 2lb. more to build a state house.

ACT VIII.

NOT to pay above 2 thirds of their debts during the stint.

ACT IX.

TOBACCO made 1640 not to be sold under 12d per pound and 2s per lb. next year's crop, on forfeiture of the whole crop.

ACT X.

ALL persons except negroes to be provided with arms and ammunition or be fined at pleasure of the Governor and Council.

ACT XI.

JAMES CITY to be the chief town and Governor is to have his residence there.

ACT XII.

AN act against buying wine or liquors repealed.

ACT XIII.

AN act to plant orchards made in 1636 revived.
ACT XIV.

ANY person may export to New England or other neighboring colony the 7th head of neat cattle and no more under penalty double value.

ACT XV.

NO person to buy corn of the neighbouring colonies or Indians unless it be 16s. per barrel, and then must first obtain Governor's commission for it, and when corn is under 12s. by such commission, may export it.

ACT XVI.

A DEED or mortgage made without delivery of possession to be adjudged fraudulent unless entered in some court.

ACT XVII.

AN act in 1637, which makes it felony to barter with the Indians repealed, and enacted that for trading with them for arms and ammunition shall be felony, and for other commodities imprisonment at discretion of the Governor and Council.

ACT XVIII.

PLACES to be paled in to bury the dead in.

ACT XIX.

NO sheriff to compell any man to go off the plantation where he lives to choose burgisses.

ACT XX.

CHURCH wardens to present to monthly courts, and the court is to inflict punishments if within their cognizance.
ACT XXI.

NOT to shoot or hunt on other men's land that is seated and bounds marked under penalty of 40s. but may pursue deer and shoot on their own land.

ACT XXII.

WHAT shall be the bounds of Isle of Wight, Upper and Lower Norfolk Counties.

ACT XXIII.

HOGGS to be confined in pens by night and to have keepers by day or owner to satisfy all damages done by them.

ACT XXIV.

SEVEN years after date of patents, 2s. per hundred acres quitrents to be paid yearly, at some convenient place to be appointed in each county.

ACT XXV.

CHISKIACK to be a parish.

ACT XXVI.

NO demorage to be allowed for the stay of ships—according to a proclamation for stinting and regulating tobacco.

ACT XXVII.

A MAN that has a wife or child in England that did formerly reside here may be allowed a proportion of tobacco.

ACT XXVIII.

COUNCIL and 10 servants each, exempted from publick charges.
ACT XXIX.

THE act of 22d 8br. last concerning burgisses charges repealed, and the act in 1636 revived instead thereof.

ACT XXX.

MR. Benjamin Harrison to be paid £ 7: 10: 0 sterling instead of 600 lb. tobacco due from the publick.

ACT XXXI.

ORDINARY keepers to have instead of 6 lb. tobacco, or 18d. in money for a meale or gallon of beer but 12d. because of the great plenty of provisions.

ACT XXXII.

LAWNS Creek made a parish.

ACT XXXIII.

BY an act in 1633 all masters of ships were to pay a proportion of powder and bullets to the fort at Point Comfort according to their tunnage. Now enacted that they pay match and paper Royal proportionable to burden.

ACT XXXIV.

LEXY 17 lb. tobacco per poll.
Of the proceedings of the Grand Assembly of Virginia in the year 1642, we have no remains, except two papers, the one entitled "The Declaration against the Company to be entered as the twenty-first act;" the other, "A Remonstence of the Grand Assembly." The first is signed by the Governor, members of the Council and House of Burgesses, and dated at James City, the first day of April, 1642, in the 18th year of the reign of Charles, &c. immediately after which the Assembly adjourned to meet on the second day of June in the same year:—The other is dated the first day of July, 1642. These papers are preserved both in the Ancient Records of the London Company, and in a manuscript volume belonging to Thomas Jefferson, Esq. (President of the United States,) which was purchased by him from the executor of Richard Bland, Esq.—From this last mentioned volume the following are extracted. See, for the first, page 106; and, for the second, page 103.]

The Declaration against the Company to be entered as the twenty first act.

TO all christian people to whom these presents shall come to be read, heard or understood, We the Governor, Council and Burgesses of the Grand Assembly in Virginia send greeting in our Lord God Everlasting: Whereas George Sandis, Esq. being appointed agent for the colony by an Assembly 1639 hath exhibited a petition in the name of the adventurers and planters in Virginia to the Honourable House of Commons in Parliament in England for the restoring of the letters patents of incorporation to the late Treasurer and Company—mistaking his advice and instructions from the said Assembly; for his so doing it being neither the meaning nor intent of the said Assembly or inhabitants here for to give way for the introducing of the said company or any other.
To which intent and purpose this Grand Assembly having fully debated and maturely considered the reasons on both sides as well arguing for as against a company and looking back into the condition of the times under the company as also upon the present state of the colony under his majesties government they find the late company in their government intolerable the present comparatively happy and that the old corporation cannot with any possibility be again introduced without absolute ruin and dissolution to the colony for these reasons following, vizt.

1st. The intolerable calamity of the colony we find proved by many illegal proceedings and barbarous torments inflicted upon divers of his majesties subjects in the time of the said companys government all which appear per depositions taken at a Grand Assembly anno 1632 and is known to divers now living in the colony.

Also we find the whole trade of the colony to the general grievance and complaint of the inhabitants then and now appearing to us monopolized by the said company insomuch that upon the going home of any person for his country it was not free for him to carry with him the fruits of his labour for his own comfort and relief but was forced to bring it to the magazine of the company and there to exchange it for useless and unprofitable wares.

2dly. The present happiness is exemplified to us by the freedom of yearly assemblies warranted unto us by his majesties gracious instructions and the legal trial per juries in all criminal and civil causes where it shall be demanded. And above all by his majesties royal encouragement unto us upon all occasions to address ourselves unto him by our humble petitions which doth so much distinguish our happiness from that of the former times that private letters to friends were rarely admited passage.

To the third for introducing the old corporation without ruin and dissolution to the colony at present as a thing not possible we conceive we have these just grounds.

1st. There can be no right or property introduced for them without proving the illegality of the King's proceeding so that all grants since upon such a founda-
tion must of consequence be and tending to displeasure, we the present planters enjoy our lands by immediate grant from his majesty if (as it is argued in their petition) the King had no power to grant our possessions must give place to their claim which is one invincible argument (as we conceive) of the ruin and dissolution to the colony at present; when if their pretences take place we must be outed of all. And whereas it is alleged that the charter of orders from the Treasurer and Company anno 1613. gives us claim and right, to be members of the corporation quatenus planters we find the company by the said charter where members planters and adventurers are considered by themselves and distinguished in privileges from planters and adventurers not being members and we further find ourselves (being the King’s grantees) in the said charter condemned, the clause plainly pronouncing in these words (we do ordaine that all such persons as of their own voluntary will and authority shall remove into Virginia without any grant from us in a great and general quarter court in writing under our seals shall be deemed, as they are, occupiers of our land that is to say of the common land of us the said Treasurer and Company) much more such grantees as have their right from an erroneous judgment as they pretend.

2dly. That if the Company be renewed by which means they as aforesaid have leave and the strength of their own charter of orders publicly in this colony to displant us the wiser world we hope will excuse us if we be wary to depart with what (next our lives) nearest concerns us (which are our estates being the livelihood of ourselves, wives and children) to the curtesy and will of such taskmasters from whom we have already experimented so much oppression.

3clly. We may not admit of so unnatural a distance as a company will interpose between his sacred majesty and us his subjects from whose immediate protection we have received so many royal favours and gracious blessings.

For by such admission

1st. We shall degenerate from the condition of our birth being naturalized under a monarchical government and not a popular and tumultuary government
depending upon greatest number of votes of persons of several humours and dispositions as this of a company must be granted to be from whose general quarter courts all laws binding the planters here did and would again issue.

2dly. We cannot without breach of natural duty and religion give up and resign the lands which we had granted and hold from the king upon certain annual rents (fitter as we humbly conceive if his majesty shall so please for a branch of his own royal stem then for a company) to the claim of a corporation; for besides our births our possessions enjoin us as a fealty without a salva-side aliis domiuis.

We conceive by admission to a company the freedom of our trade (which is the blood and life of a commonwealth) is impeached; for they who with most secret reservation and most subtlety argue for a company tho' they pretend to submit the government to the king yet they reserve to the corporation propriety to the land and power of managing the trade, which word managing in any sense taken we can no ways interpret, then a convertable to monopolizing; for whether in this sense that all the commodities raised in the colony shall be parted with, exchanged or vended at such rates and prices as they shall set down or such wares and merchandizes as they shall import or be disposed into their magazine or such bottoms as shall from time to time be licensed or ordered by them, or whether in this sense that the planters only such comodities and in such proportions as by advice and determination of their quarter courts shall be directed, still the terms and condition of the planters are subjected to a monopoly that is to their sole guidance governing and managing with what reason we leave to the world to judge; for tho' we submit in depth of judgment and understanding to such as shall sit at the helin there, yet it is very possible and indeed most probable that at this distance wise men may mistake and there is more likelyhood that such as are acquainted with the clime and the accidents thereof may upon better grounds prescribe our advantages both for quantity and quality of comodities which by the bounty of his majesty we now enjoy by our Grand Assembly and in any other way will be destructive unto us according to our possession.
Though we may admit the pretence that the government shall be made good to the King that is that the King shall nominate and appoint the Governor. First we find it directly (besides the scope of the part which insists upon the restoring of the company in all formalities next we take it at best but for a fallicie and trap not of capacity enough to catch men with eyes and foresight for upon a supposition that a governor shall be named and appointed by his majesty yet his dependance (so far forth as continuing or displacing) will by reason of their power and interest in great men there rest in them which necessarily brings with it conformity to their wills in whatsoever shall be commanded, which how pernicious it will be to the colony according to our assertion in this head we leave to the ablest judgments.

We the Governor, Council and Burgesses of this present Grand Assembly having taken into serious consideration these and many other dangerous effects which must be concomitant in and from a company or corporation have thought fit to declare and hereby do declare from ourselves and all the commonalty of this colony that it was never desired, sought after or endeavoured to be sought for either directly or indirectly by the consent of any Grand Assembly or the common consent of the people. And we do hereby further declare and testifie to all the world that we will never admit the restoring of the said company or any for or in their behalvs saving to ourselves herein a most faithful and loyal obedience to his sacred majesty our dread sovereign, whose royal and gracious protection and allowance and maintenance of this our just declaration and protestation we doubt not according to his accustomed clemency and benignity to his subjects to find. And we do further enact and be it hereby enacted and manifested per authority aforesaid that what person or persons soever either is or hereafter shall be any planter or adventurer shall go about by any way or means either directly or indirectly to sue for advice, assist, abet countenance or contrive the reducing of this colony to a company or corporation or to introduce a contract or monopoly upon our persons, lands or commodities upon due proof or conviction of any of the premises, (to wit) by going about by any way or means to sue for, advise, assist, abet, countenance or contrive the reducing of this colony to a company or corporati-
on, or to introduce a contract or monopoly as aforesaid, upon the due conviction as aforesaid shall be held and deemed an enemy to the colony and shall forfeit his or their whole estate or estates that shall be found within the limits of the colony the one half shall be and come to public uses the other moiety or half to the informer. This act to be in force and the penalty therein contained to extend to all the adventurers and planters now residing in the colony upon the publication at James City and to all adventurers and planters now in England or elsewhere out of the limits of the colony within five days after the arrival of this our said declaration, protestation and act within the kingdom of England, signed under our hands and sealed with our seal of the colony at James City the first day of April in the year of our Lord 1642 and in the eighteenth year of the reign of our sovereign Lord Charles over England, &c.

The Governor, Council and Burgesses of this present Grand Assembly taking into serious consideration the many and weighty business begun in this present Grand Assembly and which yet do remain unfinished and to prevent all doubts whether the passing of the acts already agreed upon will not be a determination of this Assembly do hereby enact and by the authority of this present Grand Assembly be it enacted that notwithstanding the passing and enacting of divers acts already agreed upon this present Assembly shall lest be determined but that it be adjourned to the Thursday in Whitson week being the second day of June next coming at which time and day the whole body of this present Assembly consisting of the Governor, Council and Burgesses shall repair to James City then and there to determine and finish all such matters as shall be found necessary to be concluded and enacted whether in matters already begun or other business that shall then begin or be proposed that may redound to the glory of God, the honour of his majesty and the good of the Colony.

William Berkeley.


Geo: Ludlowe.
WHEREAS the natural and most wished effects of Assemblys may summarily be comprehended and the ordering and enacting of good and wholesome laws and ratifying and relieving of such disorders and grievances which are incident to all states and republic in which considerations this Assembly may seem to have declined and swerved from those true intents of so happy constitutions if their endeavours and declarations be apprehended either by a bare view of the laws few in number and therefore not answering the expectation of a meeting exceeding customary limits of time in this place used or by comparing the payments and levies now imposed much more free any in respect that in them the grievance of the inhabitants were principally stated,

It is therefore thought fit by them to present and remonstrate to the colony the weighty consequence and benefits redounding thereto by their late consultations.

1st. The first is instanced by repealing the act of four pound per poll yearly to the Gov. which is a benefit
descended unto us and our posterity which we acknowledge contributed to us by our present Gov.

Next by abolishing condemnations and censures (presidential from the time of the corporation) of the inhabitants from colonies service wherein we may not likewise silence the bounty of our present Governor in preferring the public freedom before his particular profit in which act also we may pronounce the inhabitants absolutely to have recorded the birthright of their mother nation and the remains of the late company's oppression to be quite extinguished.

3dly. The near approach which we have made to the laws and customs of England in proceedings of the court and trials of causes.

4thly. The rules and forms set down for deciding of differences and debates concerning titles of land and otherwise.

5thly. The appropriating and accommodating of parishes with metes and bounds that God Almighty may be the more duly served.

6thly. The treaties and overtures with the Gov. of the province of Maryland requiring much time for maturing and very successful in opening a trade in the Bay of Chesapeake.

7thly. The settling of peace with friendship with the Indians by mutual capitulation and articles agreed and concluded on in writing by many messages and interruptions lengthened.

8thly. The Common grievances relieved and removed in assessments proportioning in some measure payments according to mens abilities and estates augmented unto the wealthier sort by the number of the milk kind and in that relief afforded to the poorer sort of the inhabitants which course through the strangness thereof could not but require much time of controverting and debating.

9thly. Lastly the gracious inclination of his majesty ever ready to our protection and now more particularly assured to us together with the concurrence of a
happy parliament in England were the greater motives to us to take the opportunity of establishing our liberties and privileges and settling our estates often heretofore assaulted and threatened and was lately invaded by the late corporation and of preventing the future designs of monopolizers contractors and preemptors ever hitherto incessant upon us not only bereaving us of all cheerfulness and alacrity but usurping the benefit and disposition of our labours and we apprehended no time could be misspent or labour misplaced in gaining a firm peace to ourselves and posterity and a future immunity and ease from taxes and impositions which we expect to be the fruits of our endeavours and to which end we have thought it seasonable for us liberally and freely to open our purses not doubting but all well affected persons will with all zeal and good affection embrace the purchase and pray to Almighty God for the success.—

Given at a Grand Assembly at James City the first of July 1642.

WILLIAM BERKELEY.

AT A

GRAND ASSEMBLY

holden at James City the second day of March, 1642-3.

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death, it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]
Capt. Thos. Pettus,
Capt. Hum. Higginson,
Capt. Wm Bernard,
Mr. Geo. Ludlow,
Capt. Rich. Townsend,

The names of the Burgesses for the severall plantations are as followeth:

For Henrico county

Capt. Mathew Gough,
Mr. Arthur Bayly,
Mr. Dan. Luellin.

For Charles Citty county

Mr. Walter Aston,
Mr. Tho. Stegg, Speaker,
Mr. Walter Chiles.

For James Citty county

Capt. Robt. Hutchinson,
Mr. Rowland Sadler,
Mr. Hen. Filmer,
Capt. John Fludd,
Mr. Stephen Webb,
Mr. Wm. Davis.

For Warwick River county

Capt. Tho. Flint,
Mr. Toby Smith.

For Elizabeth City county

Mr. John Branch,
Mr. John Hoddin.

For the Isle of Wight county

Mr. Auth. Jones,
Mr. Rich. Death.

For Vpper Norff. county

Mr. John Carter,
Mr. Randall Crew.

For Lower Norff. county

Mr. Cornelius Loyd,
Mr. Edward Windham,
Mr. John Chew,
Capt. John Chesman,
Mr. Wm. Tayler.

For Northampton county

Mr. Phillip Tayler,
Mr. Edmond Scarbrough.

WHEREAS the many and sundry acts and laws at former Grand Assemblies established in severall books and volumes digested have been found very prejudiciall to the Collony by this Grand Assembly, for reducing the same into a more exact method and
order, And for preventing all mistakes & pretenses, which may arise from misinterpretation or ignorance of the law’s in force. *It is therefore thought fitt, and accordingly enacted by the Governour, Council & Burgesses of this Grand Assembly and the authority acts and laws of all former Assemblies be from repealed & made void. Such onely excepted, which are hereafter mentioned as followeth (vizt.)

**ACT. I.**

IN the first place *Be it enacted* for the advancement of God's glorie and the weale publique, that these orders & constitutions hereafter following concerninge the Church government be and remaine in full power, force & vertue.

That there be a vestrie held in each parish, for the makeing of the leavies and assessments for such vses as are requisite & necessary for the repairing of the churches, &c. and that there be yearly chosen two or more churchwardens in every parish.

ITT: That the most sufficient and selected men be chosen and joyned to the minister and churchwardens to be of that Vestrie.

ITT: That there be a yearly meeting of the ministers & churchwardens before the comander & com’rs. of every county court in nature of a visitation according to the orders & constitutions of the church of England, which is there usually held every yeare after Christma’s.

ITT: That there be an oath administered to the churchwardens that they deliver in a true presentment in writing of such misdemeanors as to their knowledge have been comitted the year before, whilst they have been churchwardens, namely, swearing, prophauing God's name, and his holy Sabboths, abuseing his holy word and commandments, contenning his holy sacraments or any thing belonging to his service or worship.

ITT: If any person or persons of what degree or condition soever shall abuse themselves with the high & foule offences of adultery, whoredome or fornication or with the loathsome sinne of drunkennes in the abuse of God’s creatures, of those and every those to make a true presentment.
MARCH 1642-3—18th CHARLES 1st.

Itt: That the lattargie of the church of England for the administration of the word & sacrament, he duly performed according to the booke of common prayer, allowed by his Ma'rie & confirmed by consent of parliament.

Itt: That the churchwardens shall likewise at that time deliver upon their oaths a true account of all levies, collections & disbursments as have been in their time concerning church affairs whereby all things concerning the same may be fairely carried, And all collections so made to be paid by the churchwardens, according to the order for the ministers duties, & brought to the place appointed by the churchwardens for the time being.

Itt: That there be a true & perfect register kept in a booke & yearly presented at the said visitation of all weddings, christenings & burials and that the clerke of every parish shall present to the commander of every monethly court a list of all weddings, christenings & burials within their parish the present moneth.

That there be no marriage solemnized vnless by a license vnder the signett from the Governour, or the banes lawfully published in the parish or parishes where both parties do inhabite.

Itt: That the said meeting or visitation be after the coming in of the new churchwardens & going out of the old, And that the old churchwardens be not discharged until they have given vpp their presentment as aforesaid.

Itt. That there be a place sett out and allotted for the buriall of the dead in evrie plantation according to the appointment of the commander & minister of the place.

Itt. That every minister have his clark and also sexton, for the keeping cleane of the churches, & other services in the absence of the ministers according to the canons of the church of England, & his or their means to be allowed by the parishoners.

That all freemen that are hired servants shall pay their own tithes and duties are to be collected per pol for the country service.

It is also enacted & confirmed, by the authority aforesaid that the vestrie of evrie parish with the allow-
ed; and punished for neglect, &c.

May be suspended by the governor and council, but removed only by the general assembly.

Poor to be exempted from public charges.

Ministers' allowance.

How collected.

ance of the commander & com'rs. of the county living & residing within the said parish, or the vestrie alone in case of their non residence shall from henceforward have power, to elect and make choyce of their ministers, And he or they so elected by the commander and com'rs, or by the vestrie in case of non residence as aforesaid to be recommended and presented to the said command- er and com'rs. or vestrie alone, to the Governor & so by him admitted, Provided that it shall be lawfull for the Gov'r. for the time being to elect and admit such a minister as he shall allow of in James-Citty parish, And in any parish where the Governor & his succes- sors' shall have a plantation provided he or they enjoy not that priviledge but in one parish where he or they have such a plantation, And upon the neglect or mis- becominge behaviour of the ministers or any of them, compl't. thereof being made by the vestrie, The Go- vernour & Council are requested so to proceed against such minister or ministers by suspension or other pu- nishment as they shall think fitt & the offence require. Remove all of such ministers to be left to the Grand Assembly.

Be it further enacted and confirmed for the releife of diverse poore people that have been of very long con- tinuance in the country, and are disabled to labor by rea- son of sicknes, lamenes or age, The vestrie of everie parish are hereby enjoyned upon the complaint of such poore & vnable persons to give them a certificate to the com'rs. of the county where such poore shall reside to testifie their poverty which shall free them from all publique charges except the ministers' & parish duties.

Be it also enacted and confirmed That there be ten pounds of tob'o. per poll & a bushel of corn per poll paid to the ministers within the several parishies of the collony for all tithable persons, that is to say, as well for all youths of sixteen years of age as vpwards, as also for all negro women at the age of sixteen years, And it is also further ordered for the better conveniencie & ease of the ministers that upon the twentieth of No- vember if it be not Sunday, & then upon the day fol- lowing (notice being first given by the churchwardens a week before,) That the parishioners shall bring in the duties of ten pounds of tob'o. for the ministers vn-
to a place appointed by the churchwardens in that plantation, And that the ministers be warned to be there, or appoint some others to receive the same, The said churchwardens to give the aforesaid warning, And it is likewise ordered that the duties of a bushel of corn be brought in upon the 19th of December to a place appointed by the churchwardens in that plantation by the minister (notice being given as aforesaid,) The payment to be made by two bushels of ears for one bushell of shelled corn, & so rateably, And it is further ordered that if any planter or parishoner do neglect the bringing of the corn or tob‘o. as aforesaid, he or they for such default shall forfeit double the quantity of tob‘o. or corn to be levied by distresse by the authority of the commander, And it is further established that the ministers petty duties shall be as followeth.

\[
\begin{align*}
\text{lb, tob.} & \\
\text{For solemnization of matrimony without a license} & \text{40} \\
\text{If with a license} & \text{100} \\
\text{For burialls} & \text{10} \\
\text{For churching} & \text{10} \\
\text{For breaking ground in the church the pay is left to} & \\
\text{the churchwardens & vestrie} & \\
\text{For breaking ground in the chancell att the discretion of} & \\
\text{the ministers.} & \\
\end{align*}
\]

\[\text{Penalty for failure.}\]

\[\text{Fees to ministers.}\]

**ACT II.**

BE it also enacted & confirmed, that noe master or commander of any vessel, boat, barke, or shipp, shall transport any person or persons out of the collony except the said person or persons do produce a pass under the hand of the governour & attested by the secretary, upon the penalty to pay all such debts as any such person shall stand indebted to any person within the collony, at his or their departure, And it is further ordered that before any passe shall be signed to any person, he or they shall bring certificate to the secretaries office from the commander or monethly court where he or they reside that he hath sett vp his name tenn daies at the place of meeting of the county court or otherwise shall putt in sufficient security for the payment of all debts that are due or oweing from them to any person within the collony,
Restrictions on the governor, &c. as to taxes.

Punishment for feloniously killing a tame hog.

For killing a wild hog, without license from the governor.

Sufficient fences to be made.

Penalty for hunting or killing hogs, &c. breaking into grounds not sufficiently fenced.

LAWS OF VIRGINIA,

ACT III.

IT IS FURTHER ENACTED & CONFIRMED, that the Governor & Council shall not lay any taxes or impositions upon this colony their lands or commodities otherwise than by the authority of the Grand Assembly to be levied & imployed as by the Assembly shall be appointed.

ACT IV.

BE IT ALSO ENACTED & CONFIRMED, that what person or persons soever within the colony shall feloniously kill a tame hogg being none of his owne & being thereof lawfully convicted shall suffer as a felon, And whosoever shall kill any wild hoggs without lycense from the Governor, unless it be within the bounds of his own land shall for his offence be censured by the Governor & Council, or in case it be within the bounds of his own land such person killing any wild hoggs shall call two of his neighbors being housholders who may witnesse that the hogg was vnmarked. And before such view of neighbors what persons soever shall kill a wild vnmark-ed hogg, and cutt off his ears, shall be censured as aforesaid (as in case of a transgressor for killing of wild hoggs without the bounds of his own lands,) The ears to be brought in to the next commissioner as formerly. It is likewise thought fitt to be explained that this clause of viewing the ears shall extend to such as shall have license from the Governor for killing of wild hoggs, Provided that this clause of killing of wild hogges nor the penalty thereof shall not extend to Smith's Island.

ACT V.

BE IT ALSO ENACTED & CONFIRMED, That ev'rie planter shall make a sufficient fence about his cleared ground, And if he be deficient therein what trespass or damage he shall susteyne by hoggs, goats or cattle whatsoever shall be to his own losse and detriment, And also if it happen that any person shall hunt any of the said hoggs, goats or cattle as aforesaid that shall so offend them & do them harm he shall make satisfaction for any of them that shall be so hurt, to the owners of the said hoggs, goats or cattle, to be recovered
within any court of justice within the colony. And it is thought fit & so ordered that where any hoggs, goats or cattle, shall endamage any planter for want of such fence as aforesaid and the party dammified do wilfully kill or otherwise hurt so as the said hoggs or cattle do die of such hurt, whether by doggs set upon them or otherwise, in such case the owner of the ground shall not onely be liable to satisfie the full value of such hoggs, goat or cattle, But by vertue of this act shall be adjudged to satisfie double the value of such hoggs, goats, or cattle so killed to the owners of them.

ACT VI.

BE it also enacted and confirmed for preventing and redressing the great abuses by the excessive and exorbitant ingrossing of commodities brought into the colony and forestallers of the market, (as hereafter is expressed, vizt.) what person or persons soever shall buy any shooses, Irish stockins, course woollen or linnen stockins, servants shirts, or any linnen whatsoever, servants woollen clothes, or any woollen cloth whatsoever strong liquors, soape, candle, sugar, fruite, spices, nailes, or any manner of ironware, armes, ammunition, or any necessarie comoditie whatsoever and do sell the same at a dearer rate then they were bought by them, such person shall to all intents and purposes be counted an ingrosser and foresteller, and such person or persons so offending against the premises, shall for every such sale of the aforesaid goods forfeit double the valuel of what the goods were sold by him or them, halfe of which forfeiture shall be and come to the King's majestie, the other halfe to the informer: Nevertheless it shall be lawfull any thing in this act to the contrary notwithstanding, for any person having bought a servant and undergone the charge and hazard of seasoning of any such servant, to make his best advantage by putting off or bartering such servant to any other inhabitant within the colony.

ACT VII.

BE it also enacted and confirmed that according to his majesties instructions no master of any shipp or vessel arriving to the collony shall breake bulke or make
sale of any goods or servants, nor any merchant or other
person whatsoever arriving in such shipp or vessel be-
fore such shipp or vessell shall arrive at the porte of
James City, (at which port they shall ride at anchor
four and twenty hours at least.) And it is further or-
dered, that if any master, merchant or any other per-
son whatsoever shall offend against the premises, such
master shall forfeit for such offence of breaking bulk
two pounds of powder for each tun of burden, one
moyity whereof shall be and come to the publique stock
and the other moyity to the informer, And such mas-
ter, merchant or any other person whatsoever for such
offence of sale of goods or servants before arrival to the
foresaid port, shall forfeit the full valew of the goods
and servants so sould, the one halfe whereof shall be
and come to the King's ma'tie and the other halfe to
the informer, And for removing and taking away of all
pretense of ignorance to this said act by any master,
merchant or any other person whatsoever, It is further
ordered that the capt. leu'tt. or other officer of the fort
shall affix a copy of this act to the mainmast of any
shipp or vessell that shall arrive within James River,
Provided that this act nor the penalty thereof shall not
extend to any shipp or vessell that shall be consigned
to Charles River or Northampton county.

ACT VIII.

BE it also enacted and confirmed that there be two
acres of corne to be planted for each worker.

Two acres of corn to be planted for each worker.

Constables to present for failure.

Penalty for failure.

Penalty for

Copy of this act to be fix-
ed to the mainmast.

Exception.
BE it also enacted and confirmed, that all command-
ers or masters of shippes coming out of the ocean into
the harbor of Poynt Comfort or elsewhere within the
lymitts of the collonie shall pay vnto the capt. of the
fort, his deputy or deputyes or such whom the gover-
nor shall appoint a quarter of a pound of powder and
shott proportionable for every tunn of burden that the
shipp, shall be of, as also match and paper royal accord-
ing to their burden or tunns, The burden to be account-
ed as they are entered at the custome house or as they
doe pay to the lights or other duties in the kingdom of
England, And it is further enacted that all command-
ers and masters of shippes shall at their arrivall give in
a true list vpon oath to the capt. of the fort or his de-
puty of the number of the passengers.

ACT X.

BE it also enacted and confirmed, for a finall deter-
mination of the Isle of Weight county, Vpper and
Lower Norff: countyes that the Isle of Weight county
shall beginn at Lawne's creek and from thence to ex-
tend downe along the maine river vnto the plantation
of Rich: Hayes formerly belonging vnto John Howard including the said plantation and family from thence to extend from the main river into the woods souther-
ly vnto the plantation of William Nowell and Mr. Ro-
bert Pitt including likewise the said plantation and fa-
milys and from thence southerly as aforesaid.

And the vpper county of New Norff: to begin at the
aforesaid plantation of Rich: Hayes and from thence in the woods southerly as aforesaid, and by the mayne
river, from thence to extend downe by the mayne river into the creeke near vnto the plantation of sir Francis Bul-
lock being the first creeke to the westward of Crayne Poynt, including the plantation of the said sir Francis Bul-
lock, and no waies trenching upon the western branch of Elizabeth River, nor the creeks thereof which do
belong to the county of the Lower Norff:

These bounds being sett and lymitted by the consent
and agreement of the burgesses for the said countyes.
WHEREAS the rights and interests of the inhabitants are very much infringed by hunting and shooting of divers men upon their neighbours lands and dividends contrary to the privileges granted to them by their patents, whereby many injuries do daily happen to the great damage of the owners of the land whereon such hunting or shooting is used, It is therefore enacted and confirmed that if any planter or person shall hunt or shoot upon or within the precincts or limmits of his neighbour or other dividend without leave first obtained for his soe doing, and having been warned by the owner of the land to forbear hunting and shooting as aforesaid, he or they soe offending shall forfeit for everie such offence four hundred pounds of tobacco, the one halfe to the owner of the land, the other halfe to publick vses—Notwithstanding it shall and may be lawfull for any person or planter to hunt and shoot upon any dividend of land not being planted or seated without any restraint or penalty, Provided that the limmits of everie dividend be bounded with certain and noted marks. Provided also that it shall be lawfull for any person having stott a deare or other game without the limmits of any man's land to pursue the said deare or game into the dividend of another man, and freely to carry away the same without any trespass against the owner or proprietor of the said land and without incurring the penalty of this said act.

Mortgages to be registered in quarter or monthly courts; or deemed fraudulent as to creditors.
such conveyance shall be adjudged fraudulent and to all intents and purposes void and of none effect. Provided that this act shall not extend to such persons who for satisfaction of just debts shall make a bill of sale of their estate or any part of them, and thereupon deliver the estate mentioned in the bill of sale into the possession of the creditor, but that such act shall be good to all intents and purposes although it be not done, nor acknowledgment thereof made in any court within the colony as if this act had never been.

**ACT XIII.**

*BE it further enacted and confirmed* that the plantation and county now known by the name of Accomack shall be known and called by the county of Nor’thton. It is likewise enacted and confirmed that Charles River county shall be distinguished by this name (the County of York) And that Warwick River shall be called the County of Warwick, And that Chickahomini parish shall be nominated and called Wallingford.

**ACT XIV.**

*BE it also enacted and confirmed* upon consideration had of the large extent of the county of North’ton and the great inconvenience for the inhabitants to be all of one parish that the said county shall be divided into two parishes, The bounds of the one to be from the eastermost side of King’s Creek towards the uttermost extent of land towards Smith’s Island including all the land between the bay of Chesopeiak and the sea-board side.

And the other parish, from the northward side of the said King’s Creek to Nuswattocks including all the lands between the said bay of Chesopeiak and the sea-board side.

*BE it also enacted and confirmed* that the inhabitants of Mrs. Edlow’s divident lying above Sandy Poynt shall be taken and admitted into the parish of Wallingford.
ACT XV.

BE it enacted and confirmed that Warwick county shall be bounded as followeth: from the mouth of Keth's* creek vpp along the lower side of the head of it, including all the divident of Mr. Thomas Harwood (provided it prejudice not the antient bounds of James Citty county) with Mulberry Island, Stanly Hundred, Warwick River, with all the land belonging to the Mills, and so down to Newports News with the families of Skowen's damms and Persimon Ponds.

ACT XVI.

BE it further enacted and confirmed, vpon the petition of the inhabitants of Linhaven parish, by the Governor, Council and Burgesses of this Grand Assembly that the parish of Linhaven be bounded as followeth (vizt.)

To beginn at the first creek shooting out of Chesopeiack bay called the Little Creek including all the branches of the said creek and thence extending to the head of Lynhaven river, including all the branches of the said river, and thence to extend down to the head of the eastern branch of Eliz: River to a creek on the northward side of the said branch called the Broad Creek, and on the southward side to a creek called the Indian creek. Provided it be not prejudicial all to the parishes of Eliz: River and southerne shore by taking away any parte of the said parishes, And it is further enacted and confirmed by the authority aforesaid that the inhabitants of Lynhaven parish shall not be compelled by any officer to be exercised in martiall discipline beyond the lymitts of the said parish, And that the said parishoners shall have the free liberty and priviledge of electing and choosing Burgesses for the said parish.

ACT XVII.

FFOR the better inabling the inhabitants of this collony to the religious worship and service of Almighty God which is often neglected and slackened by

* Note in the MS. "Now Skisser."
the inconvenience and remote vastnes of parishes, It is therefore enacted and confirmed by the authority of this present Grand Assembly, that the county of Vpper Norff: shall be divided into three distinct parishes (vizt.) one on the south side of Nansinum River, The bounds of the parish to beginn from the present gleab to the head of the said river, on the other side of the river, the bounds to be lymitted from Cooling's Creek including both sides of the creek vpwards to the head of the Westerne Branch and to be nominated the South parish.

It is also thought fitt and confirmed that the east side of Nansinum River from the present gleab downewards to the mouth of the said River be a peculiar parish to which the gleab and parsonage house that now is shall be appropriated and called the east parish. — The third parish to beginn on the westerly side of Nansinum River to be lymitted from Cooling's Creek as aforesaid and to extend downewards to the mouth of the River including all Chuckatuck on both sides and the Ragged Islands and to be knowne by the name of the West parish.

Be it also enacted and confirmed that the parish of Chescake be called Hampton Parish.

Be it also enacted and confirmed for the conveniency of the inhabitants on both sides of Appomattock River being farr remote from the parish church of the said plantation vpon Appomattock be bounded into a parish by themselves as followeth, to beginn at Cau- son’s field within the mouth of Appomattock River on the eastward side, and at Powell’s Creek on the westward side of the river, and so to extend vp the river to the falls on both sides and the said parish to be call- ed by the name of Bristoll.

Be it also enacted and confirmed that the bounds of the parish of Weynoak be as followeth, beginning at the creek called David Jone’s creek, and so vpwards along the mayne river vnto the Oldman’s Creek, and over the river to filowerday Hundred and so downe the river on that side the water vnto Chippoak’s Creek where Charles Citty county endeth.
Confirmation of the will of Benjamin Symms, giving lands in Elizabeth City for a free school.

ACT XVIII.

Be it also enacted and confirmed upon consideration had of the godly disposition and good intent of Benjamin Symms, dec. in founding by his last will and testament a freeschool in Elizabeth county, for the encouragement of all others in the like pious performances, that the said will and testament with all donations therein contained concerning the freeschool and the situation thereof in the said county and the land appurtening to the same, shall be confirmed according to the true meaning and godly intent of the said testator without any alienation or conversion thereof to any place or county.

ACT XIX.

WHEREAS much ground intended for James City hath layen long deserted by the antient proprietors who neither build themselves nor suffer others, This present Grand Assembly doth hereby enact and confirm that all such that have built decent houses upon ground so deserted towards the making of a Towne since January 1640 or shall add more to them after publication of these acts shall hold them without interruption of the said proprietors or any of them, according to the custome and his majesties and their lordships instructions concerning land, Provided allways that the said antient owner shall have allotted him as much ground in stead thereof as near the towne as conveniently may be, Provided allways in such ground so deserted such as shall build vpon it and take it vpp for themselves shall pay to his majestie all such and the like rent or rents as are reserved vpon the grant to the first proprietor as in the case of other land deserted.

ACT XX.

WHEREAS many great abuses & much detriment have been found to arise both against the law of God and likewise to the service of manye masters of families in the collony occasioned through secret marriages of servants, their masters and mistresses being not any ways made privy thereto, as also by committing
of fornication, for preventing the like abuses hereafter, 
Be it enacted and confirmed by this Grand Assembly 
that what man servant soever hath since January 1640 
or hereafter shall secretly marry with any maid or wo-
man servant without the consent of her master or mis-
tress if she be a widow, he or they so offending shall in 
the first place serve out his or their tyme or tymes with 
his or their masters or mistresses, and after shall serve 
his or their master or mistress one compleat year 
more for such offence committed, And the mayd or 
woman servant so marrying without consent as afore-
said shall for such her offence double the tyme of ser-
vice with her master and mistress, And a freeman so 
offending shall give satisfaction to the master or mis-
tress by doubling the value of the service and pay a fine 
of five hundred pounds of tobacco to the parish where 
such offence shall be committed, And it is also further 
enacted and confirmed by the authority of this Grand 
Assembly that if any man servant shall comit the act of 
fornication with any maid or woman servant, he shall 
for his offence, besides the punishment by the law ap-
pointed in like cases, give satisfaction for the losse of 
his service, by one whole year's service, when he shall 
be free from his master according to his indentures, 
And if it so fall out that a freeman offend, as formerly 
he shall be compelled to make satisfaction to the mas-
ter or mistris of the said woman servant by his service 
for one compleat year, or otherwise give forthwith such 
valuable consideration as the comissioners in their 
discretion shall think fitt.

ACT XXI.

WHEREAS complaints are at every quarter court 
exhibitted against divers persons who entertain and 
Enter into covenants with runaway servants and free-
men who have formerly hired themselves to others to 
the great prejudice if not the vter vndoing of divers 
poor men, thereby also encouraging servants to runn 
from their masters and obscure themselves in some re-
mote plantations, Upon consideration had for the fu-
ture preventing of the like injurious and vnjust deal-
ings, Be it enacted and confirmed that what person or 
persons soever shall entertain any person as hireling, 
or sharer or vpon any other conditions for one whole

Also for committing for-
nication.

Penalty for 
harbouring or dealing 
with a run-
away servant or hireling
yeare without certificate from the commander or any one commissioner of the place, that he or she is free from any ingagement of service, The person so hireing without such certificate as aforesaid, shall for every night that he or she entertaineth any servant either as hireling or otherwise, forfeit to the master or mistris of the said servant twenty pounds of tobacco, And for everie freeman which he or she entertaineth (formerly hired by another) for a year as aforesaid, he or she shall forfeit to the party who had first hired him twenty pounds of tobacco for every night deteyned. And for everie freeman which he or she entertaineth (though he hath not formerly hired himselfe to another) without certificate as aforesaid, And in all these cases the party hired shall receive such censure and punishment as shall be thought fitt by the Governor and Council: Allways provided that if any such runaway servants or hired freemen shall produce a certificate, wherein it appears that they are freed from their former masters service or from any such ingagement respectively, if afterwards it shall be proved that the said certificates are counterfeit then the retayner not to suffer according to the penalty of this act, But such punishment shall be inflicted uppon the forger and procurer thereof as the Governor and Council shall think fitt.

ACT XXII.

WHEREAS there are divers louttering runaways in the collony who very often absent themselves from their masters service, And sometimes in two or three monthes cannot be found, whereby their said masters are at great charge in finding them, And many times even to the losse of their year's labour before they be had, Be it therefore enacted and confirmed that all runnaways that shall absent themselves from their said masters service shall be lyable to make satisfaction by service at the end of their tymes by indenture (vizt.) double the tyme of service soe neglected, And in some cases more if the commisioners for the place appointed shall find it requisite and convenient. And if such runnaways shall be found to transgresse the second time or oftener (if it shall be duely proved against them) that then they shall be branded in the cheek with the
letter R. and passe vnnder the statute of incorrigible rogues. Provided notwithstanding that where any ser-

vant shall have just cause of complaint against their masters or mistrises by harsh or vnchristianlike usage or otherways for want of diet, or convenient necessa-
ryes that then it shall be lawfull for any such servant or servants to repaire to the next commissioner to make his or their complaint, And if the said commissioner shall find by good and sufficient proofs, that the said servant's cause of complaint is just, The said comissioner is hereby required to give order for the warning of any such master or mistris before the commissioners in their securall county courts, where the matter in difference shall be decided as they in their discretions shall think fitt, And that care be had that no such servant or servants be misused by their masters or mistrises, where they shall find the cause of complaint to be just. Be it further also enacted that if any servant running away as aforesaid shall carry either peice, powder and shott, And leave either all or any of them with the Indians, And being thereof lawfully convicted shall suffer death as in case of felony.

ACT XXIII.

BE it also enacted and confirmed, that what person or persons soever shall sell or barter with any In-
dian or Indians for peice, powder and shott and being thereof lawfully convicted, shall forfeit his whole estate, the one halfe to the informer the other halfe to the vse of the county where such fact shall be committed, And if any person shall barter or trade with the Indians for any other commodities such person shall suffer imprisonment at the discretion of the Governour and Counsell, And whereas it is informed that divers persons do enter-taine Indians to kill deare or other game, And do furnish the said Indians with pieces, powder and shott, by which great abuse, not onely the Indians (to the great indangering of the collony) are instructed in the vse of ovr arms, But have opportunity given them to store themselves as well with arms as powder and shott, Be it therefore enacted, That what person or persons soever within the collony, shall lend any Indian either peice, powder and shott, It shall be lawfull for any person meeting with any such Indian so furnished, to
take away either piece, powder or shot, so as such person taking away either piece, powder or shot do carry the same to the comander of the county, and acquaint him therewith, which said comander is hereby authorized to give possession to the informer either of the piece, powder or shot so brought before him, And the said comander is further required, to make a strict inquiry and examination to find out such person that did lend or give such piece, powder or shot to the Indians, And in case the said commander or other commanders in examination shall find any person by just proof delinquent in the premises, he or they are to bind over the said party to answer the same, before the Governor and Counsell the ensuing quarter court, And in such case the party delinquent for his just offence shall forfeit two thousand pounds of tobacco, the one halfe whereof shall be and come to the King's majesty, the other halfe to the informer, And it is further enacted that such delinquent for his second offence shall forfeit his whole estate, one halfe to the King, the other halfe to the informer. And this act to be of force after publication hereof in each county.

ACT XXIV.

THE Governor and Counsell with the Burgesses of the Grand Assembly haveinge taken into serious consideration the estate of the collony and finding that many people have (through their ingagements in England) forsaken their native countrey and repaired hither with resolution to abide here, hoping in time to gain some competency of subsistance by their labors, Yet nevertheless their creditors hearing of their aboad here in the collony, have prosecuted them with their actions to the ruine of the said debtors, And having duly weighed the causes and reasons inducinge such debtors to leave their countrey and friends, And if such suits and pleas be thus early admitted before the countrey shall come to better maturity, It might hazard the deserting of a great part of the country, Therefore that the generall good be preferred before the particular ends of any person, The Governor, Counsell and Burgesses do hereby enact and confirm, that all process & suits of this nature be suspended until his majestie shall
signifie his royal pleasure herein, Provided that if it shall appear to the Governor and counsel that the debts soe impleaded have relation to the collony either for adventure of any goods or for the accomodation of any planter in or for his return into the collony, Then it shall and may be lawfull for any creditor upon just profe of his debt to have such releif as in justice shall be found due. Any thing in this act to the contrary notwithstanding,

ACT XXV.

BE it also enacted and confirmed that the order of court made the 8th of October 1630 for the grant of land to the Vndertakers that seated the first and second year vpon Chescake and Yorke be hereby ratified and confirmed vnto the said vndertakers according to the true intent of the said order.

ACT XXVI.

WHEREAS divers controversies have risen between masters and servants being brought into the collony without indentures or covenants to testifie their agreements whereby both masters and servants have been often prejudiced, Be it therefore enacted and confirmed for prevention of future controversies of the like nature, that such servants as shall be imported haveing no indentures or covenants either men or women if they be above twenty year old to serve foure year, if they shall be above twelve and vnder twenty to serve five years, And if under twelve to serve seaven years.

ACT XXVII.

BE it further enacted and confirmed by the authori-ty aforesaid that no blank warrant shall be made or executed by any clerke or sheriff within the col-lon, And also that no writ or process be directed to more than one sheriff (vules against felons runaway
servants or for other criminal causes,) And for such as shall be found delinquent to be censured by the Governor and Counsell.

ACT XXVIII.

Be it also enacted by this Grand Assembly that it shall be free and lawful for any merchant, factors or others of the Dutch nation to import wares and merchandizes and to trade or traffique for the commodity of the collyny in any shipp or shippes of their owne or belonging to the Netherländs, And whereas it is pretended by a petition exhibited to this Assembly from Dutch merchants that the nation is much discouraged from adventuring hither by reason of the strict course which is taken here, to exact bonds with security for the payment of his majesties custome at the port of London, (which security they being strangers is very difficult for them to find or procure,) Be it therefore enacted and established by this Grand Assembly and the authority of the same that what Dutch merchant shall adventure goods and merchandise into this collyny and shall bring in with them good and sufficient letters of creditt directed to the Governor from some merchant or merchants inhabitting within the City of London of knowne reputte and ability to this effect, that the said merchant from such letters shall come will satifie to his majest's collectors or customers such dues and demands as shall be found due to be paid by them, and is or shall he thought fitt to required from merchants of that nation trading in that commodity within the kingdom of England or at the port of London, that then it shall be free and lawful for such Dutch merchant to exporte his tobacco out of the collyny without entring into any bond or obligation for defraying any customes or without any stopp or hinderance, then that he be compelled to charge bills of exchange to satisfy according to the tenor and effect of the letter of creditt. And it is further thought fitt that this act be transmitted and authenticated under the signett of the Counsell and the hand of the Secretary.
MARCH, 1642-3—18th CHARLES 1st.

ACT XXIX.

BE it also enacted that no person or persons whatsoever for any offence already committed or to be committed shall be hereafter adjudged to serve the colony.

ACT XXX.

WHEREAS by the 18th act of Assembly 1641, It was appointed for the equal appraisements of goods seized by execution that all plts. and defts. should choose each of them two indifferent men for that purpose and in case of disagreement the said four or any three of them do chuse an umpire, which umpire so chosen, shall be sworn before the next commissioner to praise such goods indifferently and his umpirage to be final, And whereas the said act doth not lymitt a convenient time for the chusing of appraisers as aforesaid which causeth much neglect and delay to arise to the prejudice of divers persons if it be not prevented, Be it therefore enacted by the authority of this Grand Assembly that if any persons either plt. or deft. shall neglect to appoint appraisers according to the real intent of the said act within three days notice given them by any sheriff to whom execution of seizure shall be directed, It shall be lawful for any sheriff in case of neglect as aforesaid to chuse and appoint appraisers, either for the plt. or deft. for the appraisement of any goods seized by execution as aforesaid.

ACT XXXI.

BE it further enacted and confirmed that no sheriff for the future do retain continue or execute the office of a sheriff any longer then one whole year in one county, And the said sheriff of everie county respectively doe bring in and yeeld vp at everie March quarter court yearly to the Governour and Counsell a just accompt of all publique comands committed to their charge, At which time they are to be discharged at the said court, and also that all sheriffs doe give good caution to the county courts for the performance of the trust committed vnto them.
LAWS OF VIRGINIA,

**ACT XXXII.**

*BE it also enacted and confirmed* for the benefit of all orphans that the commissioners of the several counties do take into their serious consideration and care that no land belonging to any orphan within their counties respectively, be alienated, sold estranged or taken up as deserted by any person or persons during their minority, until three years after their full age, nor that they suffer, nor any waives conive att the overseers or guardians intrusted for orphans as aforesaid, do farm, sett or lett to lease any tenements or lands due to such orphans for any longer term of years then until the said orphans shall come to age as aforesaid.

**ACT XXXIII.**

WHEREAS divers suits are and have been commenced in courts, depending on the differences of land, to the great trouble and molestation of the whole colony, for prevention thereof, *be it enacted and confirmed,* that if any person or persons whatsoever have sett downe vp any plantation or ground which did properly belong to any other man, And if it shall fall out by a just survey to be the right of him, Although it hath been formerly peopled, cleared and builded vp on by authoritie, that a valuable consideration be allowed by the judgment of twelve men vp on oath to the first that hath seated vp on it, But if the charge shall amount to more then the owner is willing to disburs, that he that is in possession shall give satisfaction for the land what it may be judged worth, by twelve men before the seating thereof, which jurie to be sworn by the next authoritie qualified to the administration of an oath, *Provided* that this act shall not extend to any orphans land nor that such land shall be accounted deserted vntil three years after the full age of any orphan.

**ACT XXXIV.**

WHEREAS there hath been the generall sufferinge of the colony, that the orphans of divers deceased persons have been very much abused and pre-
judiced in their estates by the negligence of overseers and guardians of such orphans, Be it therefore enacted and confirmed, that the guardians and overseers of all orphans shall carefully keep and preserve such estates as shall be committed to their trust either by order of court or otherwise, And shall likewise deliver an exact accompt once every year to the comissioners of the several county courts respectively of the said estates and of the increase and improvement, who are hereby required to keep an exact register thereof, And all overseers and guardians of such orphans are injoyed by the authoritie aforesaid to educate and instruct them according to their best endeavours in Christian religion and in rudiments of learning and to provide for them necessaries according to the competence of their estates, And where any shall be found delinquent in the premises the comissioners of the said county courts are required to take the care of the said orphans and their estates into due consideration and to see them provided for according to their estates and qualities.

ACT XXXV.

Be it also enacted & confirmed, for the better observation of the Sabbath that no person or persons shall take a voyage upon the same, except it be to church or for other causes of extreme necessitie upon the penalty of the forfeiture for such offence of twenty pounds of tobacco being justly convicted for the same.

Be it further enacted & confirmed, for the better observation of the Saboth and for the restraint of divers abuses committed in the collony by unlawful shooting on the Sabbath day as aforesaid, vnles it shall be for the safety of his or their plantations or corne fields or for defence against the Indians, he or they so offending shall forfeit for his or their first offence being thereof lawfully convicted, if he be a freeman the quantity of twenty pounds of tobacco, and if a servant to be punished at the discretion of his master, And if masters of any such servants be remisse and negligent in the punishing of his servant for the offence aforesaid he shall be liable to the forfeiture of twenty pounds of tobacco, being justly convicted for the same.
ACT XXXVI.

FFOR as much as Walter Austin, Rice Hoe, Joseph Johnson and Walter Chiles for themselves & such others as they shall think fitt to joyn with them, did petition in the Assembly in June 1641 for leave & encouragement to undertake the discovery of a new river or unknowne land bearing west southerly from Appomattake river, Be it enacted and confirmed, that they and every of them and whome they admitt shall enjoy and possess to them, their heires, executors or administrators or assigns all profit whatsoever they in their particular adventure can make vnto themselves by such discovery aforesaid, for fourteen years after the date of the said month January 1641, Provided there be reserved and paid vnto his majest's vse by them that shall be appointed to receive the same, the fifth part Royall Mines whatsoever, Provided also, that if they shall think fitt to employ more than two or three men in the said discovery that they shall then do it by commission from the Governour and Counsell.

ACT XXXVII.

WHEREAS manie and great in conveniencies do dayly arise by dealing for monie, Be it enacted and confirmed by the authoritie of this present Grand Assembly, that all monie debts made since the 26th day of March 1642 or hereafter shall be made shall not be pleadable or recoverable in any court of justice vnder this government, And that a coppie of this act be by the Capt. of the shott or his deputy, be fixed on the mastes of all shippes vpon their arrivall within the government, to the intent that all people whatsoever might take notice hereof.

ACT XXXVIII.

FFOR as much as divers men have been att great charges for the laying out and surveying their severall dividents according to a former order of court for the surer and certainer settlements of themselves in their estates, Be it enacted and confirmed, that all surveys made by allowed surveyors, are hereby approv-
ed as authentick, And that no person or persons whatsoever who hath layd out or surveyed his or their land or lands shall be hereafter compelled to resurvey his or their land or lands by any surveyor or surveyors whatsoever.

**ACT XXXIX.**

**FOR the dispatch and reputation of public bussinesses, Be it enacted and confirmed** that none of the Burgesses of this nor any following Assembly shall be arrested from the time of his election until ten days after dissolution of the Assembly wherein he serves as a Burgesse.

**ACT XL.**

**BE it enacted and confirmed by the authoritie of this Grand Assembly that the 22d day of March be yearly kept holy in commemoration of our deliverance from the Indians at the bloody massacre the 22d March 1621, And that the ministers of every parish give notice thereof to his parishoners the Sabbath day next before.**

**ACT XL1.**

**IT is enacted and confirmed** that masters of every family shall bring with them to church on Sundays one fixed and serviceable gun with sufficient powder and shott upon penalty of ten pound of tobacco for every master of a family so offending to be disposed of by the churchwardens who shall levy it by distress, and servants being commanded and yet omitting shall receive twenty lashes on his or their bare shoulders, by order from the county courts where he or they shall live.

**ACT XLII.**

**IT is enacted and confirmed by the authoritie aforesaid** that all such persons as were here or came in att the last coming of Sir Tho. Gates should be exempted from their personal service to the wars and all
Exception.

Boats and canoes, penalty for privately taking them.

Creditors suing their debtors who have tendered satisfaction, to pay costs.

Sheriff of each county to keep pri-
spectively shall detain and keep all such prisoners as shall from time to time happen to be within the said several counties as there to have their tryall before the Governor and Counsell att Ja: City vntill the first day of the said court which shall be appointed for their tryall, And that then the said sheriffs or their deputies are to deliver the said prisoners into the custody of the sheriff of James City, And be it further enacted and confirmed that the commissioners of the several counties doe take care that sufficient prisons be built for the use of the several counties respectively.

Be it further enacted and confirmed by the authoritie aforesaid that if any person shall happen to escape from the hands or custody of any sheriffs of any several counties respectively for want of a sufficient prisoner in each county. All such sheriffs shall find his remedie against the several counties which shall be delinquent in the building of prisons, And it is also enacted and confirmed that the said sheriffs shall bring in account att every Grand Assembly of such charges and disbursements as are occasioned in their several counties, by keeping his ma'ts. prisons and the said disbursements to be satisfied out the publicke charge.

ACT XLVII.

Be it further enacted and confirmed by the authoritie aforesaid that in any person shall happen to escape from the hands or custody of every sheriff of any several counties respectively for want of a sufficient prisoner in each county. All such sheriffs shall find his remedie against the several counties which shall be delinquent in the building of prisons, And it is also enacted and confirmed that the said sheriffs shall bring in account at every Grand Assembly of such charges and disbursements as are occasioned in their several counties, by keeping his ma'ts. prisons and the said disbursements to be satisfied out the publicke charge.

Secretary's fees.

Imp's. for a patent — 50
  for a commission of administration — 50
  for a freedom — 50
  for a probat — 50
  for a commission to trade — 50
  for a pass — 30
  for a common warrant — 15
  for a copie order — 15
  for execution — 30
  for recording per sheet — 06

And it is further enacted and confirmed by the authoritie aforesaid that it shall be lawfull for Mr. Secretary or any for him to demand and take twelve pence for everie foure pounds of tobacco of such as are wil-
ling to satisfy fees in money. Provided that no inha-
bitant may have cause to complain of the stay of his
business for want of money.

*Be it further enacted and confirmed by the authori-
tie aforesaid* that the fees hereafter mentioned shall be
belonging to the Secretary’s clerk of the quarter court, as
followeth, for the entry of every appearance two
pound of tobacco to be paid by the deft. for the copy
of every petition, answer and reply, or any other writ-
ing that shall pass under the hand of either plt. or deft.
before the filing in the office, which shall be after
judgment past in court (vizt.) six pounds of tobacco
for every such petition, answer, reply or other writing
as aforesaid, And the several sherriffs are hereby en-
joyed to collect the fees of the Secretary and the
Clerke of the Counsell, with power to distress in case
of refusal or denial to make payment together with
the general levies.

*Be it further enacted and confirmed by the authori-
tie aforesaid,* That the fees of the clerke of the sev-
e rall county courts be as followeth (vizt.)

<table>
<thead>
<tr>
<th>lb. Tobacco</th>
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<tr>
<td>flor a warrant</td>
</tr>
<tr>
<td>flor a copy of an order</td>
</tr>
<tr>
<td>flor an execution</td>
</tr>
<tr>
<td>for certificate</td>
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<tr>
<td>flor a deposition</td>
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</tbody>
</table>

*Be it further enacted and confirmed by the authori-
tie of this Grand Assembly* that the sherriffs’ fees shall
be as followeth:

<table>
<thead>
<tr>
<th>lb. Tobacco</th>
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<tbody>
<tr>
<td>flor an arrest   -</td>
</tr>
<tr>
<td>flor bond takeing -</td>
</tr>
<tr>
<td>Warning to court -</td>
</tr>
<tr>
<td>Going into prison -</td>
</tr>
<tr>
<td>Whipping         -</td>
</tr>
<tr>
<td>Pillory          -</td>
</tr>
<tr>
<td>Serving a subp’a. -</td>
</tr>
<tr>
<td>flor serving an execution under 100lb. tob.</td>
</tr>
<tr>
<td>If above one hundred to five hundred</td>
</tr>
<tr>
<td>If above five hundred to one thousand</td>
</tr>
</tbody>
</table>
MARCH, 1642-3—18th CHARLES 1st.

If vnto two thousand 60
If above two thousand then 10 lb. vpon every thousand 00
for impannelling a jury for everie cause 12
for attachm't: half as much as for execution and accordingly.

Be it further enacted and confirmed by the authoritie of this present Grand Assembly that the inhabitants of the several counties and precincts shall be assessed in the defraying of the Burgesses charges expended in their employment to be levied by the sheriff of each county respectively, And vpon refusal in case of non-payment to make seizure by vertue of this authoritie, Allways provided that the Burgesses produce their charge to the countie courts, who are hereby required to rayse proportionably vpon the estates of titiable persons, And be it further enacted and confirmed that if any assembly be sumoned and dissolv'd before the first of March the charge of the Burgesses to be levied that present yeare, Provided, that if it happen in or after March to be satisfied the following yeare, And it is further enacted and confirmed by the authoritie aforesaid, that if any Burgesses shall employ their owne servants in their publique service as by attendance vpon any Burgesses, The inhabitants of the severall precincts respectively are to allow worke for so many days as they are soe employed.

ACT XLVIII.

WHEREAS at an Assembly in June 1642 the orchard with two houses belonging to the collony were presented to the Governour Sr. William Berkly as a free and voluntary gift in consideration of many worthy favours manifested towards the collony, Be it therefore enacted and confirmed by the authoritie of this Grand Assembly that the said orchard and houses [a] be confirmed to the said Sr. William Berkley, Governour and to his heires for ever.

ACT XLIX.

WHEREAS it was appointed by an act of Assembly January 1641, that noe debts made within

Burgesses wages to be levied on the counties.
Their accounts to be produced to the county courts.
Proviso where an assembly is summoned and dissolved.
Burgesses to be allowed for their servants.

Donation of an orchard & houses to Sr. Wm. Berkley confirm'd.

Money debts not pleadable.

[a] "Howse" in MS
the colonym for money shall be pleadable and recoverable in any courts within the same. The Governour, Counsell and Burgesses of this present Grand Assembly do hereby confirm the said act, Provided that according to an act of Assembly in June 1640, for the encouragement of those that are owners of horses, mares, and sheepe, that all money debts whatsoever made for any horses, mares, or sheepe shall be pleadable and recoverable in any courts within the colonym any thing in the former act made in January 1641 or their said acts to the contrary notwithstanding.

ACT L.

WHEREAS at an Assembly in January 1641, it was enacted that the com'rs, of everie monethly court respectively should seale all barrells brought vnto them, when they were thereunto required with this mark VG: which barrells are to containe five bushells of Winchester measure that is to say forty gallons and all barrells so seale to be allowed of and none others after the feast of St. John Baptist, next after the publication hereof, vnder the penaltie of a forfeiture of forty pounds of tobacco for everie time such an unsealed barrell is vsed after the feast aforesaid, And likewise for bushells upon the penalty aforesaid, All persons whatsoever being thereby required to take notice of this act and accordingly to provide. This present Grand Assembly to all intents and purposes doth hereby confirm the said act.

ACT L I.

WHEREAS it was enacted at an Assembly in January 1641, that according to a statute made in the third year of the reigne of our sovereign Lord King James of blessed memory, and that no popish recusants should at any time hereafter exercize the place or places of secret counsellors, register or comiss: surveyors or sheriffe, or any other publique place, but be utterly disabled for the same, And further it was enacted that none should be admitted into any of the aforesaid offices or places before he or they had taken the oath of allegiance and supremacy, And if any peson or persons whatsoever should by sinister or corrupt means
assume to himselfe any of the aforesaid places or any other publique office whatsoever and refuse to take the aforesaid oaths, he or they so convicted before an Assembly should be dismissed of his said office, And for his offence therein forfeit one thousand pounds of tobacco to be disposed of at the next Assembly after conviction, And it is further enacted by the authoritie aforesaid that the statute in force against the popish recusants be dueley executed in this government, And that it should not be lawful under the penaltie aforesaid for any popish priests that shall hereafter arrive to remaine above five days after warning given for his departure by the Governour or comander of the place where he or they shall bee, if wind and weather hinder not his departure, And that the said act should be in force ten days after the publication thereof, at James City, this present Grand Assembly to all intents and purposes doth hereby confirm the same.

ACT LII.

WHEREAS for the more ease of travellers, It was enacted by the Assembly in Jan. 1641, that all the countrey respectively provide and maintain ferries and bridges and the leavy for payment to the ferriymen to be made by the comissioners where the ferry is kept, And where one creeke parts two counties, there each of them to contribute towards the maintenance of the said ferries, and bridges should be built and provided by the first of September following, And that all passengers whether strangers or others should be freed from payment otherwise then by the leavie, And that the ferriymen should give their due attendance from sunne rising to sunne setting. This present Grand Assembly to all intents and purposes doth hereby confirm the same.

ACT LIII.

WHEREAS at an Assembly in June 1642, vpon consideration had of the bad effects that tradeing and trucking with orphans may in time produce, It was thought fit in due time so to provide that for the future no such bartering or tradeing be at all had with any orphans, And therefore did enact that what per-
son or persons soever shall barter, bargain, buy or sell with any orphans under age shall loose all that he so bartereth or changeth and shall alsoe forfeit double the quantitie thereof. the one moyety to the informer, the other to his ma'tie, This present Grand Assembly to all intents and purposes doth hereby ratifie and confirme the same.

ACT LIV.

WHEREAS it was enacted at an Assembly in June 1642 that if any officer or other member of this collony whatsoever had been or should be molested or troubled in their persons or estates for the due performance and execution of any act or law made, here in the collony, he or they by whom any person should be troubled should be liable to satisfie all such charges and damages as should be justly proved to be occasioned by any such molestation, in the severail courts of this collony respectively, This present Grand Assembly doth hereby ratifie and confirme the same.

ACT LV.

WHEREAS it was enacted at an Assembly in June 1642 for want of due formes not before sett downe, for issueing of writs and returns thereof for the proceeding of the quarter courts of this collony, in case of defacts of sherriffs and nonappearances of plts. and defts. which occasioned much trouble to the Government and great charge of inhabitants of the collony, That the quarter court shall begin as folll:

March court to begin the first day of the month of March, if it be not Sunday if it be then on the next day, to continue eighteen days, Sunday not to be accounted as any of the cort days.

The said court to have three returns, the first returne to be made three days before the first day of the sitting of the court.

The second returne on the sixth of the court.

The third on the 12th of the court: for every returne 150 writs that is for everie day of the court 25 warrants.
June court to begin upon the first day of June in case it be not Sunday, then on the next day: to continue 10 days to have two returns:

The first return to be made three days before the first day of the court, The second on the 6th of the court to have ascertained 200 writs, one hundred for every return that is 20 for every day.

The like days for beginning and ending, the like returns and numbers of writs for October court as for June court

The 4th court to begin on the 20th of November if not Sunday, if it be then on the next day following to continue and have the like returns and number of writs and days as March court hath.

The writs to comand appearance upon the first, second or third of the first, second or third return according to the date thereof.

The causes of suits to be express in the writs which may be enlarged by petition, between every arrest and return of the writ.

The deft. to have 10 days time to provide himself; No arrest to be made in court time. The writs to go in the same tenor as formerly, The deft. upon the return of the writ, either by himselfe or his attorney, to enter his appearance in a booke to be kept by the clerke for that purpose, And also put in his answer vnder his hand the third day of the returns of the writ, the petitions and answers to be filed and remain in the secretary's office.

The plt. to put in his petition upon the day of appearance and in case of such neglect to be non suited, And the defendt's. cost to be awarded against him, If the deft. appears not after arrest, then the sheriff to be amerced in tobacco at the discretion of the court to the use of the county, And the sherriffs to have their remedies against the parties bound for appearance.[a]

[a] This clause repealed by a subsequent one in this act; and the defendant fined 20 per cent
The sheriffs for defaults of non returns to be amerced for everie returne an hundred pound of tobacco, Process and execution issueing from the quarter courts to be signed by the Governor and attested by the Secretary, to go in the same forme, and no execution to be directed to more then one sheriff.

Appeals to be from the monethly courts to the quarter courts, The appellant to put in present security for his appearance vpon the day of the quarter court for his abideing judgment of the court, and for the payment of double damages in case he be cast in the suit.

Appeals to lie from the quarter courts to the Assemblies with the former cautions and trebble damages, in case he be cast in the suit; which said act and everie clause therein is confirmed by this Grand Assembly, excepting the branch therein mentioned which imposeth a fine vpon sherriff's for non appearance of the defendants, And in stead and place thereof be it enacted that in case the defts. appeareth not after arrests either by himselfe or attorney, for the first default such person shall be adjudged by the court wherein the suit is depending to pay unto the plt. 20lb. of tobacco for everie hundred debt, for which he is then impleaded, And for the second default of such defts, The court as aforesaid to give judgment as in case of nihil dicet.

ACT LVI.

WHEREAS it was enacted at an Assembly in June 1642 that the commissioners of the severall counties respectively should have power and authoritie to hear and determine all debts and differences under the summe of sixteen hundred pounds of tobacco or the valew thereof, Where also. It was enacted at the said Assembly that everie monthly court respectively should keep their courts monthly vpon the severall days therein mentioned (vizt.)

Heurico on the first of everie month.

Charles City the 3d

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* "Passes an" in the MS
<table>
<thead>
<tr>
<th>County</th>
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<td>Isle of Wight</td>
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<td>Lower Norf.</td>
<td>9th</td>
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<td>Warwick Countie</td>
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<td>24th</td>
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<td>28th</td>
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</table>

Be it enacted this present Grand Assembly that the said monthly courts be reduced to the number of six yearly, the days to be ascertained as formerly, And in stead of monthly courts to call countie courts, and the commissioners to be stiled commissioners of the countie courts, And for the prevention of many chargeable suits tending to the molestation and ruine of divers poor men for pettie and triviall debts, It is thought fitt and enacted by this Grand Assembly, that no court of justice within the collony shall proceed to determine or adjudge or at all take cognisance of any suite hereafter to be commenced for or concerning any debt under the value of 20s. sterling or two hundred pounds of tobacco, but in such case, the next adjoyning commiss. to the creditor to summon the debtor or def't. by warrant before him upon complaint to him made and to determine the same by order in writing under his hand which order shall be binding; And in case of non-performance, The said commiss's. is authorised to comitt to prison the person who shall be refractory to such order as aforesaid.

### ACT LVII.

WHEREAS it was enacted at an Assembly in June 1642, That if either plt. or def't. shall desire the verdict of a jury for the determining of any suite depending within any of the courts of this collony, he or they shall signify therein their desire by petition under his or their hands unto the said courts, before the said cause had any hearing, upon the day of trial all, if it be the desire of the plt. And their petitions to be filed in the Secretary's office, and with the clark of the monthly court, And if the defendant shall desire it, he or they shall signify the same upon the entry of his appearance in the Secretary's office, which shall be

Trial by jury secured to parties who desire it.

Number of courts reduced to 6, yearly, and instead of monthly to be called countie courts.

Sums under 20s. sterling cognizable before a single magistrate, who may commit to prison for non-performance.

2 L.
LAWS OF VIRGINIA,

inserted in a booke to be kept in the office for that purpose, which said act this present Grand Assembly to all intents and purposes ratified and confirmed, Provided that the cause depending be proper for a jurie.

ACT LVIII.

WHEREAS it was enacted at an Assembly in June 1642, that if any person or persons whatsoever claiming land as due by importation of servants they or each of them shall prove their title and just right either before the Governor and Counsell or produce certificate from the countie courts to the Secretary's office before any grant be admitted, And that no patents be made without exact survey produced in the Secretary's office as aforesaid, Rappahannock River excepted, which is confirmed by this present Grand Assembly.

ACT LIX.

WHEREAS it was enacted at a Grand Assembly in June 1642, That Rappa'k river should remain unseated for divers reasons therein contained, notwithstanding it should and might be lawfull for all persons to assume grants for lands there, Provided the same be first bounded, though not by a surveyor and to continue still their proper rights, till the seating thereof be admitted by a Generall Grand Assembly, & then all dividents to be bounded by just surveyors, which said act this present Grand Assembly to all intents and purposes ratifieth and confirmeth.

ACT LX.

WHEREAS at an Assembly in October 1639 in consideration that divers ill disposed persons did secretly and covertly trade and truck with other mens' servants and apprentices which tended to the great injury of masters of familys, their servants being thereby induced and invited to purloin and imbeazill the goods of their said masters, It was enacted for redresse of the like disorders and abuses thereafter, that what person or persons soever should buy, sell, trade or truck
MARCH, 1642-3—18th CHARLES 1st.

with any servant for any comoditie whatsoever, without lycense or consent of the master of any such servant, he or they so offending against the premises should suffer one month's imprisonment without bayle or mainprize as also should forfeit and restore to the master of the said servant four times the valew of the thing soe bought, sold or trucked or traded for, which said act to all intents and purposes this present Grand Assembly doth hereby ratifie and confirme.

ACT LXI.

BE it also enacted, for the better regulating of attorneys and the great fees exacted by them, that it shall not be lawfull for any attorney to plead causes on behalfe of another without license or permission first had and obtained from the court where he pleadeth, Neither shall it be lawfull for any attorney to have license from more courts then from the quarter court and one county court, and that they likewise be sworne in the said courts where they are so licensed, And it is further enacted that no attorneys plead in any county court shall demand or receive either for drawing petition, declaration or answer and for his fée of pleading the cause of his client above the quantitie of 20 lb. of tobaccoe or the value thereof, nor that at any pleading in the quarter court shall demand and receive either for drawing petition, declaration or answer and for his fée of pleading the cause of his client above the quantity or 50 lb. of tobaccoe or the value thereof, And if any attorney shall transgresse against the premises, or shall take above the severall sums aforesaid either by gift or love directly or indirectly, such attorney for such offence in a countye court shall forfeit 500 lb. tobaccoe, And for such offence in quarter court shall forfeit 2000 lb. of tobaccoe, one moyety whereof shall be and come to the King, and the other moyetie or halfe to the informer, whether it be client or adverse party, or any other person whatsoever, and may recover the same by action of debt in the severall courts respectively, And it is further thought fitt that no attorney licensed as aforesaid shall refuse to be entertayned in any cause as aforesaid, provided he be not entertayned by the adverse party, vpon forfeiture of 250 lb. of tobacco in a countie court, and 1000 lb. of tobacco in the quarter
Not to extend to special attorneys; or those who have letters of procuration from England.

Agreement with the governor of Maryland as to the regulation of commerce ratified.

Penalty for breach of regulations.

court one moiety whereof shall come to the King's majesty and the other halfe to the informer aforesaid. Provided this act nor any penaltie therein expressed extend to such who shall be made speciall attorneys within the collony or to such who shall have letters of procuration out of England.

**ACT LXII.**

WHEREAS according to arti's. of agreement concluded with the Governor of Maryland bearing date the 3d day of June 1642, It was then at the said Assembly enacted that it should be free and lawfull for the said inhabitants to trade and barter within the Collony for all manner of commodities raised within the collony otherwise then with tobaccoe, excepting in the said act all goods, servants imported, excepting alsoe in the said act according to the former act of the 14th Jan: 1641, exporting of horses, mares, sheepe, Where as also it was enacted at the said Assembly in June 1641 that everie article inserted in the aforesaid agreement should be published in all parishes, This present Grand Assembly doth enact and confirme, every clause and branch in the aforesaid act, to be and remaine in full force and vertue, And doe further enact, that what person or persons soever shall bring or cause to be brought any tobacco of the growth of Maryland vnto this collony and therewith trade, buy or barter for any goods or servants imported, or for any commoditie whatsoever raised within the collony, he or they so offending shall forfeit the goods and servants or commodities aforesaid or the value thereof, halfe thereof shall be & come to the King’s majesty, And the other halfe to the informer, And whosoever shall directly or indirectly buy or cause to be bought for or on the behalfe of the said inhabitants of Maryland any goods of what nature, kind or condition soever, which shall be imported or are formerly excepted, for any commoditie whatsoever shall forfeit treble the value of the goods so bought upon due proofe and conviction therein, One halfe whereof shall be and come to the King’s martie, and the other halfe to the informer, which act and the penaltie therein is to extend as well to the seller as to the buyer.
MARCH 1642-3—18th CHARLES 1st.

ACT LXIII.

UPON consideration had by this Grand Assembly of the scarcity of powder and ammunition in the plantation and the difficulty in procuring the same, it is thought fit and enacted that the Governor, at his discretion, do allot a barrel of powder to each county, to be kept and preserved in the hands of the commander and a publick stock, for which the commander of each county is to be responsible.

ACT LXIV.

FOR the preservation of the puritie of doctrine & vnitie of the church, it is enacted that all ministers whatsoever which shall reside in the collony are to be conformable to the orders and constitutions of the church of England, and the laws therein established, and not otherwise to be admitted to teach or preach publickly or privately, And that the Gov. and Counsel do take care that all nonconformists vpon notice of them shall be compelled to depart the collony with all conveniencie.

ACT LXV.

IT is enacted and consented to by this Grand Assembly, that the county of Upper Norfo. shall have power and priviledge to chuse Burgessses for the severall parishes within the limitts of the said parishes.

ACT LXVI.

WHEREAS it was enacted at an Assembly in Jan: 1639, that the inhabitants of Lanes Creek should reduced into a parish, and the said parish to begin from the mouth of Hogg Island creeke along the river to Lanes Creek, And from Lanes Creek to the head of the uppermost branches of the said creek, and from the head of the branches of Lanes Creek to the head of the branches of Chippoaks Creek westerly, and thence to the mouth of Chippoaks Creek, and from thence to Hogg Island Creek, and that it should be
lawfull and free for the inhabitants of Hogg Island in respect of the remoteness of church of Ja: Cittie, to which parish they belong, to provide themselves of a minister at their owne charge without any allowance to the said minister from the parson of Ja: Citty, wherein also it was provided that they should pay as full and ample contribution to the building of a church at Ja: Citty as the rest of the parish of Ja: Citty should be rated. It is thought fitt by this Assembly that the said act be wholly repealed. And in stead and place thereof be it enacted in consideration of the disabilitie of the said inhabitants to maintain a minister of their owne, and to contribute to the minister of Ja: Citty, whence they receive no spiritual benefit, that the said Chippoaks be reduced into an absolute parish without any relation to the parish of James Citty, the bounds of the said parish to be southeast upon the parish of Lanes Creek, and northwest upon the Suncken Marish and northeast upon James River.

ACT LXVII.

WHEREAS alsoe it was enacted at an Assembly in June 1642, That the inhabitants of Mrs. Edlow's dividident lying above Sandy Poynt should be taken and admitted vnto the parish of Wallingsford: It is now further enacted, That David Jones' Creeke be the utmost bounds of the said parish, including the whole dividident of Mr. Rice Hoe.

ACT LXVIII.

BE it also enacted and confirmed that the inhabitants of the lower side of Waters Creek downewards to the utmost extent of Warwick Countie shall be a distinct parish of themselves and enjoy all the priviledges of a parish without any dependence or relation to the parish of Denbigh or any other parish whatsoever.

ACT LXIX.

WHEREAS it was ordered at a Grand Assembly in June 1642, That the commisioners of the Isle
of Weight should provide and allow surveyors to lay out the county according to the former grants and bounds, not infringing the liberties of any other countie, and alsoe that the said commissioners should make a division of the said countie into two parishes and produce the several bounds thereof the next Grand Assembly to be confirmed by an act, Provided that the profits of the whole countie shall remaine vnto Mr. Falkner, Clerke, duringe his residence there, Notwithstanding any other minister that should be imploied in any of the said parishes in the interim, In conformity to which said act, the commissioners of the said county have returned to this assembly the division of the said county into two parishes (vizt.) The vpper and lower parish. The vpper parish to extend from Lawens Creeke to the eastern side of the Bay, the creeke deviding the plantation of Sam. Davis and Joseph Cobbs to be the extent and division of the said vpper parish: The lower parish to extend from the Pagan-poynt vpon the river side to the plantation of Rich. Hayes, from the Pagan-poynt vpon the bay including all the southerly side to the plantation of the said Cobbs, and that all the inhabitants alreadie resideinge or that hereafter shall reside on that side to belong to the said lower parish: Provided allwaies that they shall not pay above double tithes in the whole, which is accordingly enacted by this present Grand Assembly.

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**ACT LXX.**

IT is enacted by the authoritie aforesaid that there be leaved, this present crop, nine pounds of tobacco per poll, for every tithable person throughout the collony, by the sheriffs as formerly, to be disposed of in such manner and to such vses according to the order of this present Grand Assembly.

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**ACT LXXI.**

IT is enacted by this present Grand Assembly that those of his ma'ts. counsell for the collony shall according to his said maj'ts. instructions be freely exempted from all publick charges and taxes, church duties onely excepted.
WHEREAS it was enacted at an Assembly in Jan. 1640, in explanation of the time when quit rents upon grants of land are due, That all those grants that were of seaven years continuance or above were to begin their payments (vizt.) Their first year's payment at the feast of St. Michael the archangel 1639: and soe forwards and that all other grants should have the benefit to be free from quit rents vntil seaven years after their first grant, which is enacted and confirmed by this present Grand Assembly.

Recital of the troubles in England, as the cause of the gov's. pension from the King being suspend-ed.

WHEREAS through the unkind differences now in England,* It may be with great reason be assured to the most scrupulous that the severall pension and allowance from his ma'tie to the Governour of this place, is for this present withdrawn and suspended, & that therefore for the sustentation and support of the honour of this place of gov'r. in accommodation from the plantation in cleare and absolute terms of necessitie is required and inforced. Yet nevertheless this present Grand Assembly together and eye to the honour of the place, having alsoe entred into a deep sense and consideration of the duty and trust which the publique votes and suffrages have cast upon them, vnder which is comprehended as the most speciell and binding obligation, the preservation of the rights and properties of the people, to which this course now intended may seem to threaten violence however rather innovated in the manner and circumstance then in value and substance, Yet as well for the silencing of pretences as for answearing of arguments of weight, It is thought fit hereby to declare that as from the infancy of the collony there was never the like concurrence and pressure of affairs, which they likewise hope and pray to Almighty God to from his ma'tie. and his ma'tie's King-

* This has an allusion to the civil war in England, between Charles the first and his parliament; which commenced in 1642, and about this time was raging at its full height. It terminated in 1649, with the death of Charles and the abolition of monarchy: whereupon Crom- well was declared Protector.
dom, soe they have recorded to the posteritie with this ensuing president of accomodation for the Governour, That the aforesaid instance and motives removed they will never yeild or consent to receive the same. This present Grand Assembly hath heretofore enacted that the present accomodation shall be as followeth (vizt.) That there be levied for the said Governour's accomodation for this present year 1643, 2 shillings a head for every tithable person in the collony to be paid in provision as hereafter mentioned at these rates (vizt.)

Indian corne at 10s. per barrell—2 barr. of ears to one of corne.
Wheat at 4s. per bushell.
Malt at 4s. per bushell.
Beife at 3d. 1-2d. per pound.
Porke at 4d. per pound.
Good henns at 12d.
Capons at 1s. 6d.
Calves at 6 weeks old 25s.
Butter at 8d. per pound.
Good weather goats at 20s.

Piggs to roast at 3 weekes old at 3s. per pigg—Cheese at 6d. per lb.—Geese, Turkeys and Kidds at 5s. per peece.

The provision of corne to be levied out of these counties:


These counties to pay the other provision:
Charles Cittie, Ja : Cittie, Isle of Wight, and Warwicke.

For collecting hereof it is hereby enacted by this Grand Assembly that vpon the Governour's notice of the severall countie courts: allowing the reasonable time that the leavie the said severall proportions, alike proportionably as aforesaid in 2 places in evrie parish within the severall counties respectively: And the sherriffe of the severall counties with the assistance of the constables of the limitts are to give notice to the inhabitants, after the said provision is to be leavied, to bring in their severall proportions to the said severall places by them appointed as aforesaid, And in case of refusall
to distress upon the estates of such who shall be delinquent in payment, and bringing it to the aforesaid places for satisfaction thereof. And the said sheriffs after such collection are hereby enabled to hire boats, and men, to bring the same to James Cittie to the Governour's. And their several disbursements and charges therein expended to be put to account and presented to the next Grand Assembly to be satisfied out of the leavie.

WILLIAM BERKELEY.

ATT A

GRAND ASSEMBLY

holden at James Cittie the first of October.

1644.

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death, it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

PRESENT Richard Kempp, Esquire, Govern-
or, &c.

Capt. Wm. Claiborne,
Capt. Wm. Peirce,
Capt. Hen. Browne,
Capt. Wm. Brocas,
Mr. Geo : Minifie,
Mr. Rich. Bennett,
Capt. Hum. Higgison,
Capt. Wm. Bernard,
Mr. Geo. Ludlow,
Capt. Rich. Townesend,

Esquires.
The names of the Burgesses for the several plantations:

James City county

Capt. Rob’t Hutchinson,  
Mr. Stephen Webb,  
Mr. Edward Travis,  
Mr. Thos. Loveing,  
Mr. George Jordan,  
Mr. John Shepherd,  
Mr. Thomas Warren.

Yorke* county

Mr. John Chew,  
Mr. Rowland Burnham,  
Capt. X’pher Caultropp.

Isle of Wight county

Mr. Peter Hull,  
Mr. Geo. Hardy,  
Mr. Rich. Death.

Lower Norff.

Mr. Cornelius Lloyd,  
Mr. John Sidny.

Elizabeth City

Leist. Wm. Worbrigh,  
Mr. John Hodin.

Warwick county†

Capt. Tho. Bernard,  
Mr. John Walker,  
Mr. Hen. Heyrick.

Northampton county†

Mr. Obedience Robins,  
Mr. Edward Douglas.

Vpper Norff.

Mr. Randall Crew,  
Mr. Moore Fontleroy.

Charles City

Capt. Edw. Hill, Speaker  
Mr. Fra. Poythers,  
Mr. John Bishopp,  
Mr. John Westropp.

Henrico county

Mr. Dan. Llewelin,  
Mr. Richard Cocke,  
Mr. Abra. Wood,  
Mr. William Hatcher.

* Formerly Charles River. See act 13 of 1642-3, ante pa. 249.
† Formerly Warwick River. See act 13 of 1642-3, ante pa. 249.
‡ Formerly Accawmack. See act 13 of 1642-3, ante pa. 249.
Penalty on certain sheriffs, by name, for not producing their accounts to the assembly.

How arrears to be collected.

Security to be taken of sheriffs by the county courts.

Penalty for failure.

ACT I.

WHEREAS by an order at the last session of this present Grand Assembly the last year's sheriffs were respectively enjoined to appear and produce their accounts at this present sessions, wherein some have failed, To the great detriment of the present affaires, Be it therefore enacted by the authoritie of this present Grand Assembly, That all such sheriffs as have not accordingly in conformity to the said order produced their accompts (vizt.) Mr. Philip Taylor, Sir Tho: Lambert, Mr. Robert Davis shall be fined for their delinquency therein 1000 lb. of tobacco a pence, to be disposed of by the next Grand Assembly, And whereas most of the said sheriffs have charged themselves in their several accompts with most of the levies and officers' fees for that present year though unreserved by them, Be it therefore further enacted that the sheriffs for the last year shall have full power and authoritie to receive all the aforesaid arrears, And in case of non-payment to make distresse upon the goods and estates of all such as have and shall make default, And that the said sheriffs shall be responsible for all levies and fees committed to their charge of collection.

It is alsoe further enacted by the authoritie aforesaid that the comissioners of the severall counties respectively shall vpon publication hereof ever hereafter before the admission of any of the said sheriffs into their offices take such security as they shall think fit and sufficient of the said severall sheriffs respectively for the performance of their places, especially for the receiving and discharginge of all publiek duties, King's rents, and officers' fees committed to their charge of collection, And if the said comissioners respectively shall neglect the same, then they soe neglecting to be liable and responsible for the same, or any part of the same soe neglected.

ACT II.

Be it also enacted by the authoritie aforesaid, That all charges and disburmsments which have accrewed by the receiving and transporting of Sir. Wm. Berkeley's provision be presented to the comissioners of the severall countie courts, who are hereby inable and re-
OCTOBER, 1644—19th CHARLES 1st.

quired to make particular levies in the said severall counties where such charges have been expended for the payment thereof to those who have expended the same.

ACT III.

BE it further enacted by the authoritie aforesaid, That all charges and fees accruing by reason of King's prisoners shall be defrayed and discharged by the countie, wherein such prisoner or prisoners shall be apprehended, if the said prisoner or prisoners shall be convict of their accusation, or be vnable to make payment themselves, But if such prisoner or prisoners shall be cleared by proclamation that then they shall be liable to the said charges and fees themselves, and this act to continue in force vntil the next Assembly.

ACT IV.

WHEREAS severall accounts have been presented to this Grand Assembly of charges and disbursments expended vpon marches against our salvage enemies, for payment of which expenses having relation to particular counties, to assess the publique were inconvenient and injurious, Be it therefore enacted by this present Grand Assembly, That all charges and disbursments for the cure of hurt men or horses or for boats lost and damniﬁed, boats hire, provision or ammunition employed in the publique service or any other charge thereby accruing, shall be presented to the severall countie courts, where they that have expended any such charge did then reside, And the commissioners of the severall countie courts respectively are to allow what they conceive reasonable, And to raise particular levies in the said severall counties for satisfaction thereof, to be made to the disbursers, and this act to continue in force vntil the next assembly.

ACT V.

WHEREAS by the late reduction of the inhabitants into great famlys divers inconveniences have
disperse and form distinct settlements; except in places of danger, where there must be at least 10 men.

happened, Be it enacted by the authoritie of this present Grand Assembly, that all persons soe reduced and placed may remove and dispose of themselves for their best advantage and convenience, Only in places of danger it shall not be lawfull for any to seat or inhabitt without ten sufficient men at the least, and arms and ammunition accordingly, The said places of danger to be considered, and the parties licensed by the Leifts, and their deputies.

ACT VI.

WHEREAS the severall sherrifs are injoyed & to be injoyed by themselves and their sureties to be liable and responsible for all publique collections comitted to their charge, The receiving whereof will be troublesome by reason of scarcity of tobacco, Be it therefore enacted by this present Grand Assembly, That the masters of the severall familys within the collony shall be responsible for all the publique duties, tithes and charges, due from all persons in their familys, And shall detaine and keep in their hands and custody the cropps and shares of all freemen within their familys vntil satisfac-
tion be made of all such publique duties, tithes and charges, And it shall be understood where they make a joynt cropp, that he which hath the comand shall be adjudged the master of the family.

ACT VII.

BE it enacted by the authoritie of this present Grand Assembly that for the defraying of the charges of Sir William Berkeley's voyage, And toward satisfaction for the powder to be bought, that there be levied eighteen pound of tobacco per poll for all tithable persons to be presently collected by the severall sherrifs, And deposited with the commisioners of each county court, to be by them reserved vntil the next Grand Assembly, And the severall commisioners are required to take care thereof.
OCTOBER, 1644—19th CHARLES 1st. 287

ACT VIII.

FFOR the repressing of the excessive rates exacted by ordinary keepers, *Be it enacted by this present Grand Assembly, That none shall keep an ordinary or victualling house without the approbation of the court of the county where such ordinary shall be kept, And licensed from the Governour, And no inholder, ordinary keeper or victualler soe approved and licensed shall charge, exact, take or receive above the quantity of ten pounds of tobaccoe for a meales diett, for which they shall affoord sufficient, good and wholesom diett, And that no ordinary keeper or victualler be permitted att all to sell or vter any wine, wines or strong liquor but strong heer only which they shall affoord and sell at the rate of 8lb. tobacco per gallon and no more, And smaller rateably, And that according to order of the first of August, 1643, noe debts made for wines or strong waters shall be pleadable or recoverable in any court of justice within the collony.

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ACT IX.

WHEREAS in the late expeditions against the Indians, diverse men were hurt and maymed and disabled from provideing for their necessary maintenance and subsistence, *Be it therefore enacted by the authoriti of this present Grand Assembly, That all hurt or maymed men be releived and provided for by the severall counties, where such men reside or inhabit.

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ACT X.

FFOR defraying of the publique charges of Pomuncy and Cheychohominy march, *It is enacted by this Grand Assembly, that six pound of tobacco per poll be levied for every tithable person within the severall counties following (vizt.) James Citty six hundred eighty-seaven persons to pay 4122 pounds of tobacco to such persons as shall be appointed to receive the same, by Capt. Wm. Clayborne, Esq. In Yorke county, six hundred and nine persons to pay 3654 pounds of tobacco, to Capt. Townesend 420lb. of tobacco, to Wm. Smoote 600 pounds of tobacco, To Capt. Clai-
borne 2634 pound of tobacco, Warwicke county 328 tithable persons to pay 1968 pound tobacco, To Capt. Claiborne 278 pound of tobacco, To Mr. Pryor 200 pound of tobacco, To To Hen: Lee 346 pound of tobacco, And to Mr. Bennett 1144 pounds of tobacco. Elizabeth Cittie countye 341 tithable persons to pay 2046 pound of tobacco to Mr. Bennett, Northampton countie 346 tithables to pay 2076 pound of tobacco to Capt. Claiborne. Lower Norfolke two hundred nine tie six tithable persons to pay one thousand seven hundred seaventy-six pound of tobacco to Mr. Bennett, And the Isle of Weight countie 463 tithable persons to pay two thousand eight hundred and eighteen pounds of tobacco to Mr. Bennett, All which sumes are to be leaved by each sherriffe in their severall counties, And by them paid as aforesaid.

ATT A

GRAND ASSEMBLY

holden att James Citty the 17th of Febru ary, 1644-5.

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

PRESENT RICHARD KEMPE, Esquire, Governor, &c.

Capt. John West,
Capt. Wm. Clayborne,
Capt. Wm. Peirce,
Capt. Tho. Willoughbye,
Capt. Thomas Pettys,
Mr. Richard Bennet,
Capt. Hen. Browne,
Mr. Argoll Yardly,
Capt. Humphrey Higgison,
Capt. Wm. Bernard,
Mr. George Ludlow,
Capt. Richard Townesend,
The names of the Burgesses:

For James City:
- Mr. Ambrose Harmer,
- Capt. Robert Hutchinson,
- Mr. Wm. Barrett,
- Mr. John Corker,
- Mr. Peter Ridley,
- Mr. Geo: Stephens,
- Mr. John Rogers.

For Henrico:
- Mr. John Baugh and
- Mr. Abraham Wood.

For Charles City:
- Capt. Edward Hill, Speaker,
- Mr. Rice Hoe,
- Leift. Francis Poythres,
- Mr. Edward Prince.

For Warwick county:
- Capt. Harwood,
- Capt. Tho. Bernard,
- Mr. Hen: Heyricke.

For the Isle of Wight:
- Mr. Arthur Smith,
- Mr. George Hardy.

For Upper Norfolk:
- Mr. Phillip Bennett,
- Mr. More flanteroy.

For Elizabeth City:
- Capt. Yeo,
- Capt. X'pher Caulthropp and
- Mr. Arthur Price.

For Northampton:
- Mr. Edmon. Scarbrough,
- Mr. Stephen Charlton.

For Lower Norfolk:
- Mr. Edward Lloyd,
- Mr. Tho. Meares,
- Mr. X'pher Burroughs.

**ACT I.**

*BE it enacted by the Governour, Counsell and Burgesses of this present Grand Assembly for God's glory and the publick benefitt of the collony, to the end that God might avert his heavic judgments that are now vpon vs, That the last Wednesday in every month be sett apart for a day of fast and humiliation, And that it be wholly dedicated to prayers and preaching, And because of the scarcity of pastors, many ministers have-"
ing charge of two cures, Be it enacted, That such a minister shall officiate in one cure upon the last Wednesday of everie month; and in his other cure upon the first Wednesday of the ensuing month. And in case of having three cures, that he officiate in his third cure upon the second Wednesday of the ensuing month, which shall there be their day of fast, That the last act made the 11 of January, 1641, concerning the ministers preaching in the forenoon and catechising in the afternoon of every Sunday be revived and stand in force, And in case any minister do faile so to doe, That he forfeit 500 pound of tobacco to be disposed of by the vestrely for use of the parish.

ACT II.

THAT everie minister shall reside and abide within his cure to perform such acts of his callinge (vizt.) baptize weak infants, to visit the sick and all other actions which pertain to his ministerial function, upon penalty as aforesaid.

ACT III.

THAT where it soe falls out that any minister have induction into two or more cures far distant one from another, whereby one cure must necessarily be neglected, It shall be lawfull for the parishioners of such a cure, to make use of any other minister as a lecturer to baptize or preach, Provided it be without prejudice or hinderance to the incumbent that first had his induction. And that the priviledge shall be allowed to all other parts inconvenient and dangerous for repair to the parish church.

ACT IV.

THAT the eighteenth day of April be yearly celebrated by thanksgiving for our deliverance from the hands of the Salvages.

ACT V.

THAT the election of every vestry be in the power of the major part of the parishioners who being warned will appear to make choice of such men as by
pluralitie of voices shall be thought fitt, and such warninge to be given either by the minister, churchwardens or head comissioners.

ACT VI.

THAT whereas the church-wardens have been very negligent in the execution of their duties and office, The county courts shall hereby have power to call them into question, And if just cause be, to punish or fine them as the offence shall deserve.

ACT VII.

The Governor, counsell and Burgesses of this present Grand Assembly haveing maturely weighed and considered the extreme prejudice which will necessarily ensue to the collony by deserting of plantations which are now seated, or since the 20th of November last have been seated, have enacted. And by the authority of the same be it enacted, That it shall not be lawfull for any person holding land by patent or who soe hath held land since the 20th of November last, voluntarily to leave the same vpon penaltie of forfeiture thereof, so as it may be lawfull for any person whatsoever to take vp the same by patent as land deserted, And if any lessee shall in like sorte voluntarily relin- quishe land leased to him, it shall be lawfull for any person to enter vpon the same and have the benefit thereof vnles the patentee will seate or cause the same to be seated, provided that he that hath the patent of the land so deserted by the proprietor, or enters vpon any leased lands, do forthwith seat the same with a competent number of men, arms and amunition.

And it is further enacted by the authoritie aforesaid, That it shall not be lawfull for any person so deserting his plantation as aforesaid to burne any necessary houseing that are scituated therevpon, but shall receive so many nailes as may be computed by 2 indifferent men were expended about the building thereof for full satisfaction, reservinge to the King all such rent as did accrue by vertue of the former grants or planting of the same from the expiration of the first seaven years.
Certain counties associated to carry on the war against the Indians.

Council of war.

Their power.

How punished for abuse of power.

Every 15 tithables to furnish a soldier for carrying on the war on the north side of the river. Who are deemed tithables.

Penalty for concealing tithables.

When the council of war may press men.

BE it enacted by the Governour, Counsell and Burgesses of this Grand Assembly that the three countys of Isle of Wight, Vpper Norff: and Lower Norff: shall prosecute the enemie and defend those parts from Vpper Chipoaks downewards by constant marches vpon the Indians, And the inhabitants of Lawnes Creeke vpwards to the falls on the south side of the river shall do the like from the Vpper Chipoaks to the utmost extent on that side. And that the Leifts. and deputy Leifts. or the major part of them be the counsell of warr of the aforesaid associating countys and limitts under the Governour and Counsell; And that the warr be managed equallie and proportionably, respect being had to the frontiers, And that the same counsell of warr shall have power to leavie such and soe manie men, arms, ammunition and other necessaries as emergencie of occasions shall require, And in case of any of the said Leifts. or deputy Leifts. shall abuse their trust, And just complaint made thereof, that they shall be subject to punishment by the Governour and Council or general Assembly, And that the election of the comanders in cheife be from time to time referred to the Governour and Council, And be it further enacted by the authority aforesaid that for the manageing the warr on the north side of the river, That evrie 15 tithable persons shall sett forth, compleatly furnish and maintain, one soldier, vntil such time as the Governour and Council shall find cause to increase or diminish the number; And because there shall be no scruple or evasion who are and who are not tithable, It is resolved by this Grand Assembly, That all negro men and women, and all other men from the age of 16 to 60 shall be adjudged tithable: And in case any person or persons within their familys, that such delinquents shall forfeit double pay for evrie tithable person soe concealed; And where fifteen are joynted to set forth one and cannot agree amongst themselves, That in such case the counsell of warr shall press whom they shall think fitt, And whereas some difference may arise concerning the pay of the soldier so sett out, It shall be lawfull for the 14 to compound and agree with him as they and he shall think fitt, And in case of disagreement that then the counsell of warr shall allow the soldier such satisfacti-
on from the 14 as to them shall seem convenient, And the said counsell of warr shall have power to arme the soldier with all necessaries out of the said fifteen men, provided that the soldier be responsible for his arms (in case he shall negligently loose or spoyle them) out of his sallary, And to avoid all doubts and controver-
sies that may arise in case of the death of any such sol-
dier, whether he be servant or other, Be it enacted by the authoritie aforesaid that any soldier so slayne in the service his whole yeares sallary shall be due if he were hired for so long time as he did serve, and the re-
mainder by a publique leavie, And in case he be only sick, maymed or hurt, then that the county of which he went to pay for his cure to the chirurgion that shall be imployed about him, And if it so fall out that a dimin-
ution of the armes shall be expedient, That then the least number maintaining a soldier shall be first releiv-
ed.

ACT IX.

Be it also enacted that there be three forts erected, one at Pomunkey to be called Fort Royal; another to the Falls of James River to be called fort Charles, and the third on the Ridge of Chiquohomine, and to be called Fort James, and that carpenters and other necessa-
riv handicraft men for and about the said worke be pressed at the rate of 7 pound of tobacco per diem for conveniencie of retreade and other occasions, The com-
manders of the forts to be appointed by the Governour and Council; And in case an expedition to Pomonkey or any other northerly part of the collony do require it, that the several commanders with the companies shall joyn by a comand from the Governour and Council to prosecute the said warr, and leaving a sufficient strength at each fort, and in case they shall not be thought a sufficient company so joyned as aforesaid, That the Go-
vernour and Council shall have power to raise either men, horses, armes, amunition or provision as they shall think fitt or expedient for the service, And be-
cause it is an undisputable truth, that the service of some Indians either of Achoamack or Rappahannock be treated with and entertained for the further discovery of the enemy, Be it also further enacted, That the com-
manders in cheife receive for their year's sallary as a

May arm the soldiers, who are to be responsible if they negligently lose them.

Soldier killed in service entitled to his whole year's pay.

If wounded the expense of cure to be paid by his county. Who to be first discharged.

Three forts to be built. Fort Royal. Fort Char's.

Pay of workmen.

Governor and council may raise men.

Pay of officers.
LAWS OF VIRGINIA,

How inferior officers appointed. Counties on the south & north side of the river to bear the expenses of the war on each side respectively.

Penalty annexed to a former act for shooting.

Poor prisoners taken in execution for tobacco, corn, &c. may be discharged by exhibiting an inventory of their estate on oath and payment of other commodities.

reward for their service 6000 pounds of tobaccoe, Their Lefts 4000 pounds of tobaccoe, And either Serjeants 2000 pounds of tobaccoe yearly or so long as they serve proportionably, And the choice of the inferior officers shall belong to the said comanders with allowance of the Governor and Council; And be it explained and confirmed by the authoritie aforesaid that the associating counties on the south side of the river are wholly to contribute towards the maintenance of the warr on that side without any expectation of any contribution from the north side, and so likewise on the north side by themselves including Northampton and Northumberland.*

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**ACT X.**

*BE it alsoe enacted and confirmed* that this clause be annexed to the first act of Assembly held the first of March, 1643, concerning shooting of Gunns—That the penaltie for every offender and offence in that kind shall be 100 pound of tobaccoe halfe to him that informed the Left, and the other halfe to the use of the countye.

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**ACT XI.**

*BE it alsoe enacted by the authoritie of this Grand Assembly, for releife of severall poor men that are layd in the sherriffs hands under execution, for tobaccoe, corne and other commodities, which truly in kind they have not, that therefore in such cases the inventorie of his or their estate being produced upon oath in presence of the creditor, The comiss. shall determine what shall be valued for satisfaction of the debt.*

*This is the first time that the county of Northumberland has been mentioned in any of the acts. It would seem from this circumstance that the power of forming new counties was at that time vested in the governor and council. See ante pa. 115. Instructions to Sir Francis Wentt for dividing the colony into cities, boroughs, &c.*
ACT XII.

BE it further enacted by the authoritie aforesaid, That from henceforth and after the publication of this act in the severall counties, especially the order and act forbidding wine debts to be pleadable, to be absolutely repealed and made void, And for all wine debts made since the date of the said order, that they bee satisfied by paying one third of the said debt at the next crop, And the other two thirds, at the next ensuing cropps proportionably.

ACT XIII.

BE it alsoe enacted by the authoritie aforesaid, for the regulation of clerkes and sherriffs' fees and their large exactions hereafter that in countie courts it shall be sufficient authoritie for sherriffs to arrest any person in an action of debt or trespass if the said action be entred in the court booke by the clerke and the charge of the entrance to be four pound of tobacco: And also that it shall be lawfull for subpoenas to be served by the party procuring the same, or by their appoint- ment, and not by the sherriffs vnles it be desired: The charge of a subpoena to be as formerly: Likewise, Be it enacted that no person whatsoever be forced to pay for writeing a petition vnless he employ the clerke to do it, And then as the act appoints, Nor for recording of any patent or comission of administration or takeing of examinations or depositions in criminall causes or whatsoever else is to be done ex officio, and for which a certaine fee is established by the act of Assembly, And that no clerke do demand three pounds tob'o. per cent de futuro for takeing of inventories vnles they be thereto required, And then no more then the party employing him and he can best agree: of all which the county courts are required diligently to looke after, And complaint made for extortion in any officer by their fees or otherwise that such facts be punished by the several county courts or presented to the quarter court.
Free trade allowed to inhabitants, and all acts against ingrossing repealed.

Free trade to be encouraged with the king's subjects residing in England.

Assurances given by the assembly.

Set-off, how to be allowed in court.

ACT XIV.

BE it further enacted and confirmed. That free trade be allowed to all the inhabitants of the colony to buy and sell at their best advantage; And that all acts concerning ingrossing be from henceforth repealed & made void.

ACT XV.

WHEREAS the great wants and extremities of the colony do necessarielie require that care & meanes be vsed for the encouragement of trade, Be it therefore enacted by the Governour and Council and Burgesses of this present Grand Assembly that there be a free trade and commerce allowed to all his maj'ts. subjects within the kingdom of England, And it is further thought fit to be explained particularly, because of some questions and doubts that have been made by the Londoners this yeare tending to a prohibition of trade with them, that it was never intended but the contrary thereof allways assured unto them, as divers publike acts and proclamations in the colony do at large declare: And this Assembly on the behalfe of the inhabitants do pledge the faith of the colony for a continuance of a free and peaceable trade to them with all justice in any case requiring it, so as demeane themselves in a peaceable manner, and be obedient and conformable to the government.

ACT XVI.

BE it enacted by the authoritie of this present Grand Assembly for avoiding causes and suits of law, that where any suit shall be comenced either in quarter court or county court, that if the defendant have either bill, bond or accompt of the plt. wherein he proves him debtor, that in such cases the courts do balance acc's. consideration being had and allowance given to the plt. for his charges who first began his suit, as alsoe to the time when such bills, bonds, accompts or demands were due to be compared with the acco. in ballance. And this act to continue till the next Assembly.
FEBRUARY, 1644-5—19th CHARLES 1st.

ACT XVII.

BE it enacted by this Grand Assembly in respect most of the sheriffs, as is conceived, have converted a great part of the eighteen pound of tobacco per pole to their private benefit; And likewise some comiss's, into whose hands part of the said levie hath been de- posited, That the county courts respectively do call the said sherriffs and such of the comiss'rs. to accompl, And where such default shall be found, That execution presently issue forth against the estates of the delinquents for payment of such summe or summs soe converted with a large consideration for forbearance to the publique, In respect it was no forced conjecture that they have raised to themselves great profit by such conversion. And the estate so seized to remain in the hands of the comiss. are ingaged by act of Assembly to be responsible for publique leavies.

ACT XVIII.

BE it enacted by the authoritie aforesaid, That George Minifie and Richard Bennet, Esquires, be im- ployed by themselves joyntly or severally or by any whom they shall think fitt in the behalfe of the collony for purchasing of powder and shott at the cheapest rates they can, And that they have power to receive of severall sherriffs all the present readie tobacco and dispose of the same for that purpose, but more especially that they or their assignes do provide the greater quan- tity of shott and lead in respect of the generall want thereof, And that the Governour and Council with them have power to dispose thereof, for the furnishing of the forts and setting out of marches as they shall think fitt: And that they the said Mr. Minifie and Mr. Bennet be responsible for the same at the next Assembly.

ACT XIX.

BE it enacted by the present Grand Assembly, That the act the last Assembly excepting servants, armes, amunition, and corn for present subsistance from the rigor of exec'n. be still in full force and power and so to continue till the twentieth of October next.
Certain inhabitants of James City parish may form a distinct parish on account of the danger of the times.

ACT XX.

BE it enacted by the authority of this present Grand Assembly, with consent of Mr. Thomas Hampton, rector of James City parish, in respect of the dangerous times and inconveniencies for the inhabitants of the east side of Archer's Hope Creek to the head thereof and downe to Warham's ponds, to repair to the parish church at James City, That they be a distinct parish of themselves or shall have power to adjoyne themselves to the parish of Martin's Hundred as they the said inhabitants shall find most convenient.

ATT A

GRAND ASSEMBLY

holden att James City the twentieth of November, 1645.

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

PRESENT Sir WILLIAM BERKELEY, Kn't. Governour, &c.

The names of the Burgesses for the severall plantations:

James City county

{ Mr. John Flood,
  Mr. Walter Chiles,
  Mr. Thos. Swan,
  Mr. Robert Wetherall,
  Mr. Ambrose Harmer,
  Mr. Thomas Warne,
  Mr. Peter Ridley,
  Mr. Geo: Stevens,

York County

{ Capt. X'pher Coltrop,
  Mr. Rowland Burnham,
  Mr. Arthur Price.
NOVEMBER, 1645—20th CHARLES 1st.

Isle of Wight county  
- Capt. John Vpton,  
- Mr. Geo. Hardin,  
- Mr. John Seward.

Lower Norff.  
- Mr. Cornelius Lloyd,  
- Mr. X'pher Burrowes,

Elizabeth Citty  
- Capt. Lenard Yeo,  
- Mr. John Chandler.

Warwick county  
- Capt. Tho. Bernard,  
- Mr. John Walker,  
- Mr. Randall Crew.

Northampton  
- Mr. E'd. Scarbrough Speaker,  
- Mr. Thomas Johnson.

Vpper Norff.  
- Mr. Philip Bennett  
- Mr. Edward Major,  
- Mr. Richard Wells.

Charles Citty  
- Capt. Fra. Eps,  
- Capt. Edward Hill,  
- Mr. Edward Prince,  
- Mr. Rice Hoe,  
- Mr. Wm. Barker,  
- Mr. Charles Sparrow,  
- Mr. Anthony Wyatt,

Henrico county  
- Mr. Abra. Wood,  
- Mr. Wm Hatcher.

Northumberland—Mr. John Matrum.

ACT I.

BE it enacted by the authority of the Governour, Council and Burgesses of this present Grand Assembly, That whereas the certain number of Burgesses for the several counties of this collony have been divers times augmented and lessened without any certain rule for the same: that hereafter for all ensuing As-

* This is the first time that the county of Northumberland appears to have been represented in the General Assembly. The name did not occur till it was mentioned in the 9th act of the preceding session; and the county was probably formed by the Governor and Council during the recess of the Legislature. See note to act IX. of February, 1644-5.
Whereas no county shall exceed the number of 4 Burgesses, except the county of James City, which shall elect 5 Burgesses for the said county and one for James City. And that the election of all Burgesses be performed in those places where the county courts are held, (those places excepted which are published by act of Assembly;) also the sheriffs shall give notice of such elections to the several inhabitants 6 days at least before the time of meeting to that place.

**ACT II.**

Whereas there hath been great abuse by the unreasonable rates exacted by ordinary keepers, and retailers of wine and strong waters, be it enacted that no person or persons whatsoever retailing wines or strong waters shall exact or take for any Spanish wines (vizt.) Canary, Mallego, Sherry, Muskadine, Allegaut or Tent above the rate of 30 pound of tob’o. per gall. And for Maderia and Fyall wine above 20 pound of tob’o. per gall. And for all French wines above the rate of 15 lb. tob’o. per gall. And for the best sorte of all English strong waters above the rate of 80 lb. of tobacco per gall. and for aqua vitae or brandy above the rate of 40 lb. tob’o. per gallon.

And if any person or persons retailing wines or strong waters as aforesaid shall fraudulently mix or corrupt the same, upon complaint and due proof made thereof before two commissioners whereof one to be of the quorum, the said commissioners shall by warrant under their hands command the constables to stave the same, and if any shall take more than such rates sett they to be fined at double the value of such rates soe exacted.

**ACT III.**

Whereas the carelesse stragling of many people hath exposed them to the slaughter of the enemy, be it enacted, that the Leifts. and deputy Leifts. in the several precints, shall hereby have power to restraine all such persons (as not being considera-
ble party to defend themselves) shall either hunt in the woods or travel abroad, and punish such as shall offend therein according to the nature of the offence.

**ACT IV.**

To rectify the great abuse of millers, Be it enacted that no person or persons shall for the grinding any grayne that shall be brought unto them take above the sixth part thereof for toll.

**ACT V.**

Whereas it hath pleased his most excellent majesty to give instructions to the present Governor for the enlargement of the payment of powder paid by the shippes arriving in this collony, Be it therefore enacted that for this present yeare all shippes which have arrived since the Governor's last coming in, or that shall arrive before midsummer next shall pay one halfe pound of powder to the publique, for every tunne of their burthen, And be it also enacted. That all shippes arriveing after midsummer next shall pay to the publique 1-2 pound of powder and three pound of lea-den shott or lead for every tunne of their burthen, and that this present act shall be affixed to the masts of all shippes arriving in this collony, to the intent that notice may be taken thereof.

**ACT VI.**

Whereas many vexatious suits have happened in this collony and much injury done especially unto the estates of the deceased, and some absent persons by the accepting of acc'ts, and booke debts as good evidence and proofe for the recovering of debts which indeed were not justly due, Be it therefore enacted that noe booke debts or acc'ts, (not alread already made) shall be pleadable in any court or courts of justice within this collony after 9 months from the original of the said debts, without speciality or writing under the hand or hands of any person or persons that shall be impleaded for the same, except a suit be commenced, and a de-
LAWS OF VIRGINIA,

To extend to inhabitants of, & debts contracted within the colony only.

All mercenary attorneys to be expelled from office.

Sheriff not bound to receive any clerk's fees or ferrymen's wages, &c., which do not belong to his place.

All administrations to be granted at the county courts where the deceased dwelt;
And probate of wills, appraisements, inventories & accounts to be there had and allowed. Commissioners to cer-

claration entered and filed in the county court, where the debtor liveth within the said 9 months. Provided that this act shall only extend to such debts as shall be made within this colony, and to such person & persons, debtors and creditors as shall inhabit and dwell within this colony.

ACT VII.

WHEREAS many troublesome suits are multiplied by the unskillfulness and coveteousness of attorneys, who have more intended their own profit and their inordinate lucre than the good and benefit of their clients: Be it therefore enacted, That all mercenary attorneys be wholly expelled from such office, except such suits as they have already undertaken and are now depending, and in case any person or persons shall offend contrary to this act to be fined at the discretion of the court.

ACT VIII.

BE it enacted that no sheriff be compelled to receive any debts of fees of clerks or ferrymen's wages or fees of any other officers which do not properly belong to his place (the secretaries and the clerke of the council their fees for the precedent years only excepted.)

ACT IX.

WHEREAS the estates of the deceased persons in this colony have been much wronged by the great charge and expences which have been brought in by the administrators thereof by pretence of their attendance at James City and the distance of their habitations from thence, for remedy whereof, and because the abuses may be better knowne and prevented in the place where the decedent dwelt and the estates belonging to orphans and absent men may be better conserved, Be it enacted, That all administrations shall be granted at the county courts where such person or persons did reside or inhabitt, And all probats of wills there made and the wills recorded together with the appraisments,
inventories and acco’ts. belonging to the same there examined and allowed, And accordinglie as the commis- sioners of the said county courts shall see cause, to give certificate to the secretaries-office at James Citty for a quietus est to be given to the administrators of course, and likewise that all such administrations being granted and made there, be sent vp to the said office to be ex- emplified under the seal of the collony.

ACT X.

WHEREAS the great distance of many parts of this collony from James Citty hath occasioned much trouble and charge to the inhabitants by their fre- quent repair thither for the dispatch of their buisnes in suits of law, it is thought fit and accordinglie enacted, that all causes of what value soever between party and party shall be tried in the countie courts by verdict of a jurie if either party shall desire it, which jurors shall be chosen of the most able men of the county who shall of course be empannelled by the sherriff for that pur- pose: but if the defendant before the hearing of the cause shall desire releafe in equity, and to be heard in way of chancery, then the proceedings by the way of jury at common law shall be stayed vntil the other par- ty have answered the particulars of his petition vpon oath and the cause heard accordingly: Vpon which hearing, The commisioners shall either proceed to make a final end, or decree in the said cause, or else finding noe such cause of releafe in equitie as was pretended, then to remit the cause back againe to be tried by a jur- ry as aforesaid: And the jurors to be kept from food and releafe till they have agreed vpon their verdict ac- cording to the custome practised in England, Also it shall be lawfull for any person or persons having cause of equity to take out sumons vnder the hand of one of the commisioners of the quorum in way of subpoena to be entred in the Clerkes booke, commanding the ap- pearance of any person or persons to answer the com- plaint of the plt. who shall exhibitt his petition, to which the defendant shall be bound to answer vpon oath as aforesaid, And the court is hereby authorized to appoint such times and orders as they shall think fitt for the hearing of all the aforesaid chancery causes, Be it also enacted, That the clerkes of the courts shall
from time to time keep records of the proceedings of all actions and causes aforesaid, and no deposition shall be taken but in court, or before two of the commissioners the plt. and defend’t being present or some appointed by the said plt. and deft.

ACT XI.

BE it also enacted for the lessening of expense and trouble in courts, That if any person or persons will acknowledge under his or their hand or hands a judgment for his or their just debt or debts, and the same be entered by the clerk of the county court before one of the commissioners of the quorum in a book to be kept for that purpose, Then such judgment shall to be equally binding if given by the court, and execution to issue accordingly. And the clerks fee for entering such judgments to be ten pounds of tobacco & for an authenticall coppy thereof four pounds of tobacco.

ACT XII.

BE it also enacted, That at midsummer and March courts a jury shall be empanelled in the several county courts, to attend the said courts, to receive all presentments and informations, and to enquire of the breach of all penal laws and other crimes and misdemeanors not touching life or member, to present the same to the court, who are to determine thereof, or else if they shall see cause to transmitt the same to the Governor and Council.

ACT XIII.

BE it also enacted, That appeales shall lie from county courts to quarter courts and from quarter courts to assembly as formerly hath been vsed, And a judgment being entered in any of the county courts and certified under the clerks hand into any other county, execution shall there issue as if judgment had been given in the same county.
ACT XIV.

WHEREAS the former course in awarding 20 in the hundred for default of appearance hath been found inconvenient, It is thought fitt that the same be repealed, and in stead thereof, Be it enacted, That all sheriffs shall take sufficient bayle of all persons arrested, with this condition to bring forth the body of the party arrested or perform the award of the court, And if the sherriff shall neglect to take sufficient bayle of the party arrested, or otherwise consent to, or be cause of his escape, Then the said sheriff shall bee liable to pay the award of the court himselfe, But if the party arrested shall not appear to answer the suit, bayle being given, then judgment shall be awarded against the bayle, And the bayle soe condemned, (if it be required) shall then have an attachment against the estate of the party soe arrested not appearinge, And the court following judgment thereupon: Allwaies provided that if the said bayle at the next court after the first impleading do bring forth the body or sufficient goods of the party soe arrested to satisifie the award of the court, The bayle shall be then acquitted, And the said comissioners shall be precisely tied to keep the days appointed for their meeting by former act of Assembly, and for no cause to alter the same, But it shall be lawful for the comissioners to hold courts att other times if occasion require, And it shall be in the power of the Governour to appoint and nominate the clerkes of the county courts and their fees for enteringe of all actions above the value of 1600 lb. of tobo. or £10 sterl. as alsoe for all other things which before this act belonged to the secretaries office provided they exceed not the fees formerly allowed by act of Assembly.

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ACT XV.

WHEREAS the ancient and vsual taxing of all people of this collony by the pole, equally, hath been found inconvenient and is become insupportable for the poorer sorte to beare, This Assembly haveing taken it into considerations have for their releife hereafter thought fitt to alter the same: Be it therefore enacted, That all publique leavies and county leavies be 2 P

General poll taxes abolished.
raised by equall proportions out of the visible estates in the collony. The conformity of the proportions to be as followeth, (vizt.)

- One hundred acres of land at 04 lb. tobacco.
- One cow, 3 years old at 04
- Horses, mares and geldings at 32 a pence.
- A breeding sheep at 04
- A breeding goate at 02
- A tithable person at 20

And for the better effectinge thereof, Be it enacted, That by the 25th of June next, a list be taken by some to be appointed for that purpose by the county courts in each county of all tithable persons, of all cowes above 3 yeare old, of all horses, mares, and geldings of 3 years old and vpwards and of all breedinge sheepe and goats in like manner, and that such lists be taken yearly at the same time (vizt.) the 25th of June and sent unto the secretaries-office, Likewise that the treasurer shall yearly give in anaccount to the said office of all the particular parcells of land in each county at the same time of the 25th of June, see that by this means the quantitye of land, tithable persons, horses, mares, geldings, cowes, sheepe and goats may be knowne in each county and consequently the totall in the county, which done, and the publique taxe knowne to the Assembly, the abovesaid publique taxe shall be augmented or diminished as occasion shall require.

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ACT XVI.

WHEREAS the Governor's vrgent occasions will not permit him to reside continually at James Citty and that in his absence no writ can issue forth, It is thought fitt and accordingly enacted, That all writs shall issue out of the office vnder the scale as at this present they do, and since the Governor's goinge the last march have done.

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ACT XVII.

ACCORDING to his ma'ties. gracious bounty to this collony, expressed in his late royal letters, Be it enacted by the Governor, Council and Burgesses,
of this present Grand Assembly that all the quit rents for land due to his majesty in this collony be disposed as followeth (vizt.) first allowing to the treasurer for the time being his salary of £. 500 per. ann. as the revenues shall amount thereto, and then what shall arise by surplussage the accompt thereof to be presented to the Governor and Council and then to be disposed of by the Assembly as they shall think fit.

ACT XVIII.
WHEREAS the earnest prosecution of the present warrs hath subjected this collony to an excessive charge wherein all persons whatsoever inhabiting within this colony ought equally to be ingaged in respect the preservation of all depends therevpon, and that the warr is conceived to be a defensive warr wherein those of the Council are by his m'sties instructions equally ingaged with the rest of the collony: Be it therefore enacted, That those of the Council aforesaid shall noe longer exempt their tenne men a peecce from the charge of the said warr but shall equally contribute with the rest of the inhabitants, in all charge expended herein both for this present yeare and all the time that the said warr shall continue, excepting onely the fourtens alreadie agreed upon in the countys, which they are cleared from, in respect of what is alreadie done therein cannot be altered or intermedled with without much trouble.

ACT XIX.
WHEREAS it is to be desired that all manufactors should be set on work and encouraged in this collony, Be it enacted hereby, That all exportation of hides & leather be forbidden, upon penaltie of the forfeiture of double the value of any hides and leather soe exported out of the collony, and the stay of any such vessel or vessels in which any of them shall be found, The halfe of which forfeiture shall be to the king: the other halfe to the informer.
THE Governor, Council and Burgesses of this present Grand Assembly having maturely weighed & considered how advantageous a quoine current would be to this collony, and the great wants and miseries which do daily happen vnto it by the sole dependency vpwn tob’o, have at length resolved and enacted, and be it by the authoritie aforesaid enacted as the onely way to procure the said quoine and prevent the further miseries, That all peeces of eight in Spanish money be valued and taken in payment, att the rate of sixe shillings and all other Spanish silver quoines proportionably which shall be brought into the collony: And where-as it is conceived that the said quoine will not continue with vs vnless we have a leger quoine, Therefore seri- ous consideration had of the many wayes tending to that effect, It was at length generally allowed, Tha quoine of copper would be the most benefical to, and with most ease procured by the collony, And that after proclamation made by the Governour and Council that all person or persons within this collony whether merchants or others do desist or leave off tradeing for tob’o, vpon the penaltie and forfeiture of the thing so bought or sold, The one moyety whereof shall be and come to the informer, and the other to the benefit of the state.

The quoine to be erected after this manner.

10000 lb. of copper to be bought by the publique at the rate of 18d. per lb, which amounts to £750 sterl. which to be paid in tob’o, at the rate of 1d. 1-2d. per lb. 120000 of tob’o. which being collected per pole accounting 5000 persons in this collony it comes to 24 lb of tob’o, per pole every pound of copper to make 20s. and to allow for the mintage 12d. per pound soe there will remaine £9500 sterl. The mintage allowed and deducted. The stocke to be equallie divided amongst the adventurers to be quoined in two pences, three pences, sixe pences and nine pences, And if it shall happen at anytime hereafter that the aforesaid quoine be called in and become not currant, Yet the publique shall make good the quantity of so much (vizt.) £. 10000 to be levied per poll, And that it may be provided that this quoine may not be counterfeited and brought in, Beside the inflicting of capittel punishment vpon these
who shall be found delinquents therein, That upon every piece of coyne there be two rings, The one for the motto, The other to receive a new impression which shall be stampt yearly with some new figure, by one appointed for that purpose in each county, And that the hon'ble. Sir William Berkeley, Kut. Gov'r. shall have the disposall and placing of such and soe mane officers as shall be necessarily required for performing and finishing the aforesaid service, Onely Capt. John Upton is hereby confirmed Mint Master General: Wee reposing much confidence in his care, ability and trust for the performance of the said office.

The Assembly is prorogued untill the first of March next, and then a full meeting to be had concerning the same.

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**[MARCH, 1645-6—SECOND SESSION.(a)]**

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**ACT I.**

WHEREAS it was enacted at a Grand Assembly bearing date the second of March 1642, concerning the church government, That the church-wardens of every parish respectively should deliver in a true presentment in writing of such misdemeanors as to their knowledge have been committed the year before, in that time whilst they were church-wardens, Namely swearing, prophaning God's name and his holy Sab- 

baths, abusing his holy word and commandments, con- 

temning his holy sacraments or any thing belonging to his service or worship, It is now further enacted by this present Grand Assembly, That the said church wardens

[a] The words included thus [ ] have been introduced by the Editor; because this is evidently a second session of the Grand Assembly, as appears not only from the prorogation above mentioned, but from the circumstance that several of the acts of this session speak of those of November, 1645, as of the “first sessions.” See act VII. and VIII of this collection.
shall not only present their knowledge of the said mis-
demeanors, but all persons of evil flame for the said of-

**ACT II.**

**WHEREAS** also by the 5th article of the said act it was likewise enacted, That if any person or persons of what degree or condition soever should abuse themselves with the high and fowle offences of adultery, whoredom or fornication or with the loathsome sinnse of drunkenness in the abuse of God's creatures, that of those and every of those the said church-wardens should make a true presentment. *It is now further enacted,* That if any church-warden shall faile in the makeing of their due presentments to the county courts respectively that the comissioners do impose a mulkt or fine for all and every such neglect; And in case the comissioners shall be remiss in imposing a mulkt or fine vpon the church-wardens soe neglecting or in punishing offenders after presentation according to the meritt of the cause, that then the comissioners, vpon complaint made shall be finable at the discretion of the Governour and Council, and that the 7th article of the first act of the 17th Feb. 1644* concerning the punishment of the negligence of church-wardens be from henceforth repealed.

**ACT III.**

**WHEREAS** it was enacted at a Grand Assembly held the 2d of 8br. 1644, That the charges & fees of the King's prisoners should be defrayed by the severall countys respectively where such prisoners shall be apprehended in case the said prisoners should be found guilty and if not guilty that then they should bear their owne charges; and the same should continue in force till the next Assembly, *This present Grand Assembly to all intents and purposes do confirm the said act with this addition and proviso,* that any of his ma'ties prisoners being found guilty of any accusation

* Act VI. of Feb. 1644-5.
not tending to his life shall beare his owne charges & discharge the fees, any thing in that act to the contrary notwithstanding.

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**ACT IV.**

**WHEREAS** it was enacted by the 6th* act of the Grand Assembly held the 2d of October, 1644, That all charges and disbursments for the cure of hurt men and horses, for boats lost or damned, boats hire, provision, or ammunition imploied in the publique service, or any other charge therein accrewing, should be presented to the several county courts where they who have expended any such charges did then reside, and that the commissioners should allow what they conceived reasonable and raise particular levies in the said several counties for satisfaction thereof to be made to the disbursers, and that the said act should continue till the next Assembly, Be it now enacted for explanation of the said act and in stead thereof, That what soldiers shall be pressed for the publique service, In case they shall be hurt or maymed vpon the service, the county from whence the soldier was pressed shall take care and defray the charge of his care, and in case of mayme thereby disabling him from labor, That the countyes respectively shall take care for the maintenace of such soldiers at the discretion of the comissioners who are hereby authorized to raise levies in the counties for the aforesaid vses, And this to continue during the warr: And that the 11th act of the said Assembly concerning the provision for maymed soldiers be from henceforth repealed.

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**ACT V.**

**WHEREAS** it was enacted the 12th of June, 1641, and continued by an act 17th of February 1644, That all ministers should preach in the forenoon and catechise in the afternoon of every Sunday, And in case they should faile soe to doe, that then they forfeit

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*Arranged as act IV. in this collection.
500 lb. of tob'o. to be disposed off by the vestry for the use of the parish: Be it now further enacted, That all masters of families upon warning given by the ministers in the several places where they shall officiate, do cause their children and servants to repair to the places appointed to be instructed and catechised as aforesaid upon the like penaltie that is imposed on the minister, in case of his default, to be disposed as aforesaid, unless sufficient cause be shewn to the contrary.

ACT VI.

BE it enacted by this present Grand Assembly and the authoritie thereof, that the 12th* act of the Grand Assembly held the 2d of March, 1642, concerning the payment of powder and shott &c. by the masters of ships to the fort be repealed, and that the 5th† act of the first sessions of this Assembly be and remaine in full force power and vertue.

ACT VII.

WHEREAS by the 6th act of the first sessions of this present Grand Assembly, It was enacted for the avoiding of many vexatious suits which have happened in the collony by accepting of accompts and broken debts, which indeed were not justly due, that no booke debts or accounts should be pleadable in any court of justice within this collony, after 9 months after this instant, March, without specialty or writing under the hand or hands of such person or persons that shall be impleaded for the same vnles a suit be commenced, and a declaration entred and filed in the county court where the defend't liveth within the said nine months, Provided that the said act should only extend to such debts as should be made within the collony, It is now further enacted, That is respect of the necessity of the collony, for want of a coine, That officers belonging to the courts of justice as the secretary, clerke and sheriffs should give credit for dispatches belong-

* Act IX. in this collection.
† Ante pa. 301 arranged as act V. of Nov. 1645.
ing to and executing their offices and places, And that their accounts for execution of their places be pleadable and recoverable, any thing in this act to the contrary notwithstanding.

ACT VIII.

BE it enacted by the present Grand Assembly, That the 74th* act of the Grand Assembly held the 2d of March, 1643, lycensing attorneys bee from henceforth repealed, and that the 7th act of the first sessions of this present Grand Assembly be in full force and power.

ACT IX.

WHEREAS it was enacted by the 8th† act of the first sessions of this present Grand Assembly, That no sherrif should be compelled to receive any debts or fees of clerkes or flerrymens’ wages or fees of any other officers, which do not properly belong to their places, The secretaries and the clerke of the council’s fees for the precedent years onely excepted, which act was grounded upon the hopeful expectation of a currant coyne, to be made in the collony, which cannot be soe readily effected as was then expected, Wherefore this present Grand Assembly have thought fit and accordingly enacted. That the sheriffs be compelled to collect the secretaries and clerk of the council fees, and the clerke or clerks belonging to the Governor and Council as formerly, But that they shall not otherwise receive the clerks of county courts their fees or flerrymens’ wages without an allowance or salary for their paines, And this act to continue in force till there be an allowed coine made in the collony, any thing in the said act to the contrary notwithstanding.

ACT X.

WHEREAS by a certaine clause in the Xth act of the first sessions of this present Grand Assembly concerning the county courts proceedings it was

* Act LXI. of this collection
† Act VIII. of this collection also.
WHEN the said act should continue in force till the next Assembly, 

This present Grand Assembly to all intents and purposes doth confirm the said act, Provided that no bills or acco'nts, whatsoever be passed or assigned over without the knowledge of both parties.
ACT XIII.

BE it enacted for the defence of the inhabitants on the southside of James River and the prevention of the great releife and subsistence to the Salvages by fishing in Bristoll alias Appomattocke River, as also for the cutting down their corne or performing any other service upon them, That there be a fort forthwith erected, at the Falls of the said Appomattock River, nominated forte Henry, and forty-five soldiers raised from the inhabitants from Basses choyce vpwards, including the said Basses choice: All which soldiers are to bee raised by the Lei’ts. and deputy Lei’ts. within the said lymitt either by presse or otherwise as the Lei’ts. and deputy Lei’ts shall think fitt, from the inhabitants residing within the said precincts proportionally, that is to say, Henrico 3, Charles Citty 12, James Citty 15, Isle of Wight 15, which said Lei’net’s and deputy Lei’ts are authorized to leavie ammes, ammunition and all other things necessary for the service, as well for the building of the fort as otherwise: And it is further enacted that the inhabitants within the lower parish of Isle of Wight county and the Upper and Lower Norfs. counties do undertake the warr against the Nausimum Indians, or any other neighbouring Indians, by cutting vp their corne and doing or performing any act or acts of hostility against them, And that they have power (if it be thought fitt by the Lefts. and deputy Lefts. within the said countie) to erect a forte within the said countyes, And it is further thought fitt, that the charge of the said warr in all the aforesaid lymitts he leavied proportionably from the inhabitants of the south side of James River, And that the same salary be allowed to the officers respectively of the Fort Henry that the officers of the fories on the north side of the river had and enjoyed the last year by virtue of the 3d act of the 17th of Jleb: 1644, with the like priviledge to the Capt. to elect his inferior officers, And that the Lei’ts. and dept. Lei’ts. do take care to provide a sufficient chirurgeon for the said forte.
ACT XIV.

BE it enacted by this present Grand Assembly, That his ma’ties treasurer doe receive the quitt rents in tob’o. at the rate of 3d. per pound. It being conceiv-ed the value of the comoditie at present.

ACT XV.

WHEREAS by the 9th act of Assembly held the 21st of October, 1639, consideration being had and taken of the imodarte and excessive rates and prices exacted by practitioners in physick and chyrurgery and the complaints made to the then Assembly of the bad consequence thereof, It so happening through the said intollerable exactions that the hearts of divers mas ters were hardened rather to suffer their servants to perish for want of fitt means and applications then by seeking releife to fall into the hands of griping and avaricious men, It be apprehended by such masters who were more swayed by politick respects then Xpian* duty or charity, That it was the more gainfull and saving way to stand to the hazard of their servants then to entertain the certain charge of a phisitian or chirurgeon whose demands for the most parte exceed the pur-chase of the patient, It was therefore enacted for the better redress of the like abuses thereafter vntil some litter course should be advised on, for the regulating phisitians and chirurgeon within the collony, That it should be lawfull and free for any person or persons in such cases where they should conceive the acco’t. of the phisitian or chirurgeon to be unreasonable either for his pains or for his druggs or medicines, to arrest the said phisitian or chirurgeon either to the quarter court or county court where they inhabitt, where the said phisitian should declare vpon oath the true value worth and quantity of his druggs, medicines adminístred to or for the use of the plt.† whereupon the court where the matter was tryed was to adjudge and al-low to the said phisitian or chirurgeon such satisfacti-on and reward as they in their discretions should think fitt, And it was further ordered that when it should be sufficiently proved in any of the said courts that a physis-tian or chirurgeon had neglected his patient. or that

* Christian.  † Patient.
he had refused, being thereunto required, his helpe and assistance to any person or persons in sickness or extremity, That the said physician or chirurgeon should be censured by the said court for such his neglect or refuseall, which said act and every clause therein mentioned and repeated, this present Grand Assembly to all intents and purposes doth revive, ratifie, allow and confirme with this only exception that the plts. or patients shall have their remedie at the county courts respectively, vnless in case of appeale.

ACT XVI.

WHEREAS by a Grand Assembly held the 17th of Feb. 1644, It was then enacted by the consent of Mr. Thos. Hampton, rector of Ja: City parish, That the inhabitants of the east side of Archers hope creeke to the head thereof, and downe to Warehams ponds, should be a distinct parish of themselves, Bee it now further enacted by the authoritye of this present Grand Assembly, That the said parish be nominated and called by the name of Harrop parish

ACT XVII.

BE it enacted by this present Grand Assembly that the 25th* act of the Grand Assembly held the second of March, 1642, injoyning sufficient and legall demands to be made before any suits should be commenced, be from henceforth repealed and made void, And in stead thereof be it enacted by the authoritye aforesaid that the creditor's oath shall be a sufficient proofe whether or no the debt in question were first demand-ed before the suit commenced

ACT XVIII.

WHEREAS the Governor, Council and Burgesses of this present Grand Assembly have maturely weighed and considered the great and vast expence of

* Act XLIV in this collection
the collony, in prosecuting the warr against our comon enemies the Indians, and the almost impossibility of a further revenge upon them, they being dispersed and driven from their townes and habitations, lurking vp & downe the woods in small numbers, And that a peace (if honourably obtained) would conduce to the better being and comoditie of the country, have enacted, and be it therefore enacted by the authority aforesaid, That three-score men be forthwith raised on the north side of James River, well provided with fixed guns, shott baggs and swords, That is to say, from Henrico 2 men, Charles Citty county 4, James Citty countye 13, Yorke county 16, Warwick county eight, Eliz. Citty county 8, and Northampton county 9—All which said men shall march vnder and be obedient to the command of Leift. Fra : Poythers in the manageing of any occasionall warr, And that upon all emergent occasions in the treaty for the accomodation of a peace the said Leift. Francis Poythers shall follow the advice of Capt. Henry fleete, And that the said Capt Henry Fleet shall according to his vndertakeing and propositions made to the Grand Assembly provide and make readie his barque, boat and shellop, victualls and men for the manageing of the said vessells for the space of sixe weeks, And three hundred pound of powder and 1200 lb. of shott or bulletts for the said sixty men to be employed in the service, att his owne proper costs and charges, As alsoe all such nailes, axes, hoes, spades, & other necessaries for the service as occasion shall require, the charge of which shall be borne and defrayed by the publique leavye, And that the said 60 soldiers be raised by the Leift. and deputy Leifts. of the said several countyes respectively in the several precincts who are to repaire to their rendevouze at Kickotan on the 20th of Aprill next well appointed as aforesaid, And further be it enacted, That Mr. Cornelius Lloyd and Mr. Antho : Elliott shall forthwith putt in securi-ty (according to the present vndertakeing) to provide and make readie att the tyme aforesaid 2520 lb. of beeffe and porke sufficiently salted and packt in caske, and 2520 lb. of bread or sifted meale and 40 bushells of peas in caske or the valewin bread and meale, In consideration whereof they shall receive 15000 lb. of tobacco to be raised by the next publique leavie, out of such county or countys as they shall desire. And that
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Capt. Henry Fleet in satisfaction of his charge and disbursement shall receive the summe of 15000 lb. of tob'o. to be likewise raised at the next Leavie, Provided alwayes that in case he do not effect the aforesaid intended peace with Oppechankeno or his Indians our enemies, that then he shall bære all such charges and disbursements without any consideration or satisfaction from the publique, And if it shall soe happen that a peace may not or cannot be concluded, that then they the said Fleet and Poythers shall erect and build a forte in any convenient place in Rappahannock River, or before if they shall soe think fitt; And follow such further instructions as shall be given them, by this Grand Assembly or the Governour and council.

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ACT XIX.

BE it enacted by the Governour, Council and Burgeses of this present Grand Assembly that no merchant whatsoever shall retayle wine or strong waters within the corporation of James Citye or the Island, And that no ordinary keeper that shall be licensed for the retayling of wines or other strong liquors do exceed the rates and prices allreadie sett therevpon, or sophisticate the same vpon penalty of such fyne to be imposed vpon them by the commissioners of the county courts respectively as they shall thinke fitt.

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ACT XX.

BE it enacted by the authoritie aforesaid, That the 3th act of the Grand Assembly held the first of March, 1643, requiring all lead to be melted and imployed for the making of shott be from henceforth repealed and made void.

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ACT XXI.

BE it enacted by this present Grand Assembly and the authority of the same, That all levies that shall accrew due from the publique shall be satisfied by the last of November following, And in case of non-
payment that the sherriffs be enabled to make seizure of the tob'o. of the delinquents which in all probability will not be disposed of before that time whereby the publique credit may be better preserved and the creditors fully satisfied in kind: And further it is enacted and confirmed that no levies be raised within the colony but by a Generall Grand Assembly.

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ACT XXII.

BE it enacted by this Grand Assembly, That if any of the Capt's. of the severall forts respectively, shall at any time press any necessary tooles from the inhabitants for the publique service and not returne the same againe, that then they the said Capts. or any of them shall for such default be liable to make the owners satisfaction for the tooles soe pressed, vpon complaint made to any county court, and that they shall seek their releife from the publique.

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ACT XXIII.

WHEREAS his ma'tie by vertue of his hignesse writ vnder his signet and signe manuall dated the 4th of October, 1644, hath comanded that some course be taken, for the allowance and confirmation of a salary to Capt. Robert Morrison Lieft. of the fort att Poynt Comfort, to be paid out of his ma'ties treasurie, It is therefore thought fit and accordingly enacted by the Governour, Council and Burgesses of this present Grand Assembly, That the quit rents and rents by leases now vnreceived for Northampton county from time to time be paid vnto the said Capt. Morrison or his assignes during his continuance in the said office, The rents of which said county the said Capt. Morrison hath accepted as a sufficient recompence for his entertainment and salary, And all acco'ts. and orders both for collection and distresse to extend as well to the said Morrison or his agents as well as to the treasurer, any thing in the 17th act of this first sessions of Assembly to the contrary notwithstanding.
WHEREAS Leift Nicho: Stillwell and others of this collony have secretly conveyed themselves to Maryland or Kent; And divers other ingaged persons likely to follow, if timely prevention be not had therein, Be it therefore enacted, That Capt. Tho: Wl-loughby, Esq. and Capt. Edward Hill be hereby authorised to go to Maryland or Kent to demand the returne of such persons who are allreadie departed from the collony, And to follow such further instructions as shall be given them by the Governour and Council, and that a proclamation do forthwith issue from the Governour and Council to prohibitt the further departure of any the inhabitants of the collony, Vpon penalty of severe censure to be inflicted by the Governour and Council.

ACT XXV.

BE it enacted by this present Grand Assembly that the county of of Vpper Norff: be from henceforth nominated and called the County of Nansimum.

WILLIAM BERKELEY.
ATT A

GRAND ASSEMBLY

BEGUNNE AT JAMES CITTIE THE 5TH OF OCTOBER, 1646.

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death, it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

SIR WILLIAM BERKELEY, Knight Governour &c.

Capt. John West
Capt. Wm. Broccas,
Capt. Thomas Pettus
Capt Tho. Willoughby,
Capt. Wm. Bernard,
Capt. Hen. Browne,
Mr. Richard Bennett,
Geo. Ludlowe,

The Burgesses names of the severall countys:

James Citty county
{ Mr. Ambrose Harmer,
  Speaker,
{ Mr. Walter Chiles,
{ Capt. Robert Shepheard,
{ Mr. George Jordayne,
{ Mr. Thomas Lovinge,
{ Mr. Wm. Barrett.

Henrico county
{ Capt. Abra. Wood,
{ Mr. Wm. Cocke.

Charles Com.
{ Mr. Rice Hoe,
{ Mr. Dan: Lluellen.

Isle Wight
{ Mr. Geo: Sflawdowne,
{ Mr. Ja: Bagnall.
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Elizabeth City { Mr. John Robbins,
                  { Mr. Hen: Ball,
Yorke         { Mr. Hugh Gwin,
                { Mr. Wm. Luddington.
Warwicke      { Mr. Tho. Taylor,
                { Mr. Randall Crew,
                { Mr. John Walker.
Lower Norff.   { Mr. Edw. Lloyd,
                { Mr. Tho. Meares,
                { Mr. Robert Eyres.
Northampton   { Mr. Edward Douglas,
                { Mr. Thomas Johnson.
Nansimund*    { Mr. Edward Major,
                { Mr. Sam. Stoughton,

ACT I.

Art. 1.† BE it enacted by this Grand Assembly,
That the articles of peace follow: between the inhabitants
of this collony, and Necotowance King of the Indians
bee duly & invaluable observed upon the penaltie
within mentioned as followeth:

Imp. That Necotowance do acknowledge to hold
his kingdom from the King's Ma'tie of England, and
that his successors be appointed or confirmed by the
King's Governours from time to time, And on the other
side, This Assembly on the behalfe of the collony, doth,
undertake to protect him or them against any rebells or
other enemies whatsoever, and as an acknowledgment
and tribute for such protection, the said Necotowance
and his successors are to pay unto the King's Govern'r.
the number of twenty beaver skins att the going away
of Geese yearely.

Art. 2. That it shall be free for the said Necotow-
ance and his people, to inhabit and hunt on the norh-

* Formerly "Upper Norfolk," and changed to "Nausiumum," by
the last act of the preceeding session.

† The articles of this treaty are numbered in the margin in the
MS.
Laws of Virginia,

side of Yorke River, without any interruption from the English. Provided that if hereafter, it shall be thought fit by the Governor and Council to permit any English to inhabit from Poropotonke downwroards, that first Necotowance be acquainted therewith.

Art. 3. That Necotowance and his people leave free that tract of land betweene Yorke river and James river, from the falls of both the rivers to Kequetan, to the English to inhabitt on, and that neither be the said Necotowance nor any Indians do reparie to or make any abode vpon the said tract of land, vpon paine of death, and it shall be lawfull for any person to kill any such Indian, And in case any such Indian or Indians being seen vpon the said tract of land shall make an escape, That the said Necotowance shall vpon demand deliever the said Indian or Indians to the Englishmen, vpon knowledge had of him or them, vnles such Indian or Indians be sent vpon a message from the said Necotowance.

And to the intent to avoid all injury to such a messenger, and that no ignorancie may be pretended to such as shall offer any outrage, It is thought fitt and hereby enacted, That the badge worn by a messenger, or, in case there shall be more than one, by one of the company, be a coate of striped stuffe which is to be left by the messenger from time to time so often as he shall returne at the places appointed for coming in.

Art. 4. And it is further enacted, That in case any English shall reparie contrary to the articles agreed vpon, to the said north side of Yorke river, such persons soe offending, being lawfully convicted, be adjudged as felons; Provided that this article shall not extend to such persons who by stresse of weather are forced vpon the said land, Provided alsoe and it is agreed by the said Necotowance, that it may be lawfull for any Englishman to goe over to the said north side haveing occasion to fall timber trees or cut sedge, soe as the said persons have warr't for they're soe doing under the hand of the Gov. Provided alsoe notwitstandinge any thing in this act to the contrary, That it shall bee free and lawfull for any English whatsoever between this present day and the first of March next to kill and bring away what cattle or hoggis that they can by any

The Indians cede to the English all the lands between the falls of James and Yorke rivers downwroards to Kequetan. Death for an Indian to be seen upon this land unless sent as a messenger.

Badge of messengers, a striped coat.

Felony for an Englishman to be found on the Indian's hunting ground.

Exception.

Further exception.
OCTOBER, 1646—21st CHARLES 1st.

means kill or take upon the said north side of the said river.

Art. 5. And it is further enacted that neither for the said Necotowance nor any of his people, do frequent come in to hunt or make any abode nearer the English plantations then the limts of Yapin the black water, and from the head of the black water upon a strait line to the old Monakin Towne, upon such paine and penaltie as aforesaid.

Art. 6. And it is further ordered enacted that if any English do entertain any Indian or Indians or doe conceale any Indian or Indians that shall come within the said limits, such persons being lawfully convicted thereof shall suffer death as in case of felony, without benefit of clergy, excepted such as shall be authorized thereto by vertue of this act.

Art. 7. And it is further enacted that the said Necotowance and his people upon all occasions of message to the Gov'r. for trade, doe reparie vnto the fort Royal onely on the north side, at which place they are to receive the aforesaid badges, which shall shew them to be messengers, and therefore to be freed from all injury in their passage to the Governor, vpon payne of death to any person or persons whatsoever that shall kill them, the badge being worn by one of the company. And in case of any other affront, the offence to be punished according to the quality thereof, and the trade admitted as aforesaid to the said Necotowance and his people with the commander of the said fort onely on the north side.

Art. 8. And it is further thought fitt and enacted, that vpon any occasion of message to the Gov'r. or trade, The said Necotowance and his people the Indians doe repair to Forte Henery alias Appamattucke fort, or to the house of Capt. John Flould, and to no other place or places of the south side of the river, att which places the aforesayd badges of striped stuffe are to be and remaine.

Art. 9. And it is further thought fitt and enacted, That Necotowance doe with all convenience bring in the English prisoners, And all such negroes and guns which are yet remaining either in the possession of
Provision for delivering up Indian servants running away.

Indian children under 12 years of age may live with the English.

Commanders of forts to provide the striped coats.

Propriety of forts, and land adjoining granted to individuals on condition of their keeping them supplied with men, &c.

Grant of fort to Henry to Capt. Wood.

Conditions of.

Compensation to a fort himselfe or any Indians, and that here deliver upon demand such Indian servants as have been taken prisoners and shall hereafter run away, in case such Indian or Indians shall be found within the limits of his dominions; provided that such Indian or Indians be under the age of twelve years at theire running away.

Art. 10. And it is further enacted & consented, That such Indian children as shall or will freely and voluntarily come in and live with the English, may remain without breach of the articles of peace provided they be not above twelve yeares old.

Art. 11. And it is further thought fitt and enacted That the several commanders of the forts and places as aforesaid vnto which the said Indians as aforesaid are admitted to repair, In case of trade or Message doe forthwith provide the said coats in manner striped as aforesaid.

ACT II.

AND whereas the maintaynening of the forts, at least the greater number of them are thought to be of great consequence, In point of honour and security of the collony, and yet of great burthen to the inhabitants to be maintayned by the publique charge, Be it therefore enacted, That the said forties with the propriety of a competent quantity of land bee granted to particular undertakers, to be maintayned by the severall vndertakers, with a sufficient strength of people, with such priviledges for their encouragement herein as are hereafter mentioned, Be it therefore enacted, That Capt. Abraham Wood whose service hath been employed att fortte Henery, be the vndertaker for the said forte, vnto whome is granted sixe hundred acres of land for him and his heires for ever; with all houses and edifices belonging to the said forte, with all boats and amunition att present belonging to the said forte, Provided that he the said Capt. Wood do maintayne and keepe ten men constantly vpon the said place for the terme of three yeares, duringe which time he the said Capt. Wood is exempted from all publique taxes for hismelfe and the said ten persons: And whereas Mr. Thomas Pitt hath a former grant for the said land
whereon the forte is built, As alsoe part of the said land hereby granted, it is thought fitt and enacted, That the said Thomas Pitt shall receive a reasonable satisfaction of the countrey for the same.

And it is further enacted and granted, That Left. Thomas Rolfe shall have and enjoy for himselfe and his heires for ever fort James alias Chickahominy forte with fowre hundred acres of land adjoyning to the same, with all houses and edifices belonging to the said forte and all boats and ammunition at present belonging to the said fort; Provided that he the said Leift. Rolfe doe keepe and maintaine sixe men vpon the place duringe the terme and time of three yeares, for which tyme he the said Leift. Rolfe for himselfe and the said sixe men are exempted from publique taxes.

And it is further enacted, That Capt. Roger Marshall have and enjoy for himselfe and his heires for ever the fort Royall alias Ricahack forte with sixe hundred acres of land adjoyning to the same, with all houses and edifices belonging to the said forte and all boats and ammunition belonging to the said forte; provided that he said Capt. Marshall shall keepe and main- tayne ten men vpon the place during the terme and time of three yeares, during which time he the said Capt. Marshall for himselfe and the said ten men are exempted from publique taxes.

And whereas there is no plantable land adjoyning to fort Charles, And therefore no encouragement for any vndertaker to maintaine the same, It is there- fore thought fitt and inacted, That if any person or persons purchasing the right of Capt. Thomas Harris shall or will seate or inhabit on the south side of James River right opposite to the said fort, soe it be done this or the ensuing yeare, That hee or they so vnder- takeing as aforesaid shall have and enjoy the housing belonging to the said fort for the use of timber, or by burning them for the nailes or otherwise, as also shall be exempted from the publique taxes for the terme of three yeares provided that the number exceed not ten, as also shall have and enjoy the boats and ammu- nition belonging to the said fort.
LAWS OF VIRGINIA,

ACT III.

BE it also inacted that Capt. John ffloud be interpreter for the collony, and that for his service therein and transporting such Indians as shall be employed from time to tyme to the Gov’r. in message or otherwise, he to be allowed from the publique the salary of four thousand pounds of tob’o. yearly.

ACT IV.

WHEREAS by Act of Assembly, 1642, It was inacted concerning Ministers’ duties that every tithable person within their several parishes respectively should pay vnto their minister tenne pounds of tob’o. per poll: Be it now therefore inacted vpon consideration that divers parishes are become very small by reason of the said masacre, and payment by consequence according to the aforesaid rate, of non-sufficiency to support the ministers; That it shall be lawfull for the vestrys of the severall parishes to augment the aforesaid rate of tenne pounds of tob’o. per poll to such competency as they in their discretion shall think fitt.

ACT V.

WHEREAS many losses are lately received by the inhabitants by reason of wolves which do haunt and frequent their plantations; for the better prevention and for the destroying of them, It is inacted that what person soever shall after publication hereof kill a wolfe and bring in the head to any comissioner vpon certificate of the said comissioner to the county court he or they shall receive one hundred pounds of tob’o. for soe doing to bee rayesd out of the county where the wolfe is killed.

ACT VI.

WHEREAS it is inacted and consented by the articles of peace with the Indians that none of the inhabitants shall seate or inhabitt on the north side of Yorke River vntil further order therein notwithstanding any former grant of land or proviso in any
grant to the contrary, _Be it inacted_, That all former grants be continued and confirmed to the grantees, & that the proviso in their several grants for seating in three yeares be interpreted to beginne from the tyme of leave granted to seate upon the north side, And whereas divers of the inhabitants by authority, and others to avoid imminent danger from the enemie, were compelled to relinquish their plantations upon occasion of the late masacre, _It is inacted and confirmed that the proprietors of the said land relinquished as aforesaid have time given and allowed him until the 20th of December 1647 to make sale or seating of the said lands, and that no grant be made in the interim to the prejudice of any such proprietor._

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**ACT VII.**

_Be it inacted_, that the officers and soldiers belonging to the several forces do continue theirire service in their places respectively until the last day of 9br. next, And that the payment be made them by theirire several sherr's, according to the act of this present Assembly in that case provided.

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**ACT VIII.**

WHEREAS it is conceived that there is greate defect in the tithable persons, lands, horses, mares, &c. to the prejudice of many who have duely and according to law presented their lists, _Be it therefore inacted_, as well for the rectifying of the said abuse now done or committed as for the preventing of the like hereafter, That the commissioners of the several county courts respectively doe, at their next county court after the publication hereof, appointe some able and discreet person for the taking of a new list of all the tithable persons, lands, horses, mares, &c. and returne the same to the said com'rs. who are required by the clerks of theirire several courts to present the same to the next Grand Assembly, _And it is further inacted_ that such persons who have concealed the number of their persons tithable, lands, horses, mares, &c. shall for every tithable person, lands, &c. pay double the rate that this present Grand Assembly hath assessed, and where...
Where lists not demanded taxes notwithstanding to be paid.

For giving in false lists treble taxes.

Public and county levies to be first received by sheriffs.

Penalty for acting otherwise.

No commissioner, sheriff or subordinate officer to plead as attorney in the court to which they belong. Exception.

Coopers encouraged. No person to deal for casks except with coopers or their employers. Debts contracted contrary here to not recoverable.

it shall appear that the list of private persons have not been demanded of them by the officers appointed for that purpose, that such persons notwithstanding shall pay the aforesaid assessment with forbearance eight per cent. to be disposed of by the next Grand Assembly: And it is further enacted, That for the future what persons soever shall give any false lists to the officer appointed to take the same shall forfeit treble the quantity due for his publique levys.

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**ACT IX.**

BE it further enacted, That no sherrif: or sherriffs whatsoever doe receive either his owne or other officers’ fees due, or sallary, nor any debt belonging to private persons before payment be made by the party of the publique and county leavy, vpon the penalty of 1000 lb. of tobacco for every sherriff or sherriffs that shall do or receive any tob'o. contrary to the tenor hereof.

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**ACT X.**

FFOR the better prevention of all corruption, partiality and injustice, Be it inacted, That noe commisioner, sherriff, or any other subordinate officer shall plead, or be received to plead, as an attorney in any cause, in any court to which the said commisioner, sherriff, clerke or other subordinate officer do belong (vizt.) In any such case where the party for whom he or they shall appeare as attorney be resideing in the collony.

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**ACT XI.**

FFOR the preventing of the greate exaction of caske, And for the encouraging of coopers to follow their trades, that noe person or persons whatsoever after June next, shall directly or indirectly trade or deale either by bill or accompt for caske, with their tobacco, or caske by itselfe (unles it be with a cooper or imployer of a cooper,) It is further inacted, That what person or persons soever shall, after the time lymitted, make any agreement contrary to the tenor of this act by bill or accompt, such bill or accompts shall not be pleadable in any court of justice within this collony.
OCTOBER, 1646—21st CHARLES 1st. 331

ACT XII.

WHEREAS dayly experience doth informe that the merchants and others, as well Dutch as English, trade within the collony doe practice much deceit by diversity of weights and measures, which are commonly used by them, Be it therefore enacted, That noe merchant or trader whatsoever either English or Dutch shall sell, buy, or otherwise make use of in tradeing, any other weights and measures then are used and made according to the statute of parliament in such cases provided.

ACT XIII.

WHEREAS sundry suits, controversies & debates, in law, have been and dayly do arise about claymes and titles to land to the great impoverishing of divers of his majesties subjects; for remedye and redresse of the like inconveniencies hereafter, and for the better establishing the rights and possessions of the inhabitants, Be it enacted that all persons whatsoever that have or doe pretend any title to any land, shall within 5 yeares after the date of this act prosecute their claims or titles by commencing suite or entering action for the same, otherwise it shall be a good plea in barr for the possessor of such land claimed or pretended, to affirm, That he hath had peaceable possession without clayme by commencement of suit to the time lymitted by this said act which shall be accounted a sufficient confirmation to these possessors and shall conclude the claime and title of the pretender; and this act is to extend according to the limitation expressed to all that shall take vp lands de futuro, Provided allwaies notwithstanding any thing in this act to the contrary, that the lymitation of five years in this act expressed shall not conclude orphans in their titles, but that it shall be lawfull for them within five years after they come to age to commence suit for any land claieded by them: In which case it shall be no barr for the possessor to plead 5 years possession without clayme, vnless the suit be commenced above five years after the orphans shall be of age.
Penalty on ministers for marrying without license or publication of banns.

Whereas it is inacted anno 1642, in the ninth article* of the first act of the sayd Assembly, that noe marriage should be solemnized vnles by a lycense vnder the signett from the Gov'r, or the baynes lawfully published in the parish or parishes where both parties do inhabit: Be it now further inacted that what minister soever shall marry any persons contrary to the said act shall forfeit the sume of 1000 lb. tob'o. to be disposed by the comissioners for the vse of the county.

Whereas it was inacted by the 8th† act in 1642, That all persons should make a sufficient fence about their cleared grounds, And that they who should be deficient herein that in case of a trespass or damage done by them by hoggs, goats or any other cattle whatsoever should be to their owne losse and detriment, with further proviso against all such who should either hurt or kill any hoggs or goats or any other cattle that should doe them damage as by the said act more at large appeareth. Be it now further inacted, That that fence shall bee adjudged sufficient which is foure feet and a halfe in height substantiall close downe to the bottome: And in case that any trespass or damage be done or committed by any person haveing such fence, by either horses, mares, hoggs, goats or any other cattle whatsoever, the owners of such horses, mares, &c. shall be lyable to make satisfaction for the trespass and damage to the person injured, In case the fence be found by two honest men appointed by the next comissioner to be sufficient.

Whereas by the 6th act of Assembly in anno, 1643, It was inacted, That such persons that did adventure to recover cattle, which should be conceyv-

*Ante pa. 241.
† Act V. of this collection.
ed by the Leift's. to be lost to the owners, should freely enjoy the said cattle according to the proviso, as by the said act more at large doth appear, Be it now enacted, That the sayd act and every clause and thing therein be repealed and made void.

ACT XVII.

BEE it enacted that the 10th act, 1643, prohibiting any termes of peace to be entertained with the Indians, And the 11th act of the said yeare 1643, concerning the cutting downe of corne of the Indians be repealed and made void.

ACT XVIII.

BE it also inacted that the 13th act a'o. 1643, concerning marching against the said Indians by the inhabitants of Nansimund county, as also the 14th, 15th and 16th acts of the said Assembly repealed and made void.

ACT XIX.

BE it also inacted, That such sherifs or sherr's, who shall make default of bringing in any list or acco't. returning any warrant or for doing or performing any other thing or things which shall be enjoyned or commanded by an Assembly: That such sherr. or sherr's. for every default as aforesaid for the time to come shall forfeit one thousand pounds of tob'o. The said lists, acco'ts. and returns to be made and brought into the secretary's office.

ACT XX.

WHEREAS divers inconveniencies are likely to ensue by disorderly and illegal election of Burgesses, by subscribing of hands contrary to the warrant directed for the sayd election, by which means it alsoe happeneth that few or none doe appeare personally according to sumons, Be it therefore inacted, That noe Burgesses to be elected by a plurality of voices present; and not by subscribing a paper.
 Penalty on freemen failing to attend elections.

How recoverable.

Former act repealed.

Public levies, when payable.

Appeals, when to be allowed.

Damages, when and by whom payable.

election shall be made of any Burgesse or Burgesses but by plurality of voices, and that no hand writing shall be admitted: Be it alsoe further inacted, That what freemen soever, haveing lawful sumons of the time and place for election of Burgesses, that shall not make re-paire accordingly, Such person or persons vnles there be lawfull cause for the absenting himselfe shall for-feit 100 lb. of tob'o. for his non appearance, freemen being covennt. servants being exempted from the said fine, to be levyed by distresse in case of refusall, And is to be disposed of towards the defraying of the Burgesses charges in the county.

ACT XXI.

BE it also inacted, That the 3d act, 1645, concerning the charges and disbursments for hurt men, horses, &c. be repealed and made void.

ACT XXII.

WHEREAS it was inacted in a'o. 1645, in the 20th act of the said yeer, That the payment of levys should be satisfied by the last of November, It is now thought fitt and inacted, that the said clause be repealed; And in stead and place thereof that all publique leavies be satisfied de futuro at or before the 20th day of November.

ACT XXIII.

BE it also inacted and confirmed by this present Grand Assembly that no appeale be allowed of, either to quarter courts or Assemblys, vnlesse the appellant do desire the same, before judgment passed, or imediately at the same sitting of the court, and that in case of appeale no person or persons whatsoever shall be condemned to pay double or treble damages who do desire by petition or otherwise to be tryed by the county courts or quarter courts where the same is in hearing, but the appellant only being cast to be liable to damages as aforesaid.
ACT XXIV.

WHEREAS it was inacted in the 11th act, 1642, That the surveyors of land should demand no more then 20 lb. of tob'o. for the measuring of 100 acres of land, And for the same should deliver an exact plott of each parcel surveyed and measured, And that if any surveyor upon reasonable demand should refuse to measure the dividend of any person or persons whatsoever, for the consideration and satisfaction aforesaid, such surveyor should be liable to the censure of the Governour and Council, And that if any surveyor shall be desired to go further from his place of residence then he could returne in one day such a surveyor should have the allowance of 12 lb. of tob'o. per day for evrie dayes absence from his dwelling, And that if his passage could not be but by water, That then such persons that should employ any surveyor should provide for his transport out and home, which said act being since repealed, It is now further inacted that it be and remaine in its full force, strength and vertue.

ACT XXV.

WHEREAS some doubt may arise concerning the 19th act, 1642, which giveth power to any commiss'rs to determine causes under the value of 200 lb. of tobacco, In respect that since the date of the said act all causes whatsoever are referred to monthly courts: Be it now therefore explained and inacted, That it neither was nor is the intent of the said act, 1645* authorising the commisioners as aforesaid to make void the aforesaid act, 1642. But it shall be free for any commisioner to proceed by vertue of the said act notwithstanding any thing to the contrary in the act 1645.

ACT XXVI.

Be it further inacted for the ease of the inhabitants on the south side of the river in James county

* November 1645, ch. X.
That there shall be settled on that side a commission with power to keepe courts and to heare and determine all causes in as large and ample manner as any other county court within this collony, soe as theire said courts be kept on every sixteenth day of every second month, to the intent that the sherriff & the clerke belonging to the county court may, with the more convenience, be attendanct upon the comissioners that are there to be settled.

ACT XXVII.

WHEREAS sundry laws and statutes by act of parliament established, have with great wisdome ordained, for the better educating of youth in honest and profitable trades and manufactures, as also to avoyd sloath and idlenesse wherewith such young children are easily corrupted, as also for releife of such parents whose poverty extends not to give them breeding, That the justices of the peace should at their discretion, bind out children to tradesmen or husbandmen to be brought vp in some good and lawfull calling, And whereas God Almighty, among many his other blessings, hath vouchsafed increase of children to this collony, who now are multiplied to a considerable number, who if instructed in good and lawfull trades may much improve the honor and reputation of the country, and noe lesse their owne good and their parents comfort: But forasmuch as for the most part the parents, either through fond indulgence or perverse obstinacy, are most averse and unwilling to parte with their children, Be it therefore enacted by authoritie of this Grand Assembly, according to the aforesayd laudable custom in the kingdom of England, That the comissioners of the severall countyes respectively do, at their discretion, make choice of two children in each county of the age of eight or seaven years at the least, either male or female, which are to be sent vp to James City between this and June next to be employed in the public flax houses vnder such master and mistresse as shall be there appointed, in carding, knitting and spinning, &c. And that the said children be furnished from the said county with sixe barrells of corne, two coverlets, or one rugg and one blankett: one bed, one wooden bowle or tray, two pewter spoones, a sow shote
of sixe months old, two laying hens, with convenient apparell both linen and woollen, with hose and shooes, And for the better provision of howseing for the said children, It is inacted, That there be two houses built by the first of April next of forty foot long apeece with good and substantial timber, The houses to be twenty foot broad apeece, eight foot high in the pitche and a stack of brick chimneys standing in the midst of each house, and that they be lofted with sawne boardes and made with convenient partitions, And it is further thought fitt that the comissioners have caution not to take vp any children but from such parents who by reason of their poverty are disabled to maintaine and educate them, Bee it likewise agreed, That the Gover- nour hath agreed with the Assembly for the sume of 10000 lb. of tob’o. to be paid him the next crop, to build and finish the said houeses in mauner and form before expressed.

ACT XXVIII.

WHEREAS the necessity of the warr, now happily ended, hath occasioned many charges and impositions, which the collony in all Christian duty to their own safetyes have been enforced to vndergo, and now in honor are obliged to discharge, which they could not possibly effect without this tax at present imposed, which though extraordinary and not in former times to be paraleld, yet it is hoped that with more cheerfulness it will be entertained and discharged by the inhabitants, In respect of the great blessing of peace that cometh along with it, It is therefore inacted by this Grand Assembly, That the sherr: of the severall countyes respectively do leavy if occasion be by dis-tresse, And make such payments to such persons and for such debts as are herevnder mentioned.

ACT XXIX.

WHEREAS the inhabitants of Chicawane alias Northumberland being members of this collony have not hitherto contributed towards the charges of the warr, It is now thought fitt that the said inhabi-
tants do make payment of the leavy according to such rates as are by this present Grand Assembly assessed, (vizt.) per evrie tithable person 78 lb. of tob’o. For every hundred acres of land 15 lb. of tobacco 3-4, For every cow above 3 yer old 15 lb. of tobacco 3-4, And that such a person whom the Governour shall think fitt to appoint shall receive and collect the afore-said levy and give an account thereof to the next Assembly, then to be disposed of according to further order, And it is alsoe inacted that the said inhabitants of Chicawane shall allwaies hereafter be liable to all taxes, and in paying the publique levys with the rest of the inhabitants of this collony, And it is further thought fitt that the present Governour shall have the free disposall of what tob’o. shall be received, the certificate being made of the quantity by the commander of the place, and the Governour to be accountable for the same at the next Assembly, And in case the said inhabitants shall refuse or deny payment of the said leavy as above expressed, That vpon report thereof made to the next Assembly speedy course shall be then taken to call them off the said plantation.

WILLIAM BERKELEY.

AMBROSE HARMER, Speaker.
ATT A

GRAND ASSEMBLY

HOLDEN ATT JAMES CITY THE THIRD OF NOVEMBER, 1647.

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

PRESENT Sir WILLIAM BERKELEY, Kn't. Governour, &c.

Capt. John West,
Capt. Wm. Broccas,
Capt. Thomas Pettus,
Capt. Wm. Bernard,
Capt. Hen. Browne,
Mr. Geo. Ludlow,

The Burgesses names of the severall countys:

James City county { Capt. Rob't. Hutchinson,
                Capt. Bridges Freeman,
                Capt. Robert Shepheard,
                Mr. George Jorden,
                Mr. Wm. Davis,
                Mr. Peter Ridley.

Charles City { Capt. Edward Hill,
               Capt. Francis Poythers.

Elizabeth City { Mr. Anth : Elliot,
               Mr. John Chandler,
               Mr. Hen: Poole.

Yorke County { Mr. Rich. Lee,
              Capt. Wm. Tayler,
              Mr. Fra: Morgan.
<table>
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<tr>
<th>County</th>
<th>Members</th>
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<tbody>
<tr>
<td>Upper Norfolk</td>
<td>Mr. Moore Fantlaroy, Mr. Sam: Stoughton, Mr. Richard Wells</td>
</tr>
<tr>
<td>Warwick</td>
<td>Capt. Thos. Flint, Mr. Randle Crew</td>
</tr>
<tr>
<td>Isle of Wight</td>
<td>Capt. John Vpton, Mr. John George</td>
</tr>
<tr>
<td>Lower Norfolk</td>
<td>Leift. John Sidney, Mr. Hen. Woodhouse, Mr. Cor. Lloyd, My. Tho. Meeres</td>
</tr>
<tr>
<td>North'on County</td>
<td>Mr. E'd. Scarbrough, Mr. Steph. Charleton</td>
</tr>
<tr>
<td>Northumberland</td>
<td>Mr. Wm. Presley</td>
</tr>
<tr>
<td>Henrico County</td>
<td>Capt. Tho. Harris</td>
</tr>
</tbody>
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**WHEREAS** divers escapes have been made by prisoners, and more likely to be, for want of sufficient prisons in the severall countyes, to which the poverty of the countrey and want of necessaries here will not admitt a possibillitie to erect other then such houses as wee frequently inhabitt, by which means much damage hath arisen to the severall sherriffs, commissioners and countyes specially for want of interpretation what shall be accompted a sufficient prison and what provision shall be made against prisoners thence escaping; *Be it therefore enacted*, That such houses provided for that purpose shall be accompted sufficient prisons as are built according to the forme of Virginia houses, from which noe escape can be made without breaking or forcing some part of the prison house, and that all persons so offending whether debtors or others shall be pursued and adjudged and suffer as in case of fellony, and the commissioners and countyes to be freed from any charge or tax to be imposed upon

* This should be Nansimun, to which Upper Norfolk was changed by the last act passed in March 1645-6. At the session of October, 1646, Nansimund, and not Upper Norfolk, was represented; as appears to be the case in the sessions succeeding this.
them by any such escape or by neglect of the sherrifs, and that the commissioners may have power to appoint such reasonable bounds and limitts for the convenien-
cie and accomodation of prisoners in the day time, as 
by them shall be thought reasonable, and all prisoners 
soe transgressing and exceeding the said bounds to be 
kept close and secured in the said prison att the perill 
of the severall sherrifs.

ACT II.

WHEREAS certaine occasions of greate and weightie consequence hath been considered by this present Grand Assembly which cannot att present bee fully determined, as alsoe the inconvenience of manie masters of families in staying from home at such considerable time of the yeare. Be it enacted by this present Grand Assembly that the Assembly be ad-
journed vntil the first day of October next, and that all members of both houses do then give their attend-
dance att James Cityt without any pretence whatsoe-
ver to the contrary, And be it further enjoyned, That 
the sherriffs of the severall countyes do present vnto 
the Assembly vpon the sixth day of October, a just & 
exact list of all taxable goods, land and tithable per-
sons, which lists are to be carefully taken by the comis-
sioners in their severall limitts or such persons of trust 
as they shall think fitt to emply, and the last yeares 
sherrifs to bring in their accompts of their proceed-
ings upon the last yeares levy to the said Assembly 
vppon the said sixth day of October.

ACT III.

ATT A
GRAND ASSEMBLY
HELD THE THIRD OF NOVEMBER, 1647.
Present et ante.

VPON divers informations presented to this As-
sembly against severall ministers for their neglects 
and refractory refusing after warning given them 
to read common prayer or divine service vppon the Sab-

Prison 
Prisoner
bounds, how
breaking
assigned.
them to be
kept in close
custody.

Adjournment
of the assem-
by to Oct. 
1648.

Ministers re-
using to 
read com-
mon prayer 
not entitled to
both dayes contrary to the cannon of the church and
acts of parliament therein established, for future reme-
die hereof: Be it enacted by the Gov'r. Council and
Burgesses of this Grand Assembly, That all minis-
ters in their severall cures throughout the collony doe
duely vpon every Sabbath day read such prayers as
are appointed and prescribed vnto them by the said
booke of comon prayer, And be it further enacted as
a penaltie to such as have neglected or shall neglect
their duty herein. That on parishioner shall be compell-
ed either by distresse or otherwise to pay any manner
of tythes or dutyes to any unconformist as aforesaid.

ACT IV.

WHEREAS by often experience late Assemblies
have found great defaults and defects in receiving
and collecting the publique leavies, whither occa-
ioned by the vast extent of divers counties or the
multitude of other employments of the sherriffs, who
have hitherto been intrusted therein, or some other
cause in neglect or otherwise, all and in each part equal-
lie prejudicial to the publique, as producing the same
or the like effect in bad payments, to the great dishonor
and impairing of the publique credit. Vpon mature
deliberation to remedie and redresse the like mischeife
hereafter, It is enacted, That the burden of collection
be taken of the sherriffs as too disproportionable for soe
few to vndergo, and that collectors be appointed for
receiveing and gathering in of all levies by this pre-
sent Grand Assembly assessed in such bounds and ly-
mitts and by such persons as are specified in this act,
(vizt:)

for James Citty County.

Capt. Robert Shepheard from Lawnes Creeke to Sun-
ken Marsh, including Hogg Island.

Mr. Geo. Jorden from Hogg Island to the Vpper
Chippoakes.

Capt Bridges freeman for Chickahominy and Sandy
Poynte.

Mr. Lancelett Elay for the mayne Pohatan and James
Citty Island.
Mr. Richard Ford for Necke of Land to Wareham's Runns.

Mr. Peter Ridley for Martin's Hundred and this side of Keth's Creeke.

Which said collectors, in their severall limitts are authorized to aske and receive the severall sumes of tob' o. by this present Grand Assembly assessed, and in case of non-payment are authorized with the same and the like power of distresse that ever any sheriff had or might have had by any act formerly made, And in case of distresse made by any of the said collectors they are authorized by the oathes of two men to appraise the goods soe distreynd and to deliver the surplusage, if any be, to the owner of the goods, and to be accountable for the other, And it is further enacted that where any person is defective in the payment of any sume assessed in tob' o. for want whereof the collector makeing distresse as aforesaid, in such case the collector shall give notice to one of the creditors of the republique and tender him the distresse, and in case of his refusall, by the oathe of the collector, the republique to be cleered of the debt, And in case after notice given to such creditor, he shall refuse or neglect either by himselfe or his assigne to come at the time or to the place appointed by the collector, that in such cases the said collector making tender before sufficient witnes of the goods distreynd for the use of the said creditor, it shall be accounted a good and just payment to the creditor from the country: And further be it enacted, That the said collectors in their severall limitts be authorized to inquire into concealed estates in land, &c. not brought into list, and to leavy payment of the same according to the rate of assessment by this Assembly sett downe and ordered, And it is further enacted, That the collectors of the sevrall countyes shall give vp their accounts to the com'rs. of the county courts who are to certify the same to the next Assembly; And this act is to continue in force vntil the next Assembly and no longer.
WHEREAS it was enacted at a Grand Assembly bearing date the second of March, a'o. d'i. 1642, that there should be two acres of corn planted for every working hand in the ground throughout the colony either in Indian or English grayne, And for the better execution of the said act, It was then ordered, that all constables within their several limits and precincts should take a view of every man's corn vpon the ground, And where the proportion of two acres should be wanting the constables of the said limits were to present their defaults to the com'rs. of the county courts who by the said act were required to make inquiry thereof; And were further authorized to impose a mulct or fyne of five hundred pounds of tob'o. per acre defective, vpon such person or persons whom they should find delinquents in the premises; One halfe whereof should be and come to the constable or anie other informer and the other halfe to publike vses for the good of the county where the offence should be committed, which said act and every clause therein contained is confirmed by this Grand Assembly, And it is further enacted, for the more due execution hereof, by which defect the colonie hath much suffered, That the said constables shall not only present the defect of acres planted as aforesaid, but shall also present the names of such who shall not sufficiently weed and tend the due proportion enjoyned; And for the neglect of any constables in not presenting both the planting and sufficient tending thereof, that the comissioners of the county courts doe impose a fine of five hundred pounds of tob'o. vpon each constable soe defaulting, to be disposed of as aforesaid, And in case the comissioners do not take a strict care in taking accompt of the constables in the execution of this act, that then the said comissioners shall be fined at the discretion of the Gov'r. and Council, or in case any information be brought to the Governour of such neglect in the com'rs. out of court time and proved before him, that then the said comissioners are to be fined att the pleasure of the Governour.
ACT VI.

BE it enacted by the Governour, Council and Burgess, that all lawes and acts formerly made and established concerning appeales from county courts to quarter courts and from quarter courts to Assemblyes be repealed and made void, And that no appeales de futuro be admitted but in such cases and in such manner as herein is expressed (vizt.) That noe appeale in any case of what value soever shall be admitted or allowed to any person either plaintiff or defendant from the court where the said action is commenced but that the judgment of the court shall be binding and concluding to all intents and purposes, provided that the cause exceed not the value of sixteen hundred pounds of tobo. or tenne pound sterl. North'ton countie excepted, which in respect of the remoteness from James Citty is not to admit of any appeale in any action under the vaule of three thousand two hundred pounds of tobo. or twenty pound sterrl: And it is further enacted, That in case of any appeale above the said value as aforesaid to the quarter court, that order or judgment of the quarter court shall be absolutely binding and concluding without further appeale therein to be had or claimed, The appellant to putt in security for 50 per cent. for dam. according to the vaule of the debt, Provided notwithstanding any thing in this act to the contrary, That where the cause in tryall shall be of that nature that noe knowne law or president have over-ruled the same, in such causes the commisioners to have power to referr the same to the hearinge of a Grand Assembly. In which causes they are to certifie the same under the teste of their clerke and to cause the parties in tryall to give caution for their appearance at the next ensuing Assembly: This Assembly doth further likewise declare, That all causes shall have admittance to Assemblies where the justice of any courte may seeme questionable, reserveinge to themselves to be the onely judges in cases of so high a nature.

ACT VII.

BE it alsoe enacted for the clearing of all doubts & controversies, and for the better understanding of 2 v
the 10th act of the 19th of November, a'o. 1645, concerning the trial of all causes of what value soever at county courts, That noe causes are to receive theire trial at James City vnder the value of 1600 lb. of tob'o, or tenne pound sterl: or if the parties be inhabitants of Northampton, vnder the value of three thousand two hundred pounds of tob'o: or twenty pound sterl. And it is likewise enacted, That the 16th act of the 19th of November, anno d'i. 1645 authorizing all writs for commencement of suits at the quarter court to issue from the secretary's-office vnder the seal, shall be repealed, and that de futuro all writs and warrants for commencing suits in the quarter courts (which are not to be but in cases above the aforesaid value) are to issue out of the office, and to be signed vnder the hand of the Governour, in which causes noe appeal is to be admitted to the Assembly but with such provisos as in the former act (vizt.) where there is noe knowne law or president over-rulinge the same, in which case the courte to referr to the Assembly with such cautions and lymitations as aforesaid.

ACT VIII.

WHEREAS divers informations are presented to this Assembly of the hard vsage of divers poor persons by a long and tedious imprisonment of their bodies upon actions of debt which they are unable to discharge in kind, though very willing and readie to give a valuable satisfaction to theire creditors, who notwithstanding maliciously and perversly refuse such satisfaction to the utter ruine of such poore indigent persons, theire wives and children: Bee it therefore enacted for the releife of such as are now vnder duressse or destraint or hereafter shall be imprisoned for debt, that where such persons do or shall tender a valuable satisfaction to theire creditors by the appraisement of two honest persons one to be chosen by the creditor and the other by the debtor, such creditor shall be compelled to accept of the same, as satisfaction for theire debt, And where two apprisors chosen cannot agree, In such cases the two next adjoyning commissioners to determine the value of the goods vnder appraisement, satisfaction to be given to the creditor where the estate of the debtor remaineth.
NOVEMBER, 1647—22d CHARLES 1st.

ACT IX.

WHEREAS the great scarcity of corn is like to produce much want and misery to divers of the inhabitants, vntles timely prevention be made by prohibiting of exportation of corn, and against hoarding and ingrossinge thereof, to the intent to exact vpon theire poore neighbours by extream and vnreasonable rates to the utter vndoing of whole families: Be it therefore enacted by this Grand Assembly that no person for this ensuinge yer shall exporthe any manner of English or Indian graine or corn orne out of the limits of the collony, in which act all strangers as well as inhabitants are included; And for preventing of all hoarding and ingrossinge of corn, It is alsoe enacted, That noe person or persons whatsoever shall sell, bargain, barter or exchange any Indian corn either directly or indirectly above the rate or valew of one hundred pounds of tobacco per barrell, vpon the penalty of five hundred pounds of tob’o. for every barrell of corn that shall be exported as aforesaid, The moyetie of which fine and forfeiture shall be and come to the King’s Majestie and the other halfe to the informer.

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ACT X.

UPON the petition of the inhabitants from the college to the Vpper Chipoakes, including the said Vpper Chipoakes, that there might be granted unto them the priviledge of a parish which they desire may bee called Southwark parish, It is accordingly assented unto and enacted, provided they pay and satisfie vnto the minister of James Citty all customary tithes and dues and all rates and taxes already assessed and to be assessed for and toward the finishing and repaireing of the church att Ja: Citty.

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ACT XI.

WHEREAS by the 2d* act of a Grand Assembly a’o. 1645, It was ordered and established

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* Act IV. of this collection.
for reforming the great abuse of Millers in exacting excessive and illegall toll that noe person or persons vseeing or occupyinge any mill should take or receive for the grindeing of any grayne that should be brought vnto them above the sixth part thereof for tolle, which act hath not taken such effect as was intended thereby in respect (as is conceived) neither penalty was imposd therein vpon the offender nor the execution thereof was given in direction to any particular officer, It is therefore thought fitt to inlarge the said act, and by vertue hereof to require all millers or owners of mills to provide by the first of February next statute weights and scales, by which they are to receive in and deliver out all grayne, And that they do sufficiently grinde the sayd grayne soe brought vpon such penalty in case they do exact beyond the said proportion for grindeing, or in case of default of such weights and scales, or for not sufficient grindeing, as shall be thought fitt according to the discretion of the next adjoyning councellor or commissr.

ACT XII.

WHEREAS the great charge of fferries in many countyes is very burthensome, especially to some poore people scarce att all makeing vse of the said fferries, It is thought fitt, that the act enjonying the keepinge of fferries be repealed. And in case any places shall be found necessary to have fferries kept there, That the county courts shall have power to grant the keeping of the said fferries for such tyme and terme of yeares, and for such rates and vpon such conditions and to such persons as to them shall seem good and convenient, not charging the county by any leavy for the said fferries.

ACT XIII.

IT is thought fitt to condiscend, That Nicotowance or any other Indians coming vpon messages shall have likeleave, as is allreadie by act of Assembly granted for other places, to come in and repair to the houses of Capt. Edward Hill att Westover, and Capt. William Tayler att Chiscake.
WHEREAS by act of Assembly it was appointed, That such people as were driven off from their plantations at the massacre should seate the same before December now next ensuing: And forasmuch as the proprietors of the said lands in regard of their great losses susteyned by the late war, and the want of servants together with the present scarcity of corn have petitioned for further time before their said lands may be accompted deserted, It is therefore granted unto them, that they shall have a further respite of three years granted unto them before their said lands shall be accompted or adjudged soe deserted, and the said act not to be interpreted to extinguish any quit rents growing due upon the said lands.

ACT XV.

IT is thought fitt that there be added to the 40th act made 1642, concerning a valuable consideration for building and clearing to be made to men seating down upon the land of other men, These words (vizt.) Provided they had no lawfull warninge to the contrary, and that in such case of lawfull warninge they shall not have any valuable consideration.

ACT XVI.

IT is thought fitt that unto the act forbidding mercenary attorneys,† It bee added that they shall not take any recompence either directly or indirectly. And that it be further enacted, That in case the courts shall perceive that in any case either plt. or defendant by his weakness shall be like to loose his cause, that they themselves may either open the cause in such case of weakness or shall appoint some fitt man out of the people to plead the cause, and allow him satisfaction requisite, and not to allow any other attorneys in private causes betwixt man and man in the country.

† Act XXXIII of this collection.
‡ Act VII of Nov. 1645.
Commiss'rs, of county courts to be punctual in their attendance. Not to absent themselves without the consent of the rest of the com'rs. If good cause of absence, must make it in writing and prove it to be true. Penalty for breach of this act.

WHEREAS there hath been great neglects in the attendance of many comissioners of the county courts whereby much prejudice and charge have happened to those persons that have had cause to repair thither, Be it therefore enacted, That all comiss'rs. respectively shall duly attend all the said county courts which they are comanded to hold by act of Assembly. And shall not depart or absent themselves from thence without the lycense and consent of the rest of the comissioners there present, and if it shall happen any of them shall have a lawfull cause of absence. It is thought fitt that in such case they do upon the first day of the court by writing signify the said cause to the court, and do prove the same at the next ensuing court, or else being delinquent in the premises every comissioner soe offendinge to forfeit 300 lb. of tob'o., to be imposed by the said court for every such absence or neglect, and the same to be disposed of by the discretion of the comissioners for the countyes vse.

ACT XVIII.

WHEREAS an act formerly made and afterward repealed forbiddinge wine and strong water debts to be pleadable is againe conceived very vsefull and profitable to the welfare of this collonie, It is now thought fitt to revive the said act and that it be perpetually established, that from and after the publication hereof noe wine or strong water debts shall in any sort att any time or times hereafter be allowed or pleadable in any court of justice in this collonie, Provided this act extend not to wine or strong waters to be sold by whole sale aboard any shipp before the landing thereof, and within three months now next ensuinge.

ACT XIX.

WHEREAS the stealing and killing of hoggs is a generall crime vseually comitted and seldom or never detected or prosecuted in this collony.
NOVEMBER, 1647—22d CHARLES 1st.

Be it therefore enacted for the better prevention thereof, that whosoever shall steal or unlawfully kill any hogg which is not his owne, and that said fact be proved by sufficient evidence, he or the soe offending shall pay to the owner of the said hogg the sume of one thousand pounds of tob’o and one thousand pounds of tob’o. more to the informer, And in case of inabilitie to pay and satisfie the said sumes the person soe offendinge shall serve two years (vizt.) one yeare to the right owner of the said hogg, and the other year to the informer; and no person being required thereunto, vpon paine of vehement suspition, may at anie time refuse to declare and manifest the markes of any hogg or hoggs lately killed by him or otherwise deny to be aydeing and assistinge in the inquiry after any hoggs soe stolen or unlawfully killed as aforesaid, And be it also enacted that the clause of the 7th act, 1642, making hogg-stealing felonie bee from henceforth repealed.

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ACT XX.

WHEREAS there is and hath been great neglect in the payment of the quitt rents vpon the motion of the treasurer, for remedy shereof, Bee it enacted and declared as followeth, That the delinquents in the payment of any quitt rents shall bee destroyed vpon the lands, by the treasurers receivers bydirection and warrant from him vnder his hand, And that if any will replevye their goods, then giving good caution, their allegations shall be heard, either at the countie courts or before the Governor and Council, And the King’s suits and debts to be preferred before any other, And that all courts and officers ought to be assistant therein and proceed according to the laws of England.

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ACT XXI.

WHEREAS by act bearing date the *It was enacted,* That there should be no dealing

† This refers to Act XI. of Oct. 1646

† Act IV. of this collection.
for caske with tob’o. This Grand Assembly think fit. and accordingly do declare, that the said act be absolutely repealed, and in stead thereof, See it enacted, That the merchant or any other dealing for tobacco and caske do in particular allow the planter satisfaction for his caske.

**ATT A**

**GRAND ASSEMBLY**

**BEGINNING THE TWELFTH OF OCTOBER, 1648.**

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[From a MS. received from Edmund Randolph, Esq, which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death, it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

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**ACT I.**

*It is enacted by the Governour, Council and Burgesses of this Grand Assembly, That the 9th act of Assembly a’o. 1647† for the reducing of the inhabitants of Chickcoun and other parts of the Neck of land between Rappahanock River and Potomack River be repealed, and that the said tract of land be hereafter called and knowne by the name of the county of Northumberland,‡ And that from henceforth they have

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* See act II. of Nov. 1647, by which the assembly was adjourned to the 1st of October, 1648.

† This is an erroneous reference, as indeed most of the references in the MS. acts are; no such law as this appearing among the acts of 1647. See act XXIX. of October 1646.

‡ The name of Northumberland first occurred in the 1Xth act of February, 1644-5. In November, 1645, it was represented by one member in the General Assembly, as also in November 1647. See ante pa. 294, 299, 337, 338, 340
power of electing Burgesses for the said county to serve at Assembly upon lawful summons from the Governor, which they are authorized to do by virtue of this act to the next sessions of this Assembly, And it is further thought fitt that patents be granted unto them for their lands with such reservations and provisions & vpon such certificates of right as is usall granted to the planters by virtue of his Majesties instructions or otherwise, And it is further enacted, That the said inhabitants de futuro be rated proportionably in all leavyes to the rest of the inhabitants of the collony, And that they make payment of all assessments made by this Assembly and all arrears due from them, for which their so doing Capt. Francis Poythers hath undertaken to the Assembly who is therefore authorized to collect the same, with power to distreyne in case of refusal either of the said arrears or of the leavye ordered at this sessions of Assembly.

ACT II.

VPON the humble representation of the Burgesses to the Governor and Council of the great and clamorous necessities of divers of the inhabitants occasioned and brought upon them through the mean produce of their labours vpon barren and over-wrought grounds and the apparent decay of their cattle and hoggs for want of sufficient range, which after serious consideration they had found and unanimously agreed to be the state of a very considerable number of the inhabitants, and that therefore leave might be forthwith granted unto them to remove and seate vpon the north side of Charles River and Rappahanock river; The Governor and Councill vpon debate of the matter did condescend to the substance of their desires but for reasons of state to them appearing importing the safety of the people in their seating, did think fitt to restring them to a further limitation of time (vizt.) to the first of September next: And for their better assurance to the intent also that provision might be made by such as intend to remove of arms and ammunition & other accomodations for building and clearing, It was thought fitt that an act should pass at this Assembly and accordingly it is enacted by the Governor, Coun-
Laws of Virginia

Provided and re-assessed insolvencies, to body allowed or may be liable ifaci> County Commissrs- to take distrain, of the body of delinquent in execution. County to be re-assessed to make good insolvencies, but no insolvencies to be allowed against the public.

A guard of 10 men allowed the cull and Burgesses, That at the said prefixed day of the first of September and from that day and not before it shall be free and lawfull for any of the inhabitants to remove themselves and their familiys to the aforesaid north side of Charles River and Rappahandock River; And that in the mean time it shall be free and lawfull for all persons haveing right to lands to make survey and take out patents for land vpon the said places: And it is further thought fitt, That the act ordaining it to be felony to goe to the north side of Charles River be repealed and made void: Provided that it shall not be lawfull for any person or persons to kill any wild cattle or hoggs vpon the said north side without licence, first obtained from the Govrnour for their se doing.

ACT III.

WHEREAS through the default of some particular counties in payment of leavies, It hath often happened that the burden of taxes hath been augmented to the rest of this collonie who had formerly discharged whatever was due from them, for prevention of the like grievance hereafter, It is enacted, that every particular county shall be responsible to the publique for all arrers for which the sherriffs or collectors have taken bill or have otherwise made debts to the use of the country; And that the said bill or other assurances of debts aforesaid be delivered vp to the commisioners of the county respectively, who are hereby authorized to distreine vp the debtors, or as they shall find cause to imprison their persons in case of refusall or non-payment, As also what the debtor shall be found insolvent, that then the said commiss'rs. do rate the county per poll, according to custome for the satisfying of the said arrears, And that no arrears to the publique de preterito be allowed, but the persons or counties as aforesaid defaulting be liable thereto.

ACT IV.

VPON consideration had of some treacherous attempts threatened by the salvages towards the person of the Gov'r. wherevnto he is daily exposed by
reason of their frequent resort to him upon pretence of publique negotiations, as also being sensible of the many disaffections to the government from a schismatical party, of whose intentions our native country of England hath had and yet hath too sad experience, and also for many other reasons appearing of weighty regard to this Assembly, *It is thought fitt and enacted, That the Govern'r. will please to presse ten able men with arms and ammition competent to attend upon him as a guard to his person and to employ them in such services, either in publique or private affaires as he shall think fitt, and that for their salary or wages of each person there be levied two thousand pounds of tobacco, in toto 20000 lb. of tob'o. from the publique the next year (vizt.) 1649.*

ACT V.

THIS Assembly having knowledge that divers persons upon occasion of a presse of soldierys by warrant from the Govern'r. or by order from the Gov'r. and council out of a mistake in opinion do conceive their liberties and the lawes of the collonie thereby infringed and themselves particularly injured, the authority of an Assembly not concuring therein. *It is therefore thought fitt not by law to establish, but to declare the judgment of this Assembly vpon persvall of his Ma'ts. comission and instructions that by vertue of the said com'on and instructions full and ample power is derived from his Majesty to the Governour and Council to make peace or warr, and as a necessary consequent to levy or presse men or other provisions for the warr vpon any emergent occasion to which power in the comission literally expressed, we may not presume to conceive that any act of Assembly can add strength or vigor, but that all his Ma'ts. subjects are in loyalitie and in due obedience to his sacred Ma'tie. obliged thereunto: And we ought humbly to acknowledge his Majesties royal care of his subjects in establishing such a power wherein are naturally placed so many concernments to the peace and safety of all good subjects, many accidents not admitting delay of time nor those slow motions of great counsells.  

Recital of the complaints of the people, that the pressing of soldierys by the gov. & council without act of assembly, is an infringement on their liberties. The assembly declare that such power is derived from the king by virtue of the commission & instructions to the governours and that they ought to acknowledge his majesty's royal care for establishing such a power.
IT is enacted, That the act of Assembly which ordained all levies hereafter to be made should be raised from lands, horses, mares, sheepe, &c. from titheable persons, only retained.

ACT VI.

BE it also enacted, That whereas through the great defaults and neglects of sherriffs in the publick collection, the credit and reputation of the colony hath been much blemished, the last Assembly did think fit to order that collectors in several limits by them appointed should for that year be authorized for the gathering in and collecting the levy, which this Assembly have found, upon audit of their several accounts, they have performed with great integrity, and to a very small matter duly discharged (some few excepted.) That there be collectors again appointed by the commissioners of the several counties within such precincts and limits as they shall think fit for the gathering in and receiving of the levy by this present Grand Assembly assessed, who are authorized with the same & the like power to distress in case of non-payment as any sherriff or sherriffs by virtue of any act of Assembly might doe or usually have done in the like cases, Provided that notwithstanding any thing in this act to the contrary, That Mr. Nathaniel Littleton, Esquire, and Mr. Edmond Scarbrough have the power of collecting the levy of Northampton county; and Mr. Anthony Elliot for Elizabeth county, from whom the Gov'r. is pleased to accept of pay and to discharge the country as well of what is due to himselfe, as also of what is due to Mr. Morrison.

WILLIAM BERKELEY.

THO : HARWOOD.
OCTOBER, 1648—23d CHARLES 1st.

ACT VIII.

It is enacted and unanimously agreed upon by this present Grand Assembly, That each clerke of courts shall produce his gene’l. acco’ts. to the said court, and after their approbation, their dues shall be seized on by the collectors by way of distresse in case they deny payment, They paying the collectors for receiving their tobacco at the rate of tenn pounds per cent.

WILLIAM BERKELEY.
THO: HARWOOD.

ACT IX.

It is enacted further by this present Grand Assembly, That the Assembly be adjourned vnto the tenth day of february next, and the council are all enjoyned to be then present to attend there his Majesties service and the affairs of the country.

WILLIAM BERKELEY.
GRAND ASSEMBLY
Held at James City the 10th day of October, 1649.*

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death, it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

The Burgesses Names:

James County

Mr. Walter Chiles,
Mr. Thomas Swan,
Mr. Wm. Barret,
Mr. Geo: Read,
Mr. Wm. Whittaker,
Mr. John Dunston.

* Charles the 1st was beheaded on the 30th of January, 1649. From that period, the commonwealth, in England, commenced; and it continued, under different modifications, till the restoration of Charles the 2d in 1660.— Oliver Cromwell was declared Protector, on the 9th of January, 1654, and died, on the 13th of September, 1658.— His son Richard was nominated, by him, as his successor, and assumed the reins of government accordingly; but resigned them in 1659.— On the dissolution of the monarchy, in England, doubts existed, in this country, whether the powers of the governor and council, and of all the other officers of government deriving their appointments from them, were not extinct.— This, unquestionably, gave rise to one of the provisions of the first act of this session; which made it highly penal to maintain such doctrine. The principle was, however, solemnly recognized, by the first article of the convention entered into between the commissioners of the parliament of England, and the governor, council and burgesses of Virginia, on the 12th of March, 1651, "That the former government, by the commission and instructions was void and null."— It is observable, that the names of the governor and members of the council, are not prefixed to the acts of this session, as had been usual, in all the preceding ones; and the same rule obtained till the March session 1659-60. During the suspension of the regal government, in England, the governor and council of Virginia were chosen by the house of burgesses, for short periods, only. Some
WHEREAS divers out of ignorance, others out of malice, schismes and faction, in pursuance of some designe of innovation, may be presumed to prepare mens' minds and inclinations to entertain a good liking of their contrivement, by casting blemishes of dishonour upon the late most excellent and now undoubtedly sainted king, and to those close ends vindicating & attesting the late proceedings against the said blessed King (though by so much as they may seem to have colour of law, and forme of justice, they may be truly and really said to have the more and greater height of impudence.) And upon this foundation of as-
times the appointment was made by a resolution of the burgesses; at others, the governor was appointed by an act of assembly; and not unfrequently a collision took place between the governor and house of burgesses, as to the limitation of his power, which always terminated in favor of the rights and privileges of the house.

See resolution of the burgesses of April 30th, 1652—March, 1655—March 1657—March, 1658—March, 1659. It appears, from the proceedings of the assembly of the Ist of April, 1658, that the governor and council undertook to dissolve the house of burgesses; but they peremptorily refused to be dissolved, and passed a number of resolutions declaratory of their own power, and denying the right of the governor and council to dissolve them.
and denying the divine right of kings; in asserting that the commission and all magistracy depending thereon is null and void serting the clearness and legality of the said vnparalel'd treasons, perpetrated on the said King, doe build hopes and inferrences to the high dishonour of the regall estate, and in truth to the uter disinherison of his sacred Majesty that now is, and the dev-sting him of those rights, which the law of nature and nations and the knowne lawes of the kingdom of England have adjudged inherent to his royall line, and the law of God him-selfe (if sacred writ may be soe stiled which this age doth loudly call in question) hath consecrated unto him. And as arguments easily and naturally deduced from the aforesaid cursed and destructive principles, with much indeavour, they press and perswade the power of the comission to be void & null, and all magistracy and office thereon depending to have lost their vigor and efficacy, but such means assuredly expecting advantages for the accomplishment of their lawless and tyrannous intentions.

Be it therefore declared and enacted and it is hereby enacted by Governour, Council and Burgesses of this Grand Assembly, and the authority of the same, That what person soever, whether stranger or inhabitant of this collyony, after the date of this act, by reasoning, discourse or argument shall go about to defend or maintain the late traiterous proceedings against the aforesaid King of most happy memory, under any notion of law and justice, such person using reasoning, discourse or argument, or uttering any words or speeches to such purpose or effect, and being proved by competent witness, shall be adjudged an accessory post factum, to the death of the aforesaid King, and shall be proceeded against for the same, according to the knowne lawes of England: or whoever shall go about by irreverent or scandalous words or language to blast the memory and honour of that late most pious King, (deserving ever altars and monuments in the hearts of all good men,) shall, upon conviction, suffer such censure and punishment as shall be thought fitt by the Governour and Council. And be it further enacted, That what person soever shall by words or speeches indeavour to insinuate any doubt, scruple or question of or concerning the vndoubted & inherent right of his Majesty that now is to the colliony of Virginia, and all other his majesties dominions and countreys as King and Supream Governour, such
words and speeches shall be adjudged high treason: And it is also enacted, That what person soever, by false reports and malicious rumors shall spread abroad, among the people, any thing tending to change of government, or to the lessening of the power and authority of the Governor or government either in civill or ecclesiasticall causes (which this Assembly hath and doth declare to be full and plenarie to all intents and purposes) such persons not onely the authors of such reports and rumours, but the reporters and divulgers thereof, (unless it be done by way of legall information before a magistrate) shall be adjudged equally guilty, and shall suffer such punishment even to severity as shall be thought fitt, according to the nature and quality of the offence.

ACT II.

WHEREAS it appeareth to severall Grand Assemblies that the lists of tithable persons are very imperfect, and that notwithstanding the yearly importation of people into the collonie, the number of tithables in the said lists is rather diminished then augmented, which is in great part conceived, by this Assembly, to happen, in that all under the age of sixteen yeeres are exempted from the lists, and that once passing under that age they are seldom or never acknowledged to exceed the same, in respect of the impossibility of, or at least unlikelyhood of produceinge convinceing proofs against them: Bee therefore enacted, for the preventing of the like abuse hereafter through false & imperfect lists, That all male servants imported hereafter into the collony of what age soever they be, shall be brought into the lists and shall be liable to pay country leavyes, excepting in this act such as are natives of this collony and such as are imported free, either by their parents or otherwise, who are exempted from leavies, being under the said age of sixteen years.

And it is further enacted, That the lists be yearly taken by the 25th of June at the furthest, and presented to the county courts, and that the particular lists be given in under the hand of the masters of the severall families, who are to pay treble assessments for every

2X
person they give in short of their due number, and the ministers are to have tithes of all such as are now adjudged tithable.

ACT III.

It is enacted, That the inhabitants which are or shall be seated on the south side of the Potomac River shall be included and are hereafter to be accompanied within the county of Northumberland.

ACT IV.

It is also enacted and it is hereby granted unto James City the privilege of a weekly market, to be held upon every Wednesday and Saturday, and that the market place be bounded (vizt.) from the Sandy Gut, commonly called and known by the name of Peter Knight's storehouse westward, and so to the gutt next beyond the house of Lancelott Elay eastward, and bounded on the north side with the back river: And that all bonds, bills or other writings upon any bargain made within the aforesaid bounds of the market place for any thing sold in the market and upon the market days, between the hours of eight in the forenoon and six in the afternoon, being attested under the hand of the clerke of the market, shall have the force and be in quality of judgment, and upon non-payment of the summe in such bill, bond or writing, according to the tenor of them being attested by the aforesaid clerke, It shall be lawfull for any commissioner of the quorum, within the county upon the demand of the creditor forthwith to grant execution as in case of a judgement preceding. The said clerke of the market to be appointed by the governour, and his fee or salary to be four pound of tob'o. for every bond, bill or writing by him attested in case the same be above 300 lb. of tob'o: but in case the summe be under 300 lb. of tobacco then to have 1 lb. of tob'o. for every bill, bond or other writing by him attested, And the said clerke of the market to record such writing in a book for that purpose to be kept.

"Potomack," originally called.
[The following important State Papers, being next in order of time to the Acts of 1649, are inserted in this place. In the MS. they are arranged among the Revised Acts of 1657; the two first not numbered, but the last marked as Act 86. See also Jefferson's Notes on Virginia, Query XIII, pa. 119 of 1st edit. pa. 214 of last edit. where the first and third of these papers may be found.]

ARTICLES

AT THE SURRENDER OF THE COUNTRIE.

Articles agreed on and concluded at James Cittie in Virginia for the surrendering and settling of that plantation under the obedience and government of the Common Wealth of England, by the commissioners of the Councill of State, by authoritie of the Parliament of England and by the Grand Assembly of the Governoor, Councill and Burgesses of that countrey.

FIRST, It is agreed and consented that the plantation of Virginia, and all the inhabitants thereof, shall be and remaine in due obedience and subjection to the common wealth of England, according to the lawes there established, And that this submission and subscription bee acknowledged a voluntary act not forced nor constrained by a conquest vpon the countrey, And that they shall have and enjoy such freedomes and privileges as belong to the free borne people of England, and that the former government by the comissions and instructions be void and null.

2dly. Secondly, that the Grand Assembly as formerly shall convene and transact the affairs of Virginia, wherein nothing is to be acted or done contrarie to the government of the common wealth of England and the lawes there established.

3dly. That there shall be a full and totall remission and indemnitie of all acts, words or writeings done or spoken against the parliament of England in relation to the same.
4thly. That Virginia shall have and enjoy the antient bounds and lymitts granted by the charters of the former Kings, And that we shall seek a new charter from the parliament to that purpose against any that have intrench upon the rights thereof.

5thly. That all the pat rents of land granted vnder the collony seale, by any of the precedent Governours shall be and remaine in their full force and strength.

6thly. That the priviledge of having fiftie acres of land for every person transported in the collony shall continue as formerly granted.

7thly. That the people of Virginia have free trade as the people of England do enjoy to all places and with all nations according to the lawes of that commonwealth, And that Virginia shall enjoy all priviledges equall with any English plantations in America.

8thly. That Virginia shall be free from all taxes, customs and impositions whatsoever, and none to be imposed on them without consent of the Grand Assembly, And se that neither fortses nor castles bee erect ed or garrisons maintained without their consent.

9thly. That noe charge shall be required from this country in respect of this present sleet.

10thly. That for the future settlement of the country in their due obedience, the engagement shall be tendred to all the inhabitants according to act of parliament made to that purpose, that all persons who shall refuse to subscribe the said engagement, shall have a yeares time if they please to remove themselves, and their estates out of Virginia, and in the mean time during the said yeare to have equall justice as formerly.

11thly. That the use of the booke of common prayer shall be permitted for one yeare ensuinge with reference to the consent of the major part of the parishes, Provided that those things which relate to kingshipp or that government be not vsed publiquely; and the continuance of ministers in their places, they not misdemeaning themselves: And the payment of their accustomed dues and agreements made with them respectively shall be left as they now stand duriing this ensuing yeare.
12thly. That no man's cattell shall be questioned as the companies vnles such as have been entrusted with them or have disposed of them without order.

13thly. That all amunition, powder and arms, other then for private vse shall be delivered vp, securitie being given to make satisfaction for it.

14thly. That all goods allreadie brought hither by the Dutch or others which are now on shoar shall be free from surprizall.

15thly. That the quittrents granted vnto vs by the late Kinge for seaven yeares bee confirmed.

16thly. That the comissioners for the parliament subscribing these articles engage themselves and the honour of the parliament for the full performance there of: And that the present Governour and the Councill and the Burgesses do likewise subscribe and engage the whole collony on their parts.

RICH: BENNETT, Seale.
Wm. CLAIBORNE, Seale.
EDMOND CURTIS, Seale.

Theise articles were signed and sealed by the comissionors of the Councill of State for the Common-Wealth of England, the twelveth day of March, 1651.

Additional treaty, between the Common-wealth of En gland, and the colony of Virginia.
the surrender of his countrey, the present Governour bearing his charges, that is Sr. William Berkley.

3dly. That the present Governour, that is Sr. William Berkeley and the Councill shall have leave to sell and dispose of their estates, and to transporte themselves whether they please.

4thly. That the Governour and Council though they take not the engagement for one whole yeare shall yet have equall and free justice in all courts of Virginia vntill the expiration of one whole yeare.

5thly. That all the Governour's and Councill's land and houses, and whatsoever belongeth to them bee particularly secured and provided for in these articles.

6thly. That all debts of the Governour's by act of Assembly, and all debts due to officers made by the Assembly bee perfectly made good to them, And that the Governour be paid out of the goods remaining in the countrey of the Dutch ship that went away cleer for Holland without paying his customs.

7thly. That the Governour may have free leave to hire a shipp for England or Holland to carrie away the Governour's goods, and the Councill's, and what he or they have to transporte for Holland or England without any lett or any molestation of any of the State's shippes att sea or in their rivers or elsewhere by any of the shippes in the common wealth of England whatsoever.

8thly. That the Capt of the florte be allowed satisfaction for the building of his house in florte Island.

9thly. That all persons that are now in this collonic of what quality or condition soever that have served the King here or in England shall be free from all dangers, punishment or nulkt whatsoever, here or elsewhere, and this art'e. as all other articles bee in as cleer termes as the learned in the law of arms can express.

10thly. That the same instant that the comissions are resigned an act of indemnity and oblivion be issued out vnder the hands and seales of the comissioners for the parliament. And that noe persons in any courte of
justice in Virginia be questioned for their opinions given in any causes determined by them.

11thly. That the Governour and Councill shall have their passes to go away from hence in anie shipps in any time within a year: And in case they goe for London or other place in England that they or anie of them shall bee free from anie trouble or hindrance of arrests or such like in England, and that they may follow their occasions for the space of six months after their arrivall.

RICH : BENNETT, Seale.
Wm. CLAIBORNE, Seale.
EDMOND CURTIS, Seale.

Theise articles were signed, sealed, sworne vnto by vs the commissioners for the parliament of the common wealth of England, the 12th of March, 1651.

*An Act of Indemnitie made att the Surrender of the Countrey.

WHEREAS by the authoritie of the parliament of England, wee the comissioners appointed by the Councill of State authorized thereto having brought a fleete and force before James Cittie in Virginia to reduce that collonie vnder the obedience of the commonwealth of England, and finding force raised by the Governour and countrey to make opposition against the said fileet, whereby assured danger appearinge of the ruine and destruction of the plantation, for prevention whereof the Burgesses of all the several plantations being called to advise and assist therein, ypon long and serious debate, and in sad contemplation of the greate miseries and certaine destruction, which were soe nearly hovering over this whole countrey; Wee the said comissioners have thought fitt and condescended and granted to signe and confirme vnder our hands, seals and by our oath, Articles bearinge date with theise presents, And do further declare, That by the authoritie of the parliament and comon-

* This paper is numbered "Act 86," in the revisal of 1657.
wealth of England derived vnto vs theire comissioners, That according to the articles in gennerall, Wee have granted an act of indemnitie and oblivion to all the inhabitants of this colloney, from all words, actions or writings that have been spoken, acted or writt against the parliament or comon wealth of England or any other person from the beginning of the world to this daye, And this we have done, That all the inhabitants of the collonie may live quietly and securely vnder the comon-wealth of England, And wee do promise that the parliament and common-wealth of England shall confirme and make good all those transactions of ours, Wittnes our hands and seales this 12th day of March, 1651.

RICHARD BENNETT, Seale.
Wm. CLAIBORNE, Seale.
EDM. CURTIS. Seale.
The names of the severall burgesses returned by the sherriff to this

Grand Assembly

Aprill the 26th, 1652.*

[From a MS.† received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death, it was purchased, with his library by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

For Henrico County—Mr. Wm. Hatcher.

Charles City County § Coll. Edward Hill,


* This was the first assembly held in Virginia, after the convention made between the commissioners of the parliament of England, and the burgesses of the several counties and plantations in Virginia. It will readily be perceived, that the mode of doing business, in the assembly, during the period of the commonwealth, materially differed from that adopted for a series of years before. This, no doubt, arose from the unsettled state of the government, and the want of a due separation of its powers. The house of burgesses exercised legislative, executive and judicial functions. The Governor was appointed by them, sometimes for one year, sometimes for two;—the members of council were either chosen by the burgesses, in the first instance, or approved by them on the nomination of the governor; and they had the appointment of all the officers of government. There were no constitutional limits to the several departments of the government. The house of burgesses being in possession of all power, granted it out as they thought proper, and resumed it at pleasure. After exercising, in effect, the power of appointment to all offices, since the abolition of the monarchy, in England, they solemnly declared, "that they had in themselves, the full power of the election and appointment of all officers in this country." (See the resolution of the house of burgesses of the 1st of April, 1658, in their contest with the governor, as to his right to dissolve the assembly, p. 592) And by the 1st act of March the 30th, 1659, intituled "An act for taking the power into the assemblies hands," they declare that "the supreme power of the government of this country, shall be resident in the assembly."

† In compiling the acts of this, and a few succeeding assemblies, the foregoing MS. will be generally used; but, in some few in-

2 Y
James Citty County

Mr. Robert Wetherall,
Lt. Coll. John Fludd,
Mr. Hen. Soane,
Capt. Da.: Mansill,
Mr. Geo.: Stephens,
Mr. Wm. Whittakers.

Isle of Wight County

Mr. Robert Pitt,
Mr. George Hardie,
Mr. John George,
Mr. John Moone.

Nanzemund* County

Capt. Tho. Due,
Mr. Ed. Major, Speaker.

Lower Norfl. County

Mr. Cor. Lloyd,
Mr. Tho. Lambert,
Mr. Hen. Woodhouse,
Mr. Charles Burrowes.

Elizabeth Citty County

Mr. Peter Ransom,
Mr. John Sheppard.

Warwick River† County

Lt. Coll. Sam: Mathews,
Mr. Wm. Whittbye.

York County

Capt. Fra: Morgan,
Mr. Hen. Lee,
Capt. Austin Warner.

Northampton County

Major Obeb Robins,
Mr. Edm. Scarbrough,
Mr. Thos. Johnson,
Mr. Wm. Jones,
Mr. Antho. Hoskins.

Northumberland County

Mr. Jno. Mottram,
Mr. Gho. Fletcher.

stances, selections will be made from two other MSS. embracing the same period:—one is a manuscript volume purchased by Mr. Jefferson from the executor of Richard Bland, dec'd, and will be distinguished by the following initials, Bl. MS.—the other is a manuscript in Mr. Jefferson's own hand-writing, and will be noted thus Jef. MS.—the manuscript generally used will be called Rand. MS.

* Originally called "Nansiunum." See ante pa. 321.
† This should be "Warwick County." See ante pa. 249.
The oath administered to the Burgesses:

YOU and every of you shall swear upon the holy Evangelist, and in the sight of God to deliver your opinions faithfully and honestly, according to your best understanding and conscience, for the general good and prosperitie of this country and every particular member thereof, and to do your utmost endeavor to prosecute that without mingling with it any particular interest of any person or persons whatsoever.

JOHN CORKER, Cl. Dom. Com.

AT THE

GRAND ASSEMBLY.

JAMES CITTY, THE 30TH APRIL, 1652.

AFTER long and serious debate and advice taken for the settleing and governing of Virginia, It was unanimously voted and concluded, by the commissioners appointed here by authority of parliament and by all the Burgesses of the severall countys and plantations respectively, vntill the further pleasures of the states be knowne: That Mr. Richard Bennett, Esq. be Governour for this ensuinge yeare, or vntill the next meeting of the Assembly, with all the just powers and authorities that may belong to that place lawfully: And likewise that Coll. William Clayborne be Secretarie of State, with all belonging to that office, and is to be next in place to the Governour, next that the Councill of State be as followeth, (vizt.) Capt. John West, Coll. Sam. Mathewes, Coll. Nathaniel Littleton, Coll. Ar-

* This is the first time the names of Gloucester and Lancaster counties occur. When or how they were formed, does not appear.
Their powers, to be prescribed by the parliament in England, the known laws of England, and the grand assembly of Virginia.

Comm'rs. of counties chosen by the House of burgesses.

Election of all officers to be made by the burgesses. Present election to be by governor and comm'rs, but not to be drawn into precedent.

goll Yearly, Coll. Tho. Pettus, Coll. Humph. Higginson, Coll. George Ludlow; Coll. Wm. Barnett, Capt. Bridges freeman, Capt. Tho. Harwood, Major Wm. Taylor, Capt. francis Epps and Leiv'tt. Coll. John Cheesman, and they shall have power to execute and do right and equall justice to all the people and inhabitants of this collony according to such instructions as they have or shall receive from the Parliament of England and according to the knowne lawe of England; And the acts of Assembly here established; And the said Governour, Secretary and Council of State are to have such power and authorities and to act from time to time, as by the Grand Assembly shall be appointed and granted to their several places respectively for the time aboveasaid: of which all the people which inhabitt or be in this country are hereby required to take notice and accordingly conforme themselves therevnto. God save the Common-Wealth of England and this country of Virginia. (Rand. MS. Jef. MS.)

May 2d, 1652.*

IT is resolved, That the commissioners of the severall counties be chosen by the House with this proviso, That if any just complaint be proved against any chosen they shall be suspended the next session of Assembly.

May 5th, 1652.

IT is agreed and thought best for the government of this country by the Governor, Council and Burgesses that the right of election of all officers of this colony be and appertain to the Burgesses the representative of the people, and it is further agreed for the present by the Burgesses in remonstrance of the confidence that they have in the said comm’rs. that the present election of all officers not already constituted be referred to the said Governor and commissioners and that this their election be not precdential to any succeeding Assembly. (Jef. MS.)

*Jef MS.—This clause is inserted in Rand. MS. also, but without date, except that it follows the oath directed to be taken by the burgesses, at the session commencing the 26th of April, 1652: The subject matter seems more properly to point out this place for its insertion.
May 6th, 1652.

WHETHER the Governor and Council shall be members of this Assembly or no: Generally voted they shall be, taking the oath the Burgesses take.

(Rand. MS. Jef. MS.)

The names of the Burgesses for the severall Plantations, November the 25th, 1652.

**Henrico County**—Capt. Wm. Harris.

<table>
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<tr>
<th>Charles Cittie</th>
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<td>Capt. Hen. Perry,</td>
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<td>Capt. Dan. Llewelin,</td>
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<td>Major Abraham Woode,</td>
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<td>Capt. Woodlife,</td>
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<td>Capt. Charles Sparrow,</td>
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<td>Mr. Rob. Wetherall,</td>
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<td>Mr. Wm. Whittaker,</td>
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<td>Mr. Abra. Wattson,</td>
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<td>Mr. Hen. Soane,</td>
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**Surry County**

| Mr. Wm. Thomas,        |
| Mr. Wm. Edwards,       |
| Mr. Geo. Stephens,     |

**Isle of Wight County**—Mr. Charles Reynolds.

**Warwick County**

| Lev’tt. Coll. Mathews, |
| Mr. Wm. Whittby,      |

**Nansemond County**

| Coll. Tho. Dew, Speaker, |
| Mr. Peter Montague,      |

**Lower Norff.**

| Left. Coll. Cor. Lloyd,  |
| Major Thomas Lambert,    |
| Mr. Charles Burrowes,    |

**Elizabeth Citty**

| Mr. Peter Ransome,      |
| Mr. Theo. Honc.         |

**York County**

| Capt. Step. Gill,       |
| Mr. Wm Gouge,           |
| Major X’pher Calthrope. |

* This is the first time the name of Surry county occurs.
Ocquhanocke parish established.

Gloster County  
Mr. Fra. Willis.

Northampton County  
Mr. Step. Charlton.

Lancaster County  
Mr. Wm. Vnderwood.

November the 25th, 1652.

The voats of the whole Assembly in the business follow:

*IT is ordered by the authoritie aforesaid, That the south side of Ocquhanocke Creeke in the county of Northampton and so vpwards be a peculiar parish and called by the name of Ocquhanocke parish.

(random. MS. Jef. MS.)

IT is ordered that Mr. George Fletcher shall have to himself, his heirs, ex’rs. and adm’rs. liberty to distill and brew in wooden vessels which none have experience in but himself for 14 years, and it is further ordered that no person or persons whatsoever shall make use thereof within this collony without agreeing with the said Mr. Fletcher under the penalty of 100 pounds sterl.

(jef. MS.)

WEE find Mr. John Hammod returned a Burgess for the lower parish of the Isle of Wight, to be notoriously knowne a scandalous person, and a frequent disturber of the peace of the country, by libell and other illegall practices, and conceive it fitt he be expelled the house, and that a warrant issue to the sherriffe of the said county, for the election of another Burgess in his roome.

(rand. MS.)

WEE conceive it fitt, That Mr. James Pyland, returned Burgess for the vpper parish of the Isle of Wight, be remooved out of the house, And that he

* The acts and resolutions of this assembly are not numbered or divided, in any manner. They appear to be the joint deliberations of the governor, council and burgesses, exercising legislative, execute and judicial powers.
stand comitted to answer such things as shall be objected against him, as an abetter of Mr. Thomas Woodward in his mutinous and rebellious declaration, And concerning his the said Mr. Pyland blasphemous catechisme. (Rand. MS.)

IT is ordered by the Grand Assembly, that the plantation of Mr. Thomas Stagg scituate on the Old man’s Creek shall be within the bounds of Westover parish and pay all duties there that are now due and de futuro. (Rand. MS.)

WHEREAS Chr: Boyse by appeale from the Governour and Councill the last court impleaded Coll. Hugh Gwinne before this Grand Assembly about certain land in Pyancatank River, The Assembly vpon perswall of their severall pattents and grants, doe finde prioritie of title for the said Gwinne, according to former orders in the government of Sr. William Berkelley, Knt. and the last quarter court, And the plt. &. defendant to beare their owne charges. (Rand. MS.)

IN the difference between Mr. Peter Ranson, plt. and John Hewett and Wm. Holder, defend’ts. It is ordered by this Grand Assembly that Mr. Peter Ranson’s pattent shall stand good for 1100 acres of land in Mock-Jack bay, And that Hewett and Holder be oued and decline the possession till it be made appeare void by some that shall make better right appeare, It now appearing that none pretending to it in the right of Dawber have power to question his title; 100 lb. of tob’o being allowed him for costs from each of them (vizt:) 100 lb. of tobacco from Holder, and 100 lb. of tobacco from Hewett, alias execution. (Rand. MS.)

IT is ordered by the Grand Assembly, that Mr. Peter Ranson shall have and enjoy 1100 acres of Land in Mock-Jacks bay on the North River of Mock-Jacks bay on the easterne side thereof, and the other 500 acres being granted to Mr. Wm. Whitby being the first grantees by this Assemblv. (Rand. MS.)
IT is ordered by the Assembly that all those that are in actual possession of the 2400 acres of the land claymed by Edmund Dawber shall not be disposset of the land they so hold by any, except by the said Dawber if he proove his title to bee justest the said 2400 acres being granted to Mr. William Daymes, if Mr. Dawber enjoy it not. (Rand. MS.)

IT is ordered by the Assembly, That the inhabitants of Appamattock River shall have power to keep courts according to the sence of the act of Assembly for courts in the like nature, to hear and determine all differences within the said parish, which said court is to be kept by the comissioners resideing in the said parish of Bristoll, and they to take place respectively as by act of Assembly they are nominated; appeals lying from this court to either Henrico county or Charles City county court, as also to have power to treate with the Indians according to act. (Rand. MS. Jef. MS.)

IT is ordered with the vnanymous opinion of this house, That the Governour and councill shall appoint comissioners in each county respectively vpon the recommendation of the persons from the comissioners of the severall county courts, as they see cause to allow such recommendations. (Rand. MS. Jef. MS.)

IT is ordered by the Grand Assembly, That the comissioners of the severall counties respectively have power to examine the lists of the tythables of the said counties, and where they find them not to be fully taken, to lay a fine vpon the sherriff or them that took the lists, as they shall think fitt, and such further punishment as by the Assembly is provided. (Rand. MS. Jef. MS.)

WHEREAS an act was made in the Assembly, 1642, for Encouragement of discoveries to the westward and southward of this country, granting
them all profits arising thereby for 14 years, which act is since discontinued and made void; It is by this Assembly ordered, That Coll. Wm. Clayborne, Esq. & Capt. Henry Fleet, they and their associates with them either jointly or severally, May discover and shall enjoy such benefits, profits, and trades, for 14 years as they shall find out in places where no English ever have bin and discovered, nor have had particular trade, and to take vp such lands by patents proveing their rights as they shall think good: Nevertheless not excluding others after their choice from taking vp lands, and planting in these new discovered places, as in Virginia is now used.

The like order is granted to Major Abra. Wood and his associates.

(Rand. MS.)

ATT A

GRAND ASSEMBLY

JULY THE 5TH, 1653.

GENTLEMEN,

NOT to intrench* upon the right of Assemblies in the free choice of a speaker, nor to undervalue Left. Coll. Chiles, but onely by way of advice, It is my opinion, the Council likewise concerning† therein, That it is not so proper nor so convenient att this time to make choice of him for that there is something to be agitated in this Assembly concerning a shipp lately arrived, in which Left. Coll. Chiles hath some interest, for which and some other reasons we conceive it better at present to make choice of some other person amongst you whom you shall agree upon.

Your real servant,

RICH. BENNETT.

July the 5th, 1653.

Vera copia,

JOHN CORKER, Cl. to the Burgesses.

(Rand. MS. Bl. MS.)

* "Incroach," Bl. MS.
† "Concerning" in both MSS.—But qu. if it should not be "concurring."
The oath administered to the Burgesses for this present Assembly.

YOU shall swear to act as a Burgess for the place you serve for in this Assembly, with the best of your judgment and advice, for the general good, not mingling with it any particular or private interest.

This oath was taken by the Burgesses in the presence of Coll. Thomas Pettus and Coll. Humphrey Higgison, this 5th July, 1653.*

Teste, ROBERT HUBERD. Cl Consilii. (Rand. MS. Bl. MS.)

Message to the gov'r, on the choice of a speaker.

IT is ordered, that Lev't. Coll. Edward Major, Lev't. Coll. Geo. Fletcher, Mr. William Hockaday and Mr. William Whitby, attend the Governor and Council, to request of them their reasons, wherefore they cannot join with vs the Burgesses in the business of this Assembly, about the election of Lev't. Coll. Walter Chiles for Speaker of this Assembly. (Rand. MS. Bl. MS.)

The house permit their speaker to resign.

LEF'T. Coll. Walter Chiles having by plurality of votes been chosen Speaker of this Assembly: And this day representing to the house his extraordinary occasions in regard of the dispatch of some shipping now in the country in which he is much interested and concerned, The house upon his desire have given him leave to follow his private affairs notwithstanding the election aforesaid.†

(Rand. MS. Bl. MS.)

Minister of the gospel suspended & declared ineligible to a seat in the house of burgesses.

IT is ordered by this present Grand Assembly, That Mr. Robert Bracewell, Clarke, be suspended, and is not in a capacity of serving as a Burgess, since it is unpresidential, and may produce bad consequence. (Rand. MS. Bl. MS.)

* 1652 in Bl. MS, but evidently a mistake.
† "July the 6th, 1653," added to this clause in Bl. MS.
The names of the Burgesses for the severall Plantations,
JULY the 5th, Anno 1653.

James Cittie.     Isle of Wight County.
Left. Coll. Chiles, Left. Coll. Robert Pitt,
Mr. Wm. Whittaker, Major Geo. ffowden,
Mr. Hen. Soane, Mr. Dan Boucher.
Mr. Abra. Wattson.

Surry Countie.
Mr. Wm. Edwards, Mr. Wm Mellin,
                     Mr. Stephen Horsey.

Warwick County.    Lancaster County.
Left. Coll. Sam. Mathews, Capt. Moore ffaintlaroy,
Mr. Wm. Whittby, Spk'r. Capt. Tho. Hackett.

Charles Cittie County.
Capt. John Bushopp, Major X'p'r Calthropp,
Mr. Anthony Wyatt, Mr. Robert Booth,
                     Mr. Wm. Hockaday,
                     Capt. Fra. Morgan.

Nansemund.
Left. Coll. Edw'd. Major, Left. Coll. Fletcher,
Mr. Peter Montague, Mr. Walter Broadhurst.

Lower Norfolk.    Henrico County.
Coll. Francis Yarly, Capt. Wm. Harris.
Left. Coll. Corn. Lloyd, Glosfer County. Elizabeth Cittie County.
Mr. Abra. Iversonn, Mr. John Sheppard,
Mr. Richard Pate, Mr. Tho. Thornbury.

[In the Bl. MS. several pages are occupied with pro-
ceedings against different persons for speaking con-
temptuously of the government of Virginia, as estab-
lished by the convention, and for refusing to pay the
castle duties; some of whom were fined and imprison-
ed.]
WHEREAS the paper subscribed by name of the inhabitants of Northampton county is scandalous and seditious and hath caused much disturbance in the peace and government of that county. It is therefore ordered by this present Grand Assembly, That all the subscribers of the said paper bee disabled from bearing any office in this country, and that Leifl. Edmund Scarbrough who hath been an assistant and instrument concerninge the subscribing of the same bee also disabled from bearing any office untill he hath answered therevnto, and the honourable Governour & Secretarie be intreated to go over to Accomack with such assistants as the house shall think fitt, for the settlement of the peace of that countie, and punishinge delinquent.

This order reversed by an order of Assembly, 26th March, 1658. (Rand. MS. Bl. MS.)

THE order of the last Assembly in the busines relating to land in York River desired by Tottopottomoy, as information by some particular members of this Assembly is now represented, is ordered to be and remaine in force as formerly. Provided he lives on the same: but if he leaves it then to devolve to Coll. William Clayborne, according to former orders which gave him libertie to make his choice, whether he would have Ramomak, or the land where now he is seated, and that he appear in person before the Governor and Council to make his choice the next quarter court which of the two seats he will hold, and Capt. John West, and Mr. William Hockaday are enabled to give a safe conduct to the said Tottopottomoy and his Indians for their coming to towne and his returne home. And the commissioners of York are required that such persons as are seated upon the land of Pamunkey or Chickahominy Indians be removed according to a late act of Assembly made to that purpose, And Coll. John Fludd to go to Tottopottomoy to examine the proceedings of busines and to deliver it vpon his oath. (Rand. MS. Bl. MS.)

Grant of land to settlers on Moratuck or Roanoake ri-

VPON the petition of Roger Green, clarke, on the behalfe of himselfe, and inhabitants of Nause-mund river, It is ordered by this present Grand As-
JULY, 1653—4th OF COMMONWEALTH.

Assembly that ten thousand acres of land be granted unto one hundred such persons who shall first seate on Moratuck or Roanoake river and the land lying upon the south side of Choan river and the branches thereof, provided that such seaters settle advantageously for security, and be sufficiently furnished with ammunition and strength. And it is further ordered by the authority aforesaid, that there be granted to the said Roger Green, the rights of one thousand acres of land, and choice to take the same where it shall seem most convenient to him, next to those persons who have had a former grant in reward of his charge, hazard and trouble of first discoverie, and encouragement of others for seating those southern parts of Virginia.

(Rand. MS.)

WHEREAS diverse gentlemen have a voluntarie desire to discover the Mountains and supplicated for lycence to this Assembly, It is ordered by this Assembly, That order be granted unto any for soe doing, provided they go with a considerable partie and strength both of men and ammunition. (Rand. MS.)

IT is ordered by this present Grand Assembly that the bounds of the county of Westmorland* be as followeth (vist.) from Machoactoke river where Mr. Cole lives: And so upwards to the falls of the great river of Pawtomake above the Necostins town.

(Rand. MS.)

VPON the humble petition of John Claxson an old Virginian, and the testimony of the commissioners of the county of Yorke where hee lived of the great loss he sustained by fire to his vitter vndoing, not able to maintain himselfe and five children, The Grand Assembly duely weighing his distressed estate hath granted him the said Claxson, an order as a breife to gather the charitable benevolence of well disposed persons. The like also is granted unto Thomas Bagwell of the Isle of Wight county and to Richard New of James Cittie county.

(Rand. MS.)

*This is the first time the county of Westmoreland has been mentioned.
IT is ordered by this Grand Assembly that the commissioners of Gloster and Lancaster countys are strictly required forthwith to proportion the Indians inhabiting in the said counties their several tracts of land according to an act of the last Assembly in that case made, and to sett and assigne them such places and bounds to hunt in as may be convenient, both for the inhabitants and the Indians, whereby the several stocks of the English may be preserved.

(Rand. MS. Bl. MS.)

An act of indemnity to those who have lent guns to Indians.

AN act of indemnity is granted for all such as have lent guns to the Indians, and if any person shall hereafter offend and justly proved against him, he or they so offending shall suffer severely according to act in that case provided, other counties to have the same priviledge.

(Rand. MS. Jef. MS. Bl. MS.)

Castle duties to be paid; and how recoverable.

IT is ordered by this present Grand Assembly that the castle duties shall be recovered by any refractory person's denying the payment thereof as hath formerly bin accustomed by way of action in any courte or attachment of their goods and estates to that value.

(Rand. MS. Jef. MS. Bl. MS.)

Certain forfeited goods remitted.

IT is ordered by this present Grand Assembly upon the petition of Paulus Maeshouck, servant to Abraham Van Susteren, merchant of Dunkirk, that part of the goods forfeited belonging to his said master is remitted.

(Bl. MS.)

UPON the petition of Leiut. Coll. Walter Chiles; it is ordered by this present Grand Assembly that the ship Leopaldus now adjudged forfeited and consigned unto him that he the said Chiles should have the said ship according as she hath been appraised being £400 sterling.*

(Bl. MS.)

* The following is the Bill of Sale executed by the Governor and Speaker of the House of Burgesses—

Whereas the ship Leopoldus of Dunkirk hath by the grand assembly of this country been adjudged forfeitt and accordingly con-
UPON petition of the comm'rs. of the Isle of Wight county concerning the recovery of diverse arrears of county and county levies yet unsatisfied since 1644 and the lists not recorded through the delinquency of the Clk. of that county, It is ordered by this present Grand Assembly that such persons as have been sheriffs or collectors of the said levies since 1644 and are now living forthwith bring in their sev'll. lists and accounts respectively unto the said county court, and that such persons as have been delinquent in paying the said arrears or detaining of them in their hands be responsible for the same and upon default or denial to be recovered by distress and the parties that have paid the same be discharged from further molestation. And as for those sheriffs or collectors that are dead their estates are to be responsible for what shall appear due from them under their hands. 

(Blt. MS.)

IT is ordered that Nath. Battson stand committed into the custody of the sheriff of James City until he

fiscated according to the act of parliament for increase of navigation, Now know all men to whom these presents shall come that we the subscribers authorized by the said Grand Assembly do for and in consideration of the same of four hundred pounds sterling paid by Ltt Coll. Walter Chiles of this colony for the use of this colony before the sealing and delivery hereof acquit and discharge him, give, grant, bargain, sell assigne and set over the said ship named Leopoldus about the burthen of three hundred tons with her guns, tackle, apparel and furniture and whatsoever belongeth or appertaineth to the said ship unto the said Lieut. Coll. Chiles, his heirs and assigns for ever, To have and to hold the said ship with all her said guns, tackle, apparel and furniture to him the Walter Chiles, his heirs, and assigns for ever without any let, hindrance, molestation or disturbance of any person or persons whatsoever claiming any right, title or interest to the said ship in the behalf of this colony or the commonwealth of England, We hereby in the behalf of the Grand Assembly warranting the same unto the said Lieut. Coll. Walter Chiles, his heirs, ex'rs. administrators, In witness whereof we have hereunto set our hands and seals and caused this our act to be register'd in the records of this colony of Virginia the twelveth of July, 1653.

Rt. BENNETT, Seal.

Wm. WHITBY, Speaker of the House of Burgesses

In presentia men,

Wm. CLAVBORNE, Sec.
GEO. FLLETCHER.
ROBT HUBERD.
JOHN CORKER, Cl. to the House of Burgesses

Arrears of taxes in Isle of Wight, how recoverable.

Estates of deceased sheriffs liable.

Judgment against Nath. Battson
hath satisfied Dep: Webster eight beaver skins and an otter skin for a gun which he bought a board the ship Duke Byren.  

(Bl. MS.)

ACCORDING to an order of this Assembly, vpon the petition of Coll. Nathaniel Littleton, Coll. Argoll Varley, Major William Andrews, and some other commissioners of Northampton county, Master Speaker; Left. Coll. Edward Major, Left. Coll. Geo. Fletcher, Coll. Thomas Dew and Left. Coll. Rob't. Pitt are nominated as assistants to attend the Governour and Secretarie for the settlement of the peace of that county, and the punishment of delinquents there according to their demerits, the appointment of all officers both for peace and warr, the division of that county, and the hearing and determineing of the businesse of damages between Capt. Daniel How and Left. Coll. Edm'd. Scarbrough, As also between Capt. John Jacob and the said Edmund Scarbrough, with all other matters and things necessary and incident for the preservation of the peace of that place, for which this shall be their comission, The charges which the said commissioners shall be at, both in going stayinge there & returneinge, to be levied vpon those persons that occasioned their repair thither.  

(Rand. MS.  Bl. MS.)

WHEREAS Sr. William Berkeley, Kn't. vpon the deliverie vp of the countrey to the government of the Comon-Wealth of England, had granted vunto him by articles, that he should have a shipp to transport him to England or Holland, and whereas the present warr with the United Provinces hath hindered the confirmation of the said articles in England, or the cominge of a shipp out of Holland: And the said Sr. William Berkeley desireing longer time (vizt.) eight moneths from the date hereof to procure the said shipp out of Flandres in respect of the warrs with Holland, and that she may be custom free for such tobacco as he shall lade in her; After debate thereof in the Assembly, It is condescended that his said request shall be granted, and he may accordingly within eight moneths procure a shipp out of Flandres for the purpose in his said articles expressed.  

(Rand. MS.  Bl. MS.)
WHEREAS the ship Leopoldus of Dunkirk, for the importation of prohibited goods contrary to the act of Parliament, for the encrease of navigation, has been adjudged forfeited, with her tackle, apparel, and furniture to this country, for the use of the Common-Wealth of England, and appraised at four hundred pounds sterling, This Assembly upon consideration thereof had her disposed of the same as followeth, (vizt.) two hundred and fifty pounds to our agent Coll. Sam. Mathews and one hundred pounds to Coll. William Clayborne, sec. thirty pounds to the speaker, ten pounds to Coll. Cornelius Loyd, and ten pounds to Major Billingsley for their several services done to the country in the said business. (Bl. MS.)

IT is ordered by this present Grand Assembly that Nathaniel Battson for many misdemeanors & a common defame* apparently true, shall receive forthwith fifteen stripes on the bear back and for ever hereafter not to go or trade amongst the Indians and in case of default to receive further punishment by whipping and perpetuall banishment.

RICH'D. BENNETT.
Wm. WHITTBHEY, Speaker.

(Bl. MS.)

"Defame" in MS. but it should be "defamer"
NOVEMBER 20, 1654.

ATT

AN ASSEMBLY
HELD AT JAMES CITTIE.

The names of the Burgesses for each respective County as followeth:

Charles Cittie.
Coll. Edw’d. Hill, Speaker, Mr. Bartholomew Hoskins,
Capt. Henry Perry,
Major Abra. Wood,
Mr. Stephen Hamlin.

Eliza. Cittie.
Ma. Wm. Worlich,
Mr. John Sheppard.

Glocester.
Mr. Tho: Breman,
Mr. Wingfeild Webb.

Henrico.
Mr. Richard Cock.

James Cittie.
Mr. Tho: Dipnall,
Mr. Abra: Watson,
Mr. Wm. Whitaker,
Mr. Henry Soane.

The Isle of Wight.
Left. Coll. Pitt,
Capt. John Moone,
Mr. Fra. Hobbs,
Capt. John Bond.

Lower Norfolke.
Mr. Lyonnell Mason.

Lancaster.
Mr. John Carter,
Mr. James Bagnall.

Northampton.
Mr. Peter Walker,
Mr. Wm. Waters,
Mr. Tho: Johnson.

Nanzemund.
Coll. Tho: Dew,
Mr. Sam. Stoughton,
Mr. Tho. Godwin.

Northumberland.
Mr. John Trussell.

Surry.
Mr. Wm. Batt,
Mr. James Mason.

Warwick.
Lt. Col. Sam. Matthewes,
Mr. William Whitbye.
Yorke.  
Capt. Wm. Gooch,  
Mr. Robert Booth,  
Mr. John Hayward,

Westmorland.  
Ma. John Holland,  
Ma. Alex. Baynhan.

New Kent.*  
Capt. Robert Abrell.

PUBLIQUE ORDERS OF ASSEMBLY.

WHEREAS Coll. Edward Hill vnanimously choosen speaker of this house was afterwards maliciously reported by William Hatcher to be an atheist and blasphemer according to an information exhibited against him the last quarter court, from which the ho-nourable Governour and Council then cleared the said Coll. Edward Hill and now certified the same vnto the house: And forasmuch as the said Wm. Hatcher, notwithstanding he had notice given him of the Governour and Councills pleasure therein and of the said Coll. Hill's being cleared as asforesaid, hath also reported, That the mouth of this house was a Devil, nominateing and meaning thereby the said Right Worp'll. Coll. Edward Hill, It is therefore ordered by this house, that the said William Hatcher, vpon his knees, make an humble acknowledgement of his offence vnto the said Coll. Edward Hill and Burgesses of this Assembly; which accordingly was performed and then he the said Hatcher dismiss paying his fees.

(Rand. MS. Bl. MS.)

IT is ordered by the Assembly that the comissioners of the militia and the comissioners of the respective counties shall at the next sessions of this Assembly in March give in an account of the 6 lb. of tobacco per pole lately levied for powder and shott for the use of each county, and what other powder and shott shall be in their custody belonging to the county.

(Rand. MS. Bl. MS.)

* This is the first time the name of New Kent appears among the proceedings of the assembly—It was taken from the upper part of York county. See an act of the present session

Proceedings against Wm. Hatcher for reporting that the speaker, coll. Edw'd. Hill, was an atheist:

Hatcher to make an acknowledge-ment on his knees

Comm'trs to account for the tobacco levied for powder and shot.
IT is ordered that the upper part of Yorke county shall be a distinct county called New Kent, from the west side of Scimino creek to the heads of Pomunkey and Mattaponie river, and down to the head of the west side of Poropotankee Creek.

(Rand. MS. Bl. MS. Jef. MS.)

FROM the head of the north side of Queen's creek as high as to the head of Scimino creek is made a distinct parish named Marston ordered by this Grand Assembly.

(Rand. MS. Bl. MS. Jef. MS.)

WHEREAS certaine arrears by overchargeing of tithable persons in some counties are now in question, It is ordered that such errors as are alleged to be committed shall be certified under the com'rs. hands at the Assembly in March next, and for the future that all lists shall be taken and certified under the hands of the com'rs. and not otherwise, and so presented to the Assembly.

(Rand. MS. Bl. MS. Jef. MS.)

Orders of Assembly in Private Causes.

[Here follow, in the Rand. and Bl. MSS. the decisions of the Grand Assembly, in various civil actions; but they are not of sufficient importance to justify their insertion.—See Appendix.]

THE Governor and Council have thought good to call Mr. Edward Diggs, Esq. to be one of the Council, if the Assembly shall like thereof; and signifie their approbation and concurrence therein, Novem. 22, 1654.

RICHARD BENNETT.

IT is unanimously consented unto, he having given a signal testimony of his fidelity to this collony and Common-Wealth of England.

CHA: NORWOOD, Cler. Assem.

(Rand. MS. Bl. MS.)
WHERAS divers complaints have bin made by the inhabitants of the counties of Lancaster, Northumberland and Westmorland concerning divers injuries and insolencies offered and done by the Rappahannock Indians, vnto them the said inhabitants, and have refused to give satisfaction though often demanded by the commissioners of the said counties, which gives just occasions of jealousies and fears of an intended warr: It is therefore ordered by this present Grand Assembly, that the said counties bee associated and joyned together in and concerning the affaires of their neighbouring Indians, and that for this present expedition there be raised in the county of Lancaster one hundred men sufficiently furnished with armes, ammunition and provisions, with boates and other necessaries for their voyage to the said Rappahannock townes, likewise the county of Northumberland 40 men qualified as aforesaid. Also in the county of Westmerland thirty men qualified as aforesaid, and that the said men be raised and pressed in such manner as the first man in commission in each county with the assistance of the commissioners of the respective counties direct and think fitt for the most easie accomplishment of this employment, and that the nomination of the leaders of the said men in the counties of Northumberland and Westmerland bee at the appointment of their several courts respectively, all which said men so raised and pressed in the said three counties are hereby required to re-paire on the first Wednesday in February next to the house of Thoms Meades in Rappahannock river which is thought the most convenient place of generall rendezvous, and from thence Ma'r. John Carter who is hereby appointed comimander in chief is hereby required and authorized to march with all the aforesaid men to the aforesaid Indian towne and demand and receive such satisfaction as he shall think fitt for the several injuries done vnto the said inhabitants not using any acts of hostility but defensive in case of assault, And it is further ordered that the said Major John Carter give account of his proceedings vnto the hono'ble the Governour who is hereby authorized with the advice of his council to determine of peace or warr

**Orders of Assembly**

Concerning the March against the Rappa' Indians.

Recital of differences with the Rappahannock Indians, and apprehensions of a war.

Certain counties to raise, arm & equip men.

Lancaster 100.

Northumberland 40.

Westmoreland 30.

Leaders to be appointed by county courts.

Place of rendezvous.

Commander in chief.

To go to the Indian towns and demand satisfaction.

To report to the gov. who, with advice of council,
in this and all other emergent occasions concerning the said Indians. And it is further ordered, That Capt. Henry Fleet and David Wheatliff attend the said service as interpreters, the charge of the service aforesaid to born by the three countyes above specified.

(Rand. MS. Bl. MS. Jef. MS.)

**ACTS OF ASSEMBLY.**

**ACT I.**

*Act for renewing of Bills and Bonds within three years.*

WHEREAS the nature of our trade in Virginia in respect of our present commodities and the great distance of our habitations inforos vs to engagements by bills, bonds and other writings, upon the payment and discharge whereof, either in part or in whole, the debtor is oftentimes constrayned to accept of receipts, and imploy other men therein, whereby many times the bills and bonds doe lye out and are not taken vp, or delivered in, or the receipts lost, or the parties and witnesses dead, see that those debts are againe demanded and recovered often times which were before justly paid and acquitted, for remedy whereof, *Bee it enacted* that noe bills, bonds or other ingagements of writing heretofore made shall any way be pleadable after three years from the end of the sessions of this present Grand Assembly: nor for the future after three years from the date of such bills, bonds or engagements vnles the same be renewed or sued or recorded in the county court where the debtor liveth or where he last resided (if he be unkowne or non-resident) or absent out of the county, or else be sued or recorded in the bookes of the quarter court at James Citty.

(Rand. MS. Bl. MS. Jef. MS.)
ACT II.

Act concerning false Styllyards.

TO prevent the great abuse and deceit by false styllyards in this collony, It is enacted by this Assembly, That whoever shall use false styllyards willingly shall pay unto the party greived three fold damages and costs of suit, and shall forfeit one thousand pounds of tobacco, one hale to the informer and the other hale to the publique use of the county where such offence is comitted, And for the better prevention of such deceit it is likewise enacted that the eldest in every commission shall, att the charge of the county, procure and keep at the court house sufficient weights to try as often as shall be desired all styllyards as shall be complained of or brought thither.

(Rand. MS. Bl. MS. Jef. MS.)

ACT III.

Act concerning employing Indians with Guns.

TO prevent the disorderly employing of Indians with guns vnder the pretence of being their servants, It is enacted, That noe person shall dare to employ such Indian servants with guns vnelss they have allowance from the county court where they live or from the Governour and Councill.

(Rand. MS. Bl. MS. Jef. MS.)

ACT IV.

Act for Northampton County to take acknowledgment of Lands.

IT is enacted, That the comissioners of Northampton county shall be impowered to take the acknowledgment of the Indians in their county for sale of their lands, if the said Indians shall desire it, in which they are required to proceed justly and to have the consent of the major part of the towne and being so done their proceeding is to be transmitted to the Governour and Councill and allowed by them vnelss they shall see cause to the contrary.

(Rand. MS. Bl. MS. Jef. MS.)
IT is thought fitt and enacted by the Grand Assembly that all comanders of shipps or vesells arriveing in Virginia shall presently after their arrivall make their addresse to the Governour to certifie of their arrivall and such other matters as may concern their trade here or otherwise relate to the whole country vpon paine of such greivous censure as the Governour shall please to inflict, and that such shipps as shall pass by the fort att Point Comfort either comeing in or goeing out shall douse sail and do their dutys as the custom is, otherwise to pay double for the shott made against them and incurr such other penaltys as their contempt shall deserve, and they are likewise soon after their coming to anchor, to reppaire to the Capt. of the fort and deliver a list of their passengers and take order to pay the castle dutys, and be obedient to the orders and laws of the country as they will answer the contrary att their peril. 

((Rand. MS. Bl. MS. Jef. MS.)

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**ACT VI.**

IT is enacted, That the commisioners of every county shall recommend three or more to the Governour and Councill who shall elect such sherriffs out of those so recomended as they the Governour and Councill shall think most meet and fitt for the place. 

((Rand. MS. Bl. MS. Jef. MS.)

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THIS Assembly is adjourned till the twentieth day of March at James Cittie, the quarter court is also adjourned till the twentieth of March.

RICH: BENNETT.

EDWARD HILL, Speaker.

Vera copia,

CHARLES NORWOOD, Ck. Assem.

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*The number of this, and the succeeding act is given in the Jef. MS. but the titles are wanting in all the MSS.*
THE sum of one hundred thousand pounds of tobacco is assigned to the Governor by this Assembly, in consideration of his expenses, charge and pains in the government of this colony, arising out of the Dutch prizes and confiscation of forraim goods and ships, as by the accounts in the Assembly appears.

CHARLES NORWOOD, Cl. Ass.
(BL. MS.)

MARCH 10, 1655.*

[This should be 1655-6. See post pa. 404.]

ACT I.

An Induction to the Acts concerning Indians.

WHEREAS we have bin often putt into great dangers by the invasions of our neighbouring and bordering Indians which humanely have bin only caused by these two particulars our extreame pressures on them and their want of something to hazard &

* The 25th day of March was the beginning of the year, according to the Jewish computation; and the same rule was observed in England till by stat. 24, Geo. 2, chap. 23, sect. 1, (1751) it was declared that after the last day of December, 1751, the 25th of March should no longer be accounted the beginning of the year, but that the year 1752 should begin on the first day of January, and so, in each succeeding year, the first day of January should be deemed the first day of the year. This statute was rendered necessary by the adoption, in England, of the reformed calendar of Pope Gregory XIII, made in the year 1572; from which period commenced the Gregorian calendar, or New Style. The calendar adjusted by Julius Caesar, 45 years before Christ, was called the Julian Calendar, or Old Style, as contradistinguished from the new Most of the nations of Europe had adopted the Gregorian Calendar or New Style, long before the English; who being engaged in extensive commerce, found it convenient, for the sake of foreign correspondence, to preserve both the Old and the New Styles, between the 1st of January and the 25th of March, in each year. Accordingly, in most of the dates prior to 1752, (when the New Style commenced in England,) we see the old year continued till the 25th of March, with the new year annexed to it from the 1st of January to that date: Thus, January, 1623-4. February, 1631-2. March, 1642-3, &c. But this was not uniformly done.
loose beside their lives: Therefore this Grand Assembly on mature advice doth make these three ensuing acts, which by the blessing of God may prevent our dangars for the future and be a sensible benefit to the whole countrey for the present.

So much of the act of parliament of 24th Geo. 2, ch. 23, as relates to the establishment of the New Style, is in the following words—"Throughout all his majesty's dominions in Europe, Asia, Africa and America, subject to the crown of Great-Britain, the supputation according to which the year of our Lord beginneth on the 25th of March shall not be made use of after the last day of December, 1751, and the first day of January next following the said last day of December, shall be deemed the first day of the year of our Lord 1752, and so on, the first day of January in every year shall be deemed the first day of the year. And after the said first day of January, 1752, the days of each month shall be reckoned in the same order; and the feast of Easter, and other moveable feasts thereon depending, be ascertained according to the same method, as they now are, until the second of September in the said year 1752, inclusive; and the natural day next immediately following the said second of September shall be called the 14th of September, omitting for that time only the eleven intermediate nominal days of the common calendar; and the natural days following the said 14th of September shall be numbered forwards in numerical order from the said 14th of September, according to the order now used in the present calendar; and all acts, deeds, writings, notes, and other instruments executed or signed, upon or after the first day of January, 1752, shall bear date according to the said new method of supputation, &c." The section then goes on to provide for the sessions of courts, &c. according to the new method.

With respect to Leap Years, the 2d section declares, "that the years 1800, 1900, 2100, 2200, 2300, or any other hundredth year of our Lord, except only every fourth hundredth year, whereof the year 2000 shall be the first, shall not be Bissextile or Leap Years, but shall be common years, consisting of 365 days and no more; and the years of our Lord 2000, 2400, 2800, and every other fourth hundredth year of our Lord, from the year 2000 inclusive, and all other years of our Lord, which by the present supputation are Bissextile or Leap Years, shall be Bissextile, or Leap Years consisting of 366 days."

The subsequent sections of this act, as well as an act passed in the 35th of Geo. 2, chap. 30, sect. 2, provides for the moveable feasts, inclosing of commons, payment of rents, annuities, reformation of the calendar, &c.—See l Cay's abridgement, 192.

"Calendar."

The reasons which induced the passing of the above recited act of parliament, and the difference between the Julian & Gregorian calendars, are well explained by a writer nearly cotemporary with the act itself. Paton in his Elements of Chronology, (inserted in his treatise on navigation.) pa. 121, says, that "Julius Caesar, in order to reduce the civil or political year nearly to an equality
MARCH, 1655-6—6th OF COMMONWEALTH.

First for every eight wolves heads brought in by the Indians, The King or Great Man (as they call him) shall have a cow delivered him at the charge of the publick, This will be a step to civilizing them and to making them Christians, besides it will certainly make the comanding Indians watch over their own men that they do vs no injuries, knowing that by there's default they

with the tropical, and considering that the tropical year consisted of 365 days and 6 hours nearly, which exceeded the civil year by 6 hours each year and consequently in four years exceeded it by one whole day, ordered, that to every fourth year there should be one day added, and so make it consist of 366 days, by which means the civil and solar years were reduced pretty near to an equality. This additional day was put in the month of February, and because in the common year the twenty-fourth day of February was called by the Romans the sixth of the Kalends of March, he ordered that this day should be added after the twenty-fourth day of February, and called by the same name; there happening every fourth year, two sixths of the Kalends of March, and hence that year was called Bissextile or Leap Year. This way was used by us till the year 1752, when the New Style commenced."

"But the true length of the year being 365 days, 5 hours and 49 minutes, and by the Julian account 365 days and 6 hours, 'tis plain the civil year exceeds the solar by 11 minutes nearly. Consequently, if the sun any year enters the equinoctial on the 20th day of March at noon, the next year he will enter the equinoctial the same day 11 minutes before noon, the next 22 minutes before noon, and so on. Consequently in 131 years the solar will anticipate the civil year by one whole day; and so either equinox will not happen always on the same day of the civil year, but be carried in a retrograde order through all the days of it. This was what put Pope Gregory XIII. upon reforming the Julian kalendar—for, finding that at the time of the Nicene council, when the time of celebrating Easter was instituted, the vernal equinox happened the 21st day of March, and by flowing continually backwards, it happened at his time (in the year 1572) on the 11th day of March, anticipating its former time by 10 whole days, he ordered that these ten days should be taken out of the kalendar, and the 11th of March should be reckoned the 21st—and to prevent the seasons of the year from going any more backwards, as they were before, he ordered that every hundredth year of the Christian era (which according to the Julian kalendar is Bissextile) should be a common year and so consist only of 365 days—but this being too much, every four hundredth year was to remain Bissextile or Leap Year.—But since his time to the year 1752, one day more has been anticipated, which was the reason that 11 days were ordered to be taken out of the kalendar in the month of September, 1752, when the New Style commenced in these kingdoms. The Julian form is called Old Style and the Gregorian, New Style."
Exception as to Acco'ck.

Indian children brought in as hostages not to be treated as slaves, but instructed in useful trades, &c., and their parents to choose with whom they are to reside.

Indian lands not alienable by them, and no bargains and sales valid without the assent of the assembly.

What lands the Indians shall be possessed of by order of this or other ensuing Assembly, such land shall not be alienable by them the Indians to any man de futuro, for this will put vs to a continuall necessity of allotting them new lands and possessions and they will be allways in feare of what they hold not being able to distinguish between our desires to buy or inforcement to have, in case their grants and sales be desired; Therefore be it enacted, that for the future no such alienations or bargains and sales be valid without the assent of the Assembly, This act not to preju dice any Christian who hath land already granted by patent.

ACT II.

Act for Northampton County.

BE it enacted the county of Northampton to have liberty of constituteing lawes and customes amongst themselves and to proceed therein according to their owne conveniences not repugnant to the laws of England, Provided that before execution of such lawes by them to be constituted, those lawes be confirmed by the Assembly: And this act to extend no further then to Indians and manufactures.
MARCH, 1655-6—6th of COMMONWEALTH.

ACT III.

An Act for the repealing the Act for Marketts and regulating of Trade.

WHEREAS divers inconveniences are like to ensue by reason of the act for marketts and regulating of trade and now taken into further consideration, Be it enacted that the act for marketts and regulating of trade be repealed and of none effect, Provided always Merchants to that if any countrey or particular persons shall settle any such place whither the merchants shall willingly come for the sale or bringing of goods, Such men shall be lookt upon as benefactors to the publique.

ACT IV.

An Act repealed for all peices of Eight to passe current.

WHEREAS there was a law for the encouragement of artificers, peeces of eight of what mettle soever should pass for five shillings sterling, Wee find by experience, and the artificers know it, that nothing can more discourage them, for after they have long laboured for a subsistance (in case this law as now it is should not be repealed) they would have foe many counters in stead of sterling money for the sweat of their browes:

Therefore bee it enacted by this Grand Assembly that no false money shall be currant in this collony, yet peeces of eight that are good and of silver shall pass for five shillings sterling, and Roanoake and Wom-pompeoke to keep their wonted value.

ACT V.

An Act for Criminall Causes to be tryed in the severall Countyes repealed.

WHEREAS there was an act for the benefitt and ease of the people that criminal causes should be tryed in the countyes where the offenders committed them. Wee conceive it no ease nor benefitt to the peo-
ple to have their lives taken away with too much ease; And though we confess the same to be done in England, yet wee know the disparity between them and vs to be so great that we cannot with safety follow the example, for noe country there but makes at least ten times the number of people here, and the jurors there are more practised in criminal causes then, by the blessing of God, wee are here, and have more to informe them in case they should err, And 'tis a maxim that no deliberation can be too much pondered that concerns the life of the meanest man; Be it therefore enacted, that from henceforth all criminal causes that concerne life or member be tried at quarter courts before the Governour and Councill or att Assemblies (which of them shall first happen,) where it is probable the ablest and most impartial men will meet: And be it further enacted, That all prisoners be kept by the sheriffs of the county where the crime is committed vntil the first day of the quarter court or Assembly, & there be delivered vnto the sheriffs of James Citytie according to an act of Assembly now in force dated in March, 1642; And in case the person on his tryall be condemned and executed there, his estate to remaine in the possession and to the use of his wife and children vntil further order.

ACT VI.

WHEREAS many appeales brought are meerly delatory and for poor, inconsiderable causes whereby men are defranded of the justice they sue for, the court tacitly taxt from whence they appeale and great charges accruing the suit: Therefore be it enacted by this Grand Assembly, that all suits and causes between party and party of what value soever not touching life or member be tried by the county courts and not by the quarter courts vnes they exceed 1600 lb. of tobacco and caske or £16 sterling and that noe appeales be from the county courts to the quarter courts or from thence to the Assemblies vnder the same value; and damages vpon appeales to be awarded by the judges of appeales, and the appellants fortheith to putt in security to pay what damages shall be awarded against them: Provided that the act Apr.13. 1652, an-
thorizing to what value comissioners are to trye, be and remaine in full force and vertue, any thing contained to the contrary notwithstanding.

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ACT VII.

WHEREAS many fines are laid on offenders and noe emolument accrues to the publique: Therefore be it enacted by this Grand Assembly, That all fines made in the county courts de futuro be delivered to the militia of the county to be disposed of in amunition for the good of the county excepting such fines as are already disposed of by former acts.

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ACT VIII.

WHEREAS it hath bin taken into serious consideration and debate for the bettering our, (indeed) only commodity tobacco for the benefit both of planter & merchant both equally complaining of its low and contemptible rate, and no expedient found butt lessening the quantity and mending the quality, Wee this present Grand Assembly finding all other stints inconsistent with the good of his collony, Maryland remaining a distinct government: Doe therefore hereby enact that what person or persons soever shall after publication of this act tend, suffer or cause to be tended any tobacco commonly called seconds and slips shall for so doing pay 2000 lb. of tobacco, one halfe to the informer and the other halfe to the militia to be disposed for amunition for that county where the offence shall be committed, and likewise, That all sheriffs and collectors have a speciall care in receivineg the leavie tobacco without more then its proportion of ground leaves and in case of difference, the next comissioner to appoint two sufficient men to view the tobacco, and upon their report to the said comissioners either to take it or proceed to distresse as in case of non-payment.

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ACT IX.

WHEREAS there are many places destitute of ministers, and like still to continue soe, the people content not payinge their accustomed dues, which makes

This act not to affect jurisdiction of a single magistrate.

Fines imposed in county courts appropriated to purchase of amunition for the militia.

For improving the staple of tob. Seconds or slips not to be tended.

Penalty

How appropriated.

Sheriffs and collectors to be careful as to receiving ground leaves.
them negligent to procure those which should teach and instruct them, so by this improvident saving they loose the greatest benefit and comfort a Christian can have, by hearing the word and use of the blessed sacraments, Therefore be it enacted by this present Grand Assembly, That all counties not yet laid out into parishes shall be divided into parishes the next county court after publication hereof, and that all tithable persons in every parish within this colony respectively, in the vacancy of their minister, pay 15 lb. of tobacco per poll yearly, and that tobacco to be deposited in the hands of the commissioners of the several counties, to be by them disposed of in the first place for the building of a parish church, and afterwards the surplusage thereof (if any be) to go towards the purchasing of a glebe and stock for the next minister that shall be settled there: Provided that the vestries of the several parishes be responsible for the said tobacco so leavied.

ACT X.

WHEREAS lrs. of administration are suddenly obtained and the estate as suddenly disposed of vnder pretence of greatest creditor or neerest kin, whereby often times those that are really so, the one is debanded of his just debt, and the other barred of his right and interest, the estate being imbezilled before either can have notice, Therefore be it enacted by this present Grand Assembly, That no administrations be confirmed vntill the third quarter court be past, except the widow, and then it speedily to be granted upon her request, or vpon the request of the next kin; and for taking care of the deceased estate vntil the time above limited, be referred to the commissioners of the county where the deceased dyed.

That all debts that are brought in and proved may be paid according to priority in law, and debts to be paid proportionally if equall.

That the estate may be sold at an outcry where there is not sufficient assetts, if the creditor shall require it,
That none have their quietus under a year and a day after the confirmation of the administration.

If any administrator be of no kin and have assets, that all the estate left after debts be paid, be employed in the county where he lived for setting up of manufactures or for other publique uses, the administrator being paid his reasonable charges and for his pains.

This act shall be of no force or effect until the 24th of June next, which will be in the year of our Lord 1656.

ACT XI.

BE it enacted by this Grand Assembly that if any runaway servant offend the second time against the act in March, 1642, concerning runaway servants that then he shall only be branded with the letter R: and passe under the statute for an incorrigible rogue, but also double his time of service so neglected, and soe likewise double the time that any time afterwards he shall neglect, and in some cases more if the commissioners think fitt: And be it further enacted by the authority aforesaid that he or she that shall lodge or harbour any such runaways shall not only pay 20 lb. of tobacco per night but also 40 lb. of tobacco per day as long as they shall be proved to entertaine them, contrary to an act of Assembly in March, 1642, relating to hired servants.

ACT XII.

WHEREAS it is much to be doubted, That the common enemy the Indians, if opportunity serve, would suddenly invade this colony to a total subversion of the same, and whereas the only means for the discovery of their plotts is by alarums, of which no certainty can be had in respect of the frequent shooting of guns in drinking, whereby they proclaim, and as it were, justify that beastly vice spending much powder in vain, that might be reserved against the common enemy, Be it therefore enacted that what person or persons soever shall, after publication hereof, shoot...
cept at marriages & funerals, under penalty of 100 lb. of tobacco.

Commrs. or justices of the peace to be recommended by the court and appointed by the governour and council.

Inhabitants of the colony being sole owners of vessels exempted from castle duties.

Western and inland Indians having seated themselves near the falls of James river.

Coll. Edward Hill, with a

any guns at drinkeing (marriages and funeralls onely excepted,) that such person or persons so offending shall forfeit 100 lb. of tobacco to be levied by distresse in case of refusall and to be disposed of by the militia in ammunition towards a magazine for the county where the offence shall be committed.

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**ACT XIII.**

BE it enacted by this present Grand Assembly that noe person or persons, for the future, be admitted to be a commisioner for any county court whatsoever, but such as shall be desired by the court and appointed by the Governour and Councill.

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**ACT XIV.**

FOR the encouragement of trade be it enacted that all persons inhabiting in this collony, being sole owners of any vessell, shipp or barque, tradeing to any lawfull port whatsoever, be exempted from all castle duties but if any matter shall arise in question the oathes of the owners shall be required to make it appeare that they are such owners.

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**ACT XV.**

WHEREAS information hath bin given that many western and inland Indians are drawne from the mountaynes, and lately sett downe neer the falls of James river, to the number of six or seaven hundred, whereby upon many severall considerations being had, it is conceived greate danger might ensue to this collony, This Assembly therefore do think fitt to resolve that these new come Indians be in noe sort suffered to seate themselves there, or any place near vs it hauing cost so much blood to expell and extirpate those perfidious and treacherous Indians which were there formerly, It being so apt a place to invade vs and within those lymitts which in a just warr were formerly conquered by us, and by vs reserved at the last conclusion of peace with the Indians, In pursuance whereof therefore and due respect to our own safety, Be it enacted
by this present Grand Assembly, That the two upper counties, under the command of Coll. Edward Hill, do presently send forth a party of 100 men at least and that they shall first endeavor to remove the said new come Indians without making war if it may be, only in a case of their own defence, alsoe strictly requiring the assistance of all the neighboring Indians to aid them to that purpose, as being part of the articles of peace concluded with vs, and faileing therein to look duly to the safety of all the English of those parts by fixing of their arms and providing ammunition, and that they have recourse to the Governour and Council for further direction therein, And the Governour and Council are desired to send messages to Tottopotottomoy and the Chickahomynies and other Indians and to treat with them as they in their wisdoms and discretions shall think fitt.

ACT XVI.

WHEREAS we conceive it something hard and vnaagreeable to reason that any persons shall pay equal taxes and yet have no votes in elections, Therefore it is enacted by this present Grand Assembly, That soe much of the act for choosing Burgesses be repealed as excludes freemen from votes, Provided allwaies that they fairly give their votes by subscription and not in a tumultuous way, and it is further provided by this act that the rest of the act of March, 1654, concerning choosing Burgesses (this clause only excepted) be and remain in full force, any act provided to the contrary notwithstanding.

ACT XVII.

BEE it enacted, that there be 30 lb. of tobacco per poll raised in every county respectively, for discharging of such debts as here are presented to the Governour and Council, to dispose of the same to the countrey creditors as also of the overplus (if any be) in case there be no Assembly called before the last of October next ensuing. March 27, 1656.

E:D. DIGGS.

ffRANCIS MORVSON, Speaker.
MARCH 24, 1655.

[This was the session of March, 1654-5.—The preceding session was that of March 10th, 1655-6, as appears both from the date in page 403 and from the adjournment mentioned in page 407.—They are here published in the order in which they were arranged in the MS. the mistake not having been discovered in time.]

PUBLIC ORDERS OF ASSEMBLY:†

ORDERED, That from Poropotank to Mattapony upward (vizt) on the north side of Yorke river be a distinct parish by the name of Stratton Major.

ORDERED, That no surveyor or surveyors be elected but such as are chosen by the commissioners of such counties where such occasion shall be offered, and those so chosen to be recommended to the said com'rs. by persons well experienced in the faculty, and such as at the present are not sufficiently qualified for the purpose aforesaid to be devested of such employment or employments and the commissioners to judge and determine of their qualifications after such cognizance given as aforesaid.

VPON the petition of the Isle of Wight Burgesses in behalf of the inhabitants of that county, It is ordered, That 3 of the comiss'rs. of each county, (that is to say) of Nanzenmund and the Isle of Wight county shall meet att a sett time before the next Assembly to

† Under the title of "Public Orders of Assembly" are inserted promiscuously, the Journals of the House of Burgesses, containing the appointment of committees, &c. the Resolutions of the Assembly on general and local subjects, which have the force of laws, and the decisions of the house on appeals in civil actions. To insert the whole of these orders, would occupy too much room.—Such parts, therefore, as merely relate to individuals, and will throw no light on the history or jurisprudence of that period, are omitted.
lay out the bounds of each county, and in case of difference to render account thereof to the next Assembly that it might be determined.

IN the case of John Bromfeild, pl. and widdow Crumpe defendant, It being found that the will of Richard Buck, from whence the land descends to the orphan, there does not appeare any estate past to Bridget Bromfeild, late wife of John Burrowes otherwise then for terme of life onely: there being not mention in the said will of heires, assignes for ever, nor in fee simple, &c. Likewise it being found, that this very case in November 29, 1642, was adjudged by the Governour and Councell to be but an estate for terme of life and soe thrice voted in this Grand Assembly: Likewise it being further found that there were 5 other guardians of the said Buck's children by the said will and that they never claimed an estate in fee simple but onely for terme of life: It is therefore ordered that the said Elizabeth Crumpe continue her possession without any further molestation in the premisses, it being voted and concluded as aforesaid.

IN the difference between Capt. Streeter, who married Mrs. Burbage, the relict of Capt. Thomas Burbage, It is ordered, That the plantation of the said Burbage att Nansemund be equally devided in quantity and quality both land and houseing, and all other lands of the said Burbage be divided according to quantity and quality as aforesaid into thirds by a jury vpon the place: of both which being soe devided the said Streeter's wife is to chuse which halfe of the plantation att Nansemund and which thirds of the other land she pleaseth to enjoy; the same only for her life: And Wm. Burbage to take the remainder as heire att lawe, the charges of those divisions to be bearen according to each others proportions.

In the difference between Carbery Kyggan and Wm. Norwood, It is ordered, That Kyggan pay the charge of the jury and what was incident thereunto: but that Norwood satisfie the said Kyggan 700 lb. of tobacco for damages the said Kyggan sustained in the
Writing delivered up to be cancelled.

Com’wealth vs. Swann.  
Homicide per misadventure.

Pardon granted by the assembly, there being no chancellor or public seal in the colony.

WHEREAS Left. Coll. Tho. Swann at a sessions holden by commission from the Governour the second day of July last, in Surry County, accused & impeached for the death of his servant one Elizabeth Buck, The fact found by the jury homicide per misadventure whereby he is by law of England to sue out his pardon of course under the broad seal from the chancellor, for obtaining of which he hath now humbly addressed himselfe to the Governour and Councill—Vpon consideration thereof had

Whereas this collony is not as yet settled with such officers as belong to passing such pardons and noe publick seal being in the countrey, The Governour, Councill and Burgesses of this present Grand Assembly conceive it sufficient to declare, That the said Thomas Swan be discharged from further trouble, and be restored to the like condition he was in before the said homicide per misadventure comitted by him, and that he may safely acquiesse herein as if his pardon had bin sued out formally. And as concerning his goods and chattles to be forfeited thereby, they likewise conceive and declare that the rigor and forfeiture hereof shall not be taken, and that he shall be acquitted for the same.

BY THE ASSEMBLY:

The Assembly desire to be informed whether legall proceedings were had in the tryall of Left. Coll. Tho. Swan by those judges appointed by the Governour’s comission.

The legality being averred it is ordered to be record-ed.

CHARLES NORWOOD, Clk. Assem.
MARCH, 1654-5—6th OF COMMONWEALTH.

ORDERED that this Assembly be adjourned till the 10th day of March next, 1656, And in case any of the present Burgesses are now elected sherriffs the inhabitants of such countyes are to proceed to new elections.

ATT

A

GRAND ASSEMBLY,

held at James Cittie.

KNOW all men by these presents, That I Sr. William Berkeley, Knt. doe by these presents in consideration of the quantity of seaven and twenty thousand five hundred pounds of tobacco to me in hand paid the receipt whereof I hereby acknowledge and divers good causes and considerations me thereunto mooving give and grant, bargaine and sell vnto Richard Bennett, Esq. Governour of Virginia and to his heires and assignes for ever all my right, title and interest that I have or may have in my house in James Cittie, lately in the tenure of William Whittby being the westermost of the three brickhouses which I there built: To have and to hold the said third brickhouse with the appurtenances and land thereunto belonging to the said Richard Bennett, his heires and assignes for ever.— And I the said Sr. William Berkeley further agree & promise to make any further assurance in law vpon reasonable demand as by counsell learned in the lawes shall be thought fitt, In witnesse whereof I have herevnto sett my hand and scale the thirtieth day of March, one thousand six hundred fifty five.

WILLIAM BERKELEY:

The Scale.

Signed, sealed and delivered in the presence of vs,

WILLIAM CLAYBORNE.

THO. BRERETON.

STEPHEN GRAY.

THOMAS ELLIS.

Wm. WATERS.

The 30th of March, 1655.
LIVERY and seizin was the day and yeare above-written given and delivered to the said Richard Bennett, Esq. by the within named Sr. William Berkeley, Knt. of the House within named, In the presence of vs, William Clayborne, William Waters, Thomas Brereton, Stephen Gray, Thomas Ellis.

CHA: NORWOOD, Clk. Assem.

ATT A

GRAND ASSEMBLY*

HELD AT JAMES CITY, MARCH 31, 1665.

Ordered the Governour and Councill be as followeth:*

EDWARD DIGGS, ESQ. GOVERNOUR.

Coll. Wm. CLAYBORNE, Secretary and next in Council.

Capt. John West,
Coll. Sam. Mathewes,
Coll. Argoll Yardly,
Coll. Thomas Pettus,
Coll. Humphrey Higgison,
Coll. George Ludlow,
Coll. Will'n. Bernard,

Coll. Bridges fireman,
Coll. Edward Hill,
Coll. Wm. Taylor,
Coll. Tho. Dew,
L't. Coll. Obed Robins,
Leist. Coll. Mathews,
Capt. Henry Perry,

Capt. Wm. Gooch.

ORDERED that the clerke or clerkes of the county court in James Cittie, and all other courts within this collony shall give a receipt of what draughts or writings they shall receive of any person or persons whatsoever.

*This is the second election of Governour and Council, which appears to have been made since the existence of the commonwealth. Richard Bennett was elected the first Governour, on the 30th of April, 1652, (see ante pa 371) and held that office till the election of Diggs on this 31st of March, 1655.
ORDERED, That the commissioners of the count: of Northampton shall exercise judicature in two distinct places of that county. That is to say, in the upper and lower parts, the middle division to be Hunger's Creeke from the head thereof to the widow Billiot's house, including the said house in the lower precincts, and that the administration of justice shall be on the 28th day of every month in the upper part and the other in the lower part. And that the commissioners of the respective divisions shall attend the courts held therein according to the time and day within limited.

BY reason of the great inconvenience occasioned by the partition of the Isle of Wight county by Pagan Creeke, it is ordered that in each parish of the said county a monthly court be held on the 9th day of every month successively each parish still continuing equally relative to the commissioners of the county in general and that the com'rs. of each parish appoint places convenient for the holding of the courts aforesaid.

ACTS OF ASSEMBLY.

ACT I.

FFOR the avoiding creditors' charges and trouble in recovery of debts, It is enacted, That all persons removing themselves and families into any remote plantation northerly or southerly, and the said persons soe removing being ingaged to any person or persons residing within that county or neer thereunto from whence they shall first remove, shall vpon warrant issuing out from the office against them personally appear, and not by attorney, and judgment once obtained against them: execution vpon non-payment to their creditors shall issue against their bodies and their said bodies shall be forthwith conveyed to James Cittie, there to remaine till the debt be satisfied: Provided that this act extend not beyond one whole year from the time of his removeall.
FFOR the better securing the peace both of English and Indians, Bee it inacted, That no Indian or Indians coming within our lands or bounds shall be killed vn-les they the said Indians shall be taken in any act or acts of mischiefe:

And be it further inacted that noe person or persons shall entertyne or receive any Indians without leave first obtained from the county court where such occasion shall be offered, or at leastwise from two comissioners whereof one shall be of the quorum; And that all Indian children by leave of their parents shall be taken as servants for such a terme as shall be agreed on by the said parent and master as aforesaid; Provided that due respect and care be had that they the said Indian servants be educated and brought vp in the Christian religion and the covenants for such service or services to be confirmed before two justices of the peace as aforesaid.

ACT III.

Be it enacted, That no inhabitants exporting their tobaccoes out of this colony shall be liable to the payment of any taxe or custome whatsoever, notwithstanding any thing in any former act or acts provided to the contrary.

ACT IV.*

FFOR the greater incouragement of manufacture and other trade be it inacted that all pieces of eight of whatmettle soever shall pass for currant and lawfull at five shillings per peece imediately after publication of this act and if any person or persoues shall refuse any peece or peeces in or for any consideration tendred vn-

* This act repealed at the next session. See ante ch. IV. pa. 397. The acts of March, 1655-6, having been placed before those of March, 1654-5, in the MS; and both of them being numbered simply 1655, the mistake was not discovered till it was too late to alter the arrangement.
to them, the said party so refuseing shall be liable to the censure of the next ensuing county court where such contempt shall be offered.

ACT V.

**BE it enacted,** That the com'rs. of each county court shall have authority to license ordinaries and ferryes.

ACT VI.

**BE it enacted by this Grand Assembly That all Irish servants that from the first of September, 1653, have been brought into this colony without indenture (notwithstanding the act for servants without indentures it being only the benefit of our own nation) shall serve as followeth, (vizt.) all above sixteen years old to serve six years, and all under to serve till they be twenty-four years old and in case of dispute in that behalfe the court shall be judge of their age.

ACT. VII.*

**BE it enacted by this present Grand Assembly that all Burgesses shall be summoned and elected in manner hereafter expressed, That is to say, that the several and respective sheriffs shall within ten days after the receipt of such writts as they shall receive to that purpose cause the same to be published and by giving notice of the same from house to house by the sherriff or this deputy to all persons interested in elections, which he is to doe ex officio: And then and there also to publish and declare the certain day of the week and month for choosing Burgesses to serve in the Assembly for all accustomed places in the several counties and parishes respectively.**

*This act is numbered in the margin of the MS. 7, 8, 9, as three distinct acts; but the subject matter not admitting of such division I have comprised the whole in one act.*
rieffs shall take view of the said elections, and before the sitting of the Assembly make returne into the secretary's office, att James Cittie, of the persons then and there elected, by subscription and of the major part of the hands of the electors; and that the sherriff who shall wittingly or willingly make any false return or neglect his duty shall incur the penalty of 10000 lb. of tob'o.

That the persons who shall be elected to serve in Assembly shall be such and no other then such as are persons of knowne integrity and of good conversation and of the age of one & twenty yeares—That all house keepers whether fireholders, lease holders, or otherwise tenants, shall onely be capeable to elect Burgesses, and none hereby made uncapable shall give his subscription to elect a Burgesse vpon the penalty of four hundred pounds of tobacco and cask to be disposed of by the court of each county where such contempt shall be vsed: Provided that this word house keepers repeated in this act extend no further then to one person in a family.*

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ACT VIII.

An Act for regulateing of Trade and establishing Ports and Places for Marketts.

TO prevent the great inconveniencies of trade and comerce in this collony, the long demorage of shippes with the greate abuse of forestallers whereby the poor inhabitants of this collony are greatly impoverishe:

Be it enacted by this present Grand Assembly, as followeth: That in every county respectively within this collony there be one or two places and no more, ten miles distant forthwith appointed and sett apart by the comissioners with the consent of the inhabitants if it may be within the extent of one mile and a halfe or two

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* This act was amended by act XVI of the next session (see ante pa. 493) and the right of suffrage extended to all free men.—See note to act IV of this session.
at the most upon one or both sides any small river or creeke within the same where the marketts and trade of the county shall be and not else where.

That all shippes or vessells whatsoever arriving after the expiration of this Assembly shall be comanded & compelled to make, vpon oath, a true entry, att the place and to the officer appointed for that purpose, of their shippes, vessels, and all their merchandises and servants that are to be putt off, according to their severall bills of ladeing, and the boatswaines booke ; and that they and all the merchants and others having any of them to sell shall be hereby enjoyned, vpon penalty of being adjudged ffrestallers and to incur the penalty there- of sett by the lawes of England, before any vnshipping or vnlanding thereof, to declare and accordingly to transport and carry the same to some one or more places of markett appointed by this act, and there to sell the same ; And be it further ordained, that all freedom of trade shall be maintained, and all merchants and traders shall be cherished, and receive all lawfull assistance and incouragement, with due justice against their debtors, and for the dispatch of shipping ; And that the act forbidding above fifty per cent. gaine in merchandise shall be repealed and void.

And it is hereby further enacted and enjoyned that all commisioners neglecting their assistance and dutyes required hereby shall be fineable by the Governour and Council, who are required especially to see the accomplishment of this act: And the said commisioners forthwith to certifye to the Governour and Council their proceedings in the same and the place or places nominated in the severall respective countyes, and if any doubt arise the same to be determined by the Governour and Council in the vacancy of Assemblyes.

Alsoe the commisioners of the severall counties respectively shall appoint the day of the week for their markett, differing from the adjoining marketts, and shall keep their courts, the clerkes and sherriff's office and prison within the circuit of the said marketts, and endeavour to have their meeting places or churches & ordinaryes for entertainement and lodging within the same, Provided nevertheless that all merchants or traders, att theire pleasure, shall and may with certificate
transport any of their goods from one market to another within this collony.

Provided also, that after 8 months tyme of the arrivall and first landing of all goods and merchandizes they may be sold and vended at any other place or places not within the circuit of the said marketts and shall not incur the penalty of forestallers or any other provided by this act.

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AT A

**GRAND ASSEMBLY**

HELD AT JAMES CITY BY PROROGATION FROM THE 10TH OF MARCH, 1655, TO THIS INSTANT, FIRST OF DECEMBER, 1656, WHEREIN WAS INACTED AS FOLLOWETH.

FIRST in respect of divers members being some dead, some chosen sherriffs, these vnderwritten were elected, admitted and according to order have subscribed.

*Lancaster County.*
Sr. Henry Chichley, Kn't.

*Henrico County.*
Major Wm. Harris.

*Isle of Wight County.*
Mr. Job. Beazley.

*Gloucester County.*
Capt. Ramsley.

*Nunsemund County.*
Capt. Edward Stretter, Mr. John Wilcox.

*Lower Norfolke.*
Capt. Richard f roster.

*Elizabeth City.*
Mr. Peter Ashton.
DEC. 1656—7th OF COMMONWEALTH.

ACT I.

WHEREAS there is an act that makes killing of Indians lawfull that are taken committing trespass or other harm, And the oath of the party that kills them to be evidence sufficient for proosfe of the said trespass or harme, This Grand Assembly conceiving the words to be of too great a latitude, The crimes if proved of too meane a nature to deserve the punishment of the greatest. And the evidence too weake being but one, And not to be allowed being a party, The said Grand Assembly haveing a sad apprehension of the small account hath been of late made of shedding Indians’ blood, though never so innocent, whereby we may probably be involved in a warr for vs and our posterity, And expect a success answerable to the injustice of our beginning if no act be made for the future to prevent this wanton and unnecessary shedding of blood, Therefore be it enacted that the aforementioned act be repealed, And that no Indians that are in our protection be killed, not committing what would be felony in an Englishman, And that two oathes at least must be evidence of the said felony, or the said felony sufficiently by the act proved, And in case of trespass or harme, the Indian committing it if taken to be corrected, but not to death or maimeing. And the trespass to be viewed and valued by two sufficient men, And satisfaction to be required of the King or great man. And to prevent the frequency of those mischiefs, Be it enacted that no Indian come within our fenced plantations without a ticket from some person to be nominated on the head of each river where the Indians live. And it shall be then lawfull for all Indians in amity to repair to the house of that party coming without arms, or having his ticket, they may fowl, fish or gather the wild fruits without hinderance of any, Provided it be not within any fenced plantation, And that it shall be lawfull for any freeman to repair to the said houses or Indian marts and to trade with the said Indians for any commodities not prohibited by the laws of this country. And of all debates arising in their bartering the first in commission in that place to be judge and to distribute equal justice to them both, And his order in the business to be of force both to the English & Indian, And all acts for the killing of Indi-

Former law making it lawfull to kill an Indian committing a trespass, repealed.

No Indian to be killed unless committing an act which would be felony in an Englishman.

The felony to be proved by two witnesses. In case of trespass the Indian to be corrected & satisfaction to be demanded of the king.

No Indians to come within fenced plantations without a ticket, but coming without arms may fowl, fish or gather wild fruits.

All free men may trade with the Indians.

In case of disputes the first in commission to determine.
That in the twenty cble then oi'P" placed i refuse/• down. i-.

LAWS

ACT II.*

CONCERNING orphans estates, Be it from henceforth enacted, That all wills and testaments be firme and inviolable, but in case the executors or overseers refuse to execute their trust, then the estates disposed of by will to be liable to such rules as are laid down for the management of estates of persons intestate.

That noe accounts be allowed on orphans estates, but they to be educated upon the interest of their estate, if it will beare it, according to the proportion of their estate. But if the estate be so meane and inconsiderable that it will not reach to a free education then that orphan be bound to some manuall trade till one and twenty yeares of age, except some friends or relations be willing to keep them with the increase of that small estate, without diminution of the principal, which whether greate or small allways to returne to the orphans at the yeares appointed by law.

That all cattell, horses and sheep be returned in kind by the guardians, according to age and number, whereat he received them, as all household stuff, lumber and the like to be prized in money, And by the guardians to be paid in the country commodity (whatsoever it shall be) to the orphans as it is then currant in the country and in the particular place where the orphan's estate is managed.

That the court take able and sufficient security for orphans estates, and enquire yearly of the security, & if the court seec causse, to have it changed or called in and placed as the court shall think best. The said court also to enquire whether orphans be kept and maintai-

* The different sections of this act are numbered in the margin of the Rand, MS. to 8 inclusive, in the same manner as the acts themselves; then follow the numbers of the acts in their progressive order, as inserted in this collection.
ed and educated according as their estates will bear. And if they find any notorious defect to remove the orphans to other guardians, As also for those that are bound apprentices to change their master if he use them rigourously or neglect to teach them his trade.

That such orphans as are not bound apprentices shall after seaventeen yeares of age have the produce of their owne labours and industry and to dispose of as they list, besides the maintenance from their guardians, Always provided that nothing be infringed.

That no more be allowed to guardians for collecting of debts due to the estate than what is allowed usually by merchants to their factors or attorneys, or rather that so much in the hundred be appointed as shall seem reasonable to the courts.

That thirty pounds of tobacco per day and no more be allowed to each apprizer for the apprize ment of all estates if they will take it.

That there be a regulation of excessive funer al charges by the commissioners where nothing is mentioned concerning them in the decedents will.

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ACT III.

BE it enacted from henceforth that all money debts made in the colony shall be pleadable except only such as were made in time of a former prohibition of money debts being pleadable (vizt.) from the 26th day of March A'o. 1643, to the tenth of October, A'o. 1649. As also all money debts which are or shall be made in England for goods imported into this col lony but not otherwise.

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ACT IV.

Against Fraudulent Deeds.*

WHEREAS by the 15th act in March, 1642, and also by the 15th of the 30th of Aprill, 1652,

* Act IV is the first act of this session inserted in the Jef. MS. the three preceding acts being said to be wanting in the journal. But they are here given entire as taken from the Hand MS.
It hath bin provided that no person or persons should pass over by conveyance or otherwise any part of his estate whereby his creditors not having knowledge thereof, might be defrauded of their just debts unless such conveyance were first acknowledged before the Governor and Council or at the monthly courts and there registered in a booke for that purpose within six months after such alienation, This Assembly hereby confirmeth the aforesaid acts, And further explaineth them that no part of any estate whether in lands, goods, or chattells shall be made over otherwise then as aforesaid is expressed.

(Rand. MS. Jef. MS.)

ACT V.

Concerning Ministers Imported.*

WHEREAS many congregations in this collony are destitute of ministers whereby religion and devotion cannot but suffer much impairment and decay, which want of the destitute congregations ought to be supplied by all meanes possible to be used, As also to invite and encourage ministers to repaire hither and merchants to bring them in, Bee it therefore hereby enacted for the reasons aforesaid, that what person or persons soever shall at his or their proper cost and charge transport a sufficient minister into this collony without agreement made with him shall receive for satisfaction of his or their said charges of him the said minister or they that shall entertaine him for their minister, twenty pound sterling by bill of exchange or two thousand pounds of tobacco, and also for what money shall be disbursed for them besides their transportation to be allowed for.

(Rand. MS. Jef. MS.)

* The titles of this, and the succeeding act are inserted in the Jef. MS. but not in the Rand. MS. though the acts are the same in both MSS.
Concerning Attornies.

THIS Assembly finding many inconveniences in the act prohibiting mercenary attornies, doe therefore hereby enact, and be it by these presents enacted, that that act, and all other acts against mercenary attornies to bee totally repealed,* And be it enacted that the Governour and Counciull shall appoint and allow such as they shall find fitt and able to be attornies in the quarter courts, and the comissioners to do the like by nominateing attornies for the county courts, Provided that no attorney be admitted to practice or plead, before he have taken this oath following:

[The oath is wanting in both MSS.]

And if any controversies arise between attornie and his client about their fixe, it shall be determined in the court where the cause is pleaded. Provided allwaies that those onely be called councillours at law, who have alreadie been qualified therevnto by the lawes of England, and those so qualified to enjoy all priviledges those lawes give them.

(Rand. MS. Jef. MS.)

AT VII.

Concerning Planting of Corne.

BE it enacted that all person, or persons shall plant and tend for every tithable person in their family two acres of corne under the penaltie of five hundred pounds of tobacco for every acre neglected as aforesaid to be paid by the offender and to be levied by the sheriff for the counties use, and the constables in their severall lynitts to looke strictly after the breach of this act, vpon notice given them by the comissioners.

(Rand. MS. Jef. MS.)

* See ante pa. 275, 302, 313, 349
ACT VIII.

Concerning Planting of Mulberry Trees.

WHEREAS by experience silke will be the most profitable commoditie for the countrey (if well man aged) and as the greatest conducement thereunto required, is provision of Mullberry trees, Be it enacted and confirmed by this present Grand Assembly, that everie proprietor of land within the collony of Virginia shall for everie one hundred acres of land holden in fee, plant up on the said land ten mulberry trees, at twelve foote distance each from other, and secure them by weeding, and a sufficient fence, from cattell, horses, &c. between this and the last of December, 1658, and for everie tree that shall be wanting, or intended in manner aforesaid of the said proportion at the said last of December, 1658, he the said proprietor that shall be soe delinquent shall pay tenne pounds of tobacco, one halfe to the informer, the other halfe to the countie where the delinquent liveth, Provided that this act do not extend vnto orphans, until the expiration of two years after their full age, and then if delinquent to be liable as aforesaid, And no person in planting more then his number, shall excuse any that hath planted less, Provided allwaies that this act extend not to such proprietors as are not in actual possession.

(Rand. MS. Jef. MS.).

ACT IX.

Concerning Stray Horses and Cattell.

FOR remedie of the great abuse and wrong done in takeing vp stray horses, cattell and lost boats not onely in concealing of them, but in vseinge and employing of them; to the hurt and damage of the owners, Be it enacted by this present Grand Assembly, that everie person or persons that shall take vp or keepe any stray horses, cattell or boates, shall within one moneth after the takeing vp, such stray horses, cattell or boates present a particular declaration in writinge under their hands to the clerke of that county where the said boate, horses and cattell is taken vp, of the marks, stature,
colour of the horse and cattell, and proportion of the boat, with what is found in her, and that the clarke is to record the same, and to make returne of all such records to the next quarter court, which said returnes are to be recorded in the secretaries office; and for every person not presenting as aforesaid shall pay two thousand pounds of tobacco, one halfe to the informer the other to the publick use of the county, and pay all reasonable costs and damages to the party greived, all clarkes making default herein shall be greivously amerced by the Governor and Councill. Nevertheless this act shall not be interpreted to hinder the legall prosecution of any person or persons that shall feloniously take or steal any horses, cattell or boats in this collonie.

 ACT X.

WHEREAS by a former act of Assembly priviledge was granted to any parish to send one or two Burgesses, and severall disputations arising thereupon, how the charges of the said parochiall Burgesses should be defrayed, It is ordered that everie county shall pay the Burgesses usually sent from the respective counties as formerly, and if any parish shall return a Burgess for their particular occasion, then the charge of the said Burgess to be levied in and by the parish that elected him.

(Rand. MS. Bl. MS. Jef. MS.)

Committee appointed for Revieiw of the Acts.*

Capt. Francis Willis, Chairman.
Leift, Coll. Abraham Wood,
Coll. Geo: Reade,
Mr. John Wilcox.

* At this session a revisal of all the laws was directed. They were accordingly digested into one volume, and passed at an assembly held in March, 1657-8. The revisal is contained in 131 acts, many of which are well adapted to the existing state of the country.
For private causes.

Members of council appointed by the gov. and council, during the recess of the Assembly. Their appointment confirmed.

Whereas the Governour and Councill in respect of some emergent necessitie had made choice of Leift. Coll. Walker and Mr. Nathaniel Bacon to be added to the Councill during the intervall of the Assembly, this Assembly taking the reasons into consideration confirmre their election and accordingly have consented.

(Vpon the petition of Coll. Thomas Dew to be impo-

Voyage of discovery of the navigable rivers between Cape Hatteras and Cape Fear, authorised.

Sentence pronounced on Coll. Edward Hill in relation to the Richahecrians.

DEBATE and consideration of the charge and defence of Coll. Edward Hill by the general and unanimous assent and vote of both houses without any contradiction hath been found guilty of those crimes and weaknesses there alleged against him and for the vindicating themselves from any imputation of his crimes and deficiencies have ordered that his present suspension from all offices military and civil that he hath had or may have continue & be made incapable of restitution but by an Assembly, and that he be at the charge of what's alreadie expended in procuring a peace with the Richahecrians and if the Governour or Councel...
shall find any nearer way to effecting thereof that it shall be acted at the said Coll. Hills proper cost and charge.

(Bl. MS.)

WHEREAS a petition was presented to the hon'ble Assembly by the Burgesses of the Isle of Wight countie in behalfe of the inhabitants of Terrascoe neck and the Ragged Islands subscribed by divers of the said inhabitants expressing their desires to be taken out of the county of Upper Norfolk and adjoyned to the countie of the Isle of Wight for their greater conveniency, It is ordered that the Governour be desired to nominate a councilor who is to appoint a precise time and place for the commiss'rs. of each countye to meet him, and in case the said com'rs. cannot agree about fixing the bounds of each countie, Then the said councilor as an umpire to putt a period to their differences and the bounds by him or them then sett for the several countiess to remaine for the future unalterable, It being the opinion of the house that natural bounds will be fittest for that purpose.

(Rand. MS. Bl. MS. Jef. MS.)

IT is ordered by this Grand Assembly that there be levied by the pub: annually the sume of twenty thousand pounds of tobacco, which is to be allowed for the accomodation of the Governour and Councill att James Cittie during quarter courts and Assemblyes.

(Rand. MS. Bl. MS. Jef. MS.)

IT is ordered by the Assembly that twentie-five thousand pounds of tobacco per annum be conferred on the Governour which from time to time shall succeed in the government of this countrey towards his maintenence in the said place, which is to be yearly levied out of the publique, And also that the dutys which shipps were formerly vsed to pay to the Capt. of the Castell be from henceforth paid to the Governour of this country, to be by them converted to their maintenence in the government as aforesaid, And that lycences for marriages and all other priviledges and commodities enjoyed by the precedent Governours, be confirm-
ed to the present Governor with reservation of the
castle duties to Coll. Clayborne of what shipps are al-
readie entered or shall enter before the expiration of
this present thirteenth day of December.

(Rand. MS. Bl. MS. Jef. MS.)

For encouragement of the ministers in this coun-
trey and that they may be the better enabled to attend
both publick commands and their private cures, it is
ordered, That from henceforth each minister, in his
owne person with six other servants of his family
shall be free from publique levies, Allwaies provided
they be examined by Mr. Phillip Mallory and Mr.
John Green, and they to certifie their abilities to the
Governour and Councill, who are to proceed accord-
ing to their judgement.

(Rand. MS. Bl. MS. Jef. MS.)

It is ordered that the parish of Bristoll have power
to keep courts within their said parish and to heare
and determine all differences herein as at county courts
which courts are to be kept by the comissioners dwell-
ing in the said parish, but either plt. or defendant if
they crave it shall have licence to appeale to Charles
Cittie or Henrico county courts.

(Rand. MS. Bl. MS. Jef. MS.)

It is ordered that six thousand pounds of tobacco
be allowed to Coll. Francis Morrison, speaker of this
house, for his loss of time and great care and pains
taken about the publick busines.

(Bl. MS.)

It is ordered that Major Charles Norwood, hereto-
fore clerk to the Assembly, be allowed two thousand
pounds of tobacco in full of all his arrears of salary;
and the clk. place of the Assembly henceforth to be
conferred on Mr. Henry Randolph to officiate therein as
Major Norwood hath done and to have the same salary.

(Bl. MS.)
IT is ordered that for this present year the com’rs. of the militia in every county endeavour to provide four barrels of powder with shot proportionable for each regiment which shall be allowed the next year out of the several county levies; that Rob’t. Hubbard for the care in attendance on the committee for review of the acts have two thousand five hundred pounds of tobacco out of the levies of James City or York county, Provided he write out the acts and orders at large and compleat them according to the direction of the committee and get them ready by the first of March next. (Bl. MS.)

THAT Thomas Woodhouse for the quarter courts setting at his house two courts and for the committee’s accommodation have two thousand five hundred pounds of tobacco granted him by the publick. (Bl. MS.)

THAT letters be sent unto Coll. Sam’l. Mathews and Mr. Bennet that in respect the difference between us and the Lord Baltimore concerning our bounds is as far from determination as at first, they desist in that particular until further order from this country. (Bl. MS.)

THAT George the Armenian for his encouragement in the trade of silk and to stay in the country to follow the same have four thousand pounds of tobacco allowed him by the Assembly. (Bl. MS.)

WHEREAS a petition was presented to the honourable Grand Assembly by Capt. Thomas Pritchard in behalf of the inhabitants of Nutmeg Quarters intimateing their desire by reason of their small number not longer to continue a parish of themselves, but to be united to the parish of Denbigh, It is ordered that the commissioners the next county court make enquirie of the desires of the inhabitants, and if the major part agree unto it, then they to be accompt-
ed and be members of the parish of Denbigh aforesaid otherwise to remain a parish of themselves as at present.

\(\text{(Rand. MS. Jeft. MS.)}\)

\[\text{THIS day Coll. Sir Francis Morrison was desired by the house to write two letters, one to his highness, the other to the Secretary of State, and Capt. Willis to draw up a testimonial for the Gov'r. (Bl. MS.)}\]

\[\text{IT is ordered, that Coll. Abraham Wood be appointed and made Coll. over the regiment of Charles City and Henrico counties in the room of Coll. Hill by this present Assembly suspended, and Capt. William Harris made Major of the said regiment being his due as the first Capt. according to the desire of the said Coll. Abraham Wood. (Bl. MS.)}\]

\[\text{ORDERED that Edward Digges, Esquire, being at present Governour, be requested to continue his office, and reetine the reines of government in his hands during his abode in the countrie, and in the interim Coll. Samuel Mathewes, Governour elect to take place next him in the council. (Rand. MS. Bl. MS.)}\]

\[\text{ORDERED that Edward Diggs, Esq. Gov'r. after the expiration of his government do in the Council take place next unto Coll. John West, Esq. (Bl. MS.)}\]

\[\text{VPON the petition of Coll. Abraham Wood and Mr. Anthony Wyatt in behalfe of the inhabitants on the south side of Charles Cittie county, shewing the greate inconveniences accruing to them by reason of the courts being kept on the north side of the river, It is ordered that the place of keeping courts for the said county shall be on the south side of the river, at such place as the commissioners or the major part of them shall find most convenient for the ease and benefitt of the inhabitants. (Rand. MS. Jeft. MS.)}\]
WHEREAS a review of the laws hath been made by this Grand Assembly, it is ordered thereupon that they be all digested into one volume, and that the same be presented to Lieut. Coll. Walker, Coll. Abra: Wood, and Capt. Francis Willis, who are desired as a committee to compare the same with the original by March court next, and upon their signing it publication to follow. And it is further ordered that Mr. Robert Hubert may have license to carry the original booke of records home to his owne house to copie them out by. (Rand. MS. Jef. MS.)

WHEREAS by petition of the inhabitants of the lower part of Lancaster county shewing their vast distance from the countie courts was presented to the honourable Assembly by Capt. Moore Flantleroy and their desire of having the county devided, It is ordered that according to an order of court deviding the said countie at present into parishes, be for the future the bounds of the two counties, vizt. The upper part of Mr. Bennetts land knowne by the name of Naemhock on the south side of the eastermost branch of Moratticock Creeke on the north side the river be the lower most bounds of the upper county; The lower county to retaine the name of Lancaster, and the upper county to be named Rappahannock* county and notwithstanding this division both counties to be liable to the Burgesses charge of this present assembly. (Rand. MS. Jef. MS.)

[Here follow in the Rand. and Bl. MSS. a number of decisions in civil actions, and of petitions from individuals for compensation relating to the late expediton against the Indians; but they are not of sufficient interest to merit insertion.]

IT is orderered that Sr. Wm. Berkeley be allowed four thos’d. five hundred pounds of tobacco for cask with the tobaccos upon the sale of his house, It being

* This is the first time the name of Rappahannock occurs.
Agreement of 5th May, 1652, with the comm'rs. of parliament as to appointment of officers, continued.

BE it enacted, That the articles of agreement made the 5th day of 1652 with the commissioners of the parliament be renewed upon the and here continued which is as followeth. It is agreed & thought best, government of this country be the Governour, commissioners, & That the right of election of all officers of this country be and appertain the Burgesses, the representatives of the people, And it is further for the present by the Burgesses, that in remonstrance of the con-fi that they have in the said commissioners, That the present election of all offic not already constituted be referred to the said Governour and commissioners, and that this their elections be not presidenti-all to any succeeding Assembly. (Rand. MS.)

EDW'D. DIGGS.

FRANCIS MORYSON, Speaker.

[In the Bl. MS. the acts of this session are followed by the letters of the Assembly to the Lord Protector and Coll. Samuel Mathews, together with instructions for the honourable Edward Diggs, which are accurately published in the second vol. of Burk's Hist. of Virginia, pa. 116.]
AT A

GRAND ASSEMBLY

HELD AT JAMES CITTIE, MARCH 13TH, 1657-8.*

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death, it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

Major JOHN SMITH, Speaker.

The Burgesses elected and returned by the sherriffs for the several plantations to sitt and act in this present Grand Assembly were as followeth:

For Henrico County.       For Charles Cittie County.
Major Wm. Harris.          Mr. War'm Horsmenden,
                           Capt. Robert Wynne.

* Mr. Burk, in his History of Virginia, vol. 2, pa. 118, says that of the transactions from the period of which he was speaking (1656) to the restoration (1660) "there is an entire chasm in the records." It is to be regretted that the MSS. to which this author had access, did not furnish him with the documents which this publication so abundantly supplies. In no portion of our history during the commonwealth, have the materials been so copious, as from 1656 to 1660. Besides an entire revision of our laws in 1657-8, comprised in one hundred and thirty-one acts, and adapting them to our republican institutions, various other proceedings of the assembly prove, that at no former period were the civil and religious rights of the people so well secured (if we except the act "for suppressing the Quakers," passed after the election of Sir William Berkeley, governor, in March, 1659-60,) or justice and humanity towards our neighbors, the Indians, so sacredly regarded. In the very first act of this session, for settling the church government, instead of enjoining obedience to the doctrines and discipline of the church of England, as had been invariably the case in all former acts upon this subject, no such injunction appears. On the com-

3d Revision of the laws.

The MS. from which the acts of this session were printed is now in the library of Congress, at Washington.
During this period a severe conflict arose between the two branches of the government, as to the constitutional power of the governor and council to dissolve the assembly. A dissolution of the house of burgesses was ordered by the governor and council; but they peremptorily refused to be dissolved, and passed a resolution declaring that any member who should depart from his post, should be "censured as a person betraying the trust reposed in him by his country." Several other resolutions equally display the republican sentiments of the assembly; and the firmness of its members. They took an oath of secrecy; passed an order directed to the high sheriff of James City county, commanding him in the name of the Lord Protector, to obey no warrant or precept directed to him from any power, except the speaker of the house of burgesses, and finally declared "that they had in themselves the full power of the election and appointment of all officers in this county, until such time as they should have order to the contrary, from the supreme power in England;" and that they were "not dissolvable by any power yet extant in Virginia, but their own." The house of burgesses had a complete triumph. They declared all former elections of governor and council null and void; re-elected coll. Samuel Mathewes, by whom, with his council, an attempt had been made to dissolve them; and prescribed the mode of electing the governor and council in future.

† In March, 1645-6, (See ante pa. 321) the name of "Upper Norfolke" was changed to "Nansimum;" since which time the county of Nansimum and not Upper Norfolke appears to have been regularly represented in the grand assembly. In this and several of the succeeding assemblies Upper Norfolke has resumed its name and Nansimum disappears.
WHEREAS it appeares by act of Assembly held at James Cittie in May, 1652, That it was agreed upon and thought best by the then commissioners for the parliament, and the Burgesses of the then assembly, That the right of election of all officers of this collony should be and appertaine to the Burgesses, the representatitives of the people, Now know yee, That wee the present Burgesses of this Grand Assembly have accordingly constituted and ordained the severall persons vnder written to be the Governour,† Counciell & comissioners of this country of Virginia vntil the next Assembly or vntill the further pleasure of the supræme power in England shall be knowne.

* Part of the manuscript having been torn off the title of these members is obliterated; and by the same accident some words of the last act in the preceding session are necessarily omitted.

† This was the third election of Governor and Council, under the Commonwealth. Richard Bennett was elected on the 30th of April, 1652; (see ante pa. 371;) Edward Diggs, on the 31st of March, 1655, (see ante pp. 408;) and Samuel Matthews, this 13th of March, 1657-8.
WHEREAS the acts of Assembly of this country through multiplicitie of alterations and repeales are become so difficult, that the course of justice is thereby obstructed and those that are by the lawes intrusted with power to execute them, may by such their uncertainty be drawne to comit unwilled errors. This Grand Assembly takeing the same into their serious consideration have accordinge to the duty they owe to God, and the trust reposed in them by the countrey, endeavoured the remedie of the like inconveniencies by makeing a dilligent review of all the acts formerly in force, and have by theise presents enacted, That all acts be reduced into one body and after enterie thereof upon the records, severall coppies sent into the severall counties respectively, And that those only here mentioned and expresed be esteemed and bee the lawes only in force, for all officers to proceed by in their judgments severally or in the courts of judicature, willing also and requiring all people to take notice hereof and accordingly to yield their due obedience therevnto.
ACT I.

Church Gouvernent Settled.

BEE it enacted by this present Grand Assembly concerning Church Government as followeth, that all matters concerning the vestrey, their agreements with their ministers, touching the church-wardens, the poore and other things concerninge the parishes or parishoners respectively be referred to their owne ordering and disposing from time to time as they shall think fitt, That register bookes be kept by their appointements of all christenings, burials and marriages and the ministers only shall celebrate marriages and not without lycense as formerly or thair publication of baines upon three severall dayes shall be fined tenne thousand pounds of tobacco to ease the leavye of that county: No lycense to be granted without certificate under the hands of the parents, masters or guardians of the parties to be married.

ACT II.

Against Drunkennes, &c.

THAT all good meanes be vsed in the severall countie courts and parishes respectively for the suppressing of the odious sinnes of drunkenesse, blasphemous swearing and curseing, scandalous living in adultery and fornication, And that all such person & persons of what degree or qualitie soever be severely punished and generallly to be held incapable of being a witnes between partie and partie, and of bearing any publique office in the governement of this collony; Hee that shall be three times convicted in open court of either of the said offences shall be accounted a common drunkard, swearer, &c. the first offence of drunkeness to be fiftie pounds of tobacco, the first offence of swearing to be twelve pounds of tobacco, and for servants & people vnnder age to be referred to the magistrates or com"rs. in the county courts to give them correction in case the parents or masters refuse to pay the fine, The second offence theise multks and punishments to be doubled.
LAWS OF VIRGINIA,

ACT III.

The Sabbath to be kept holy.

THAT the Lord's day be kept holy, and that no journeys be made except in case of emergent necessity on that day, that no goods be laden in boats nor shouting in guns or the like tending to the prophanation of that day, which duty is to be taken care of by the ministers and officers of the several churches, & by the commisioners in their places, and the partie delinquent to pay one hundred pounds of tobacco or layd in the stocks, and to take care that servants and others do repair to their several churches everie Lord's day.

ACT IV.

Against Biggamy.

THE lawes of England against biggamy or having more then one wife or husband shall be putt in execution in this countrie.

ACT V.

Warrants and Writts, how to issue.

ALL warrants and other writts for suites in lawe shall ordinarielie issue under the secretarie or clarkes hand, either for quarter courte, countie court, or else by entry in the countie courte, and the sherriffes summons on the said actions as formerly and this to be understood to be noe prohibition of the Governours power.

ACT VI.

Against Divulgers of False Newes.

IF any personn or persons shall forge or divulge any false or dangerous news tending to the disturbance of the peace of this collony under the government now established that vnles hee produce his author forthwith
shall by the next com’r, for the peace be committed to prison and if he brings not his said author the next quarter court or countey court hee shall be fined two thousand pounds of tobaccoe or less if the merritt of the cause deserve it.

ACT VII.

Commissioners to determine causes to 350 or 1000 lb. Tobacco.

EVERIE commissioner of the severall counties respectively shall bee authorized to hear and determine all pleas and controversies to the value of one hogshead of tobacco not exceeding 350* pounds and to proceed to execution; two or more com’rs. whereof one to be of the quorum may determine to the value of 1000 pounds of tobacco, and to proceed to execution. Provided that either partie may appeale to the countie court, these commissioners appealed from, not to sitt or have votes, during the hearing of that cause.

ACT VIII.

Matters of Shipps to provide four monthes Victuals on their Voyage to Virginia.

ALL masters of shipps shall bee obliged hereby to provide fower monthes allowance of victualls for passengers at their setting forth from the Downes or other parts of England and to give the passengers sufficient allowance of diett all the voyage. And commanders of shipps respectively to take care that poor servants do not want cloathes and bedding in the voyage, in which particulars aforesaid if any shall offend they shall be liable to grievous censure here according to the merrit of the offence.

* It would seem from this act that the ordinary weight of a hogshead of tobacco, at this period, was 350 pounds.
ACT IX.

Concerning Surveyors of High Waise.

THAT surveyors of highways and maintenance for bridges be yearly kept and appointed in each county court respectively, and that all general ways from county to county and all churchways to be laid out and cleared yearly as each county court shall think fit, needful and convenient, respect being had to the course used in England to that end.

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ACT X.

Dispatch of Publique letters.

THAT all letters superscribed for the publique service shall be immediately conveyed from plantation to plantation, to the place and person directed, under the penalty of one hogshead of tobacco, for each default, and if any extraordinary charge arise thereby, the comrs. of each county are hereby authorized to judge thereof andlevie payment for the same: These superscriptions are to be signed by the Governour, Council or Secretarie or any comission of the quorum or any of the comittee appointed for the militia.

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ACT XI.

Adjournment of Courts forbidden.

THAT all adjournements of quarter courts and county courts be by all possible means avoided, and likewise that all possible dispatch for the determination of all causes bee made.

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ACT XII.

Concerning Passes.

Bee it alsoe enacted and confirmed that noe master of any shipp, vessell, boate or barque, shall transport any person or persons out of this collony except the said person or persons do produce a pass vnder the
hand of the secretarie, or such whom he shall depute or appointe, under the pennaltie to pay all such debts as anie such person shall stand indebted to any person within this collonie at his or their departure, And it is further enacted that before any such pass shall be signed to any person hee or they shall bring a certificate from the monthly court where hee or they reside, that he hath sett vp his name vpon a court day tenne daies at the least before his departure at the county court where he resides, or otherwise, shall putt in sufficient securitie for the payment of all debts, that are due or owing from them to any person within the country.

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**ACT XIII.**

**Against Shooting on other Mens' Lands.**

WHEREAS the rights and interests of the inhabitants are very much infringed by hunting and shooting of divers men uppon their neighbours' lands and dividends contrary to the privileges granted them by their patents whereby many injuries do daily happen to the greatest damage of the owners of the said land wherein such hunting and shooting is vse'd, It is therefore enacted and confirmed that if any planter or person shall hunt or shoot upon or within the lymitts or precincts of his neighbour or others' dividends without leave first obtained for his soe doing and haveing bin warned by the owner of the land, to forbear hunting and shooteing as aforesaid: Hee or they so offending shall forfeit for everie such offence lower hundred pounds of tobacco, the one halfe to the owner of the said land, and the other to publick vses; Notwithstanding it shall be lawfull for any person or persons to hunte and shoote upon any dividend of land not being plant'd or seated without any restraint or pennaltie, Provided that the lymitts of everie dividend be bounded with certain and noted markes, Provided also that it shall be lawfull for any person haveing shot a deare or other game without the lymitts of other mens' lands, to pursue the said deer or game into the dividend of another mans', and freely to carry away the same, [The rest worn out*]

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* So marked in the MS. But see act XI, 1642-3. ante pa. 248, where the entire act may be found.
LAWS OF VIRGINIA.

ACT XIV.

Concerning secret Marriages.

WHEREAS many great abuses and much detriment hath been found to arise both against the law of God and likewise to the service of many masters of families in this collonie, occasioned through secret marriages of servants, their masters and mistresses not any waies made privie thereunto, As also by commiting of fornication; for the prevention of the like abuses hereafter, Bee it enacted, and confirmed by this Grand Assembly that what servant soever hath since January, 1656, or hereafter shall secretly marrie with any maid or woman servant without the consent of her master or mistresse, (if she be a widowe) hee or they soe offending shall in the first place serve out his or their times with his or their master or mistresse, and after shall serve his or their said master or mistresse, one complete yeare more for such offence comitted, And the maid or woman servant so marrying without consent as aforesaid shall for such her offence to her master or mistress serve one year after her freedom by indenture, And a freeman so offending shall give satisfaction to the master or mistresse by doubling the valv of the service.

And it is also further enacted and confirmed by the authoritie of this Grand Assembly that if any mans servant shall hereafter comit the act of fornication with any maid [worne out†] appointed in like cases give satisfaction for the loss of her service to her said master or mistress by his service of one compleat yeare, or pay fifteen hundred pounds of tobacco and give security to save harmless the parish and her said master or mistresse, and defraye all charge of keeping the child, And a freeman so offending shall for his offence pay fifteen hundred pounds of tobacco or one year's service to the master or mistresse of the woman or maid servant of whom hee

† So in MS.—See act XX of 1642-3, ante pa. 252, of which this act is an amendment.—From the above act it would seem that the words torn out were "or woman servant, he shall for his offence, besides the punishment by law"
shall get a bastard, As also give securitie to save the parish and her said master and mistresse hamelese & defray all charge about keeping the child, And the woman servant so offending to suffer according to lawe, Also be it enacted that every person committt fllination shall pay five hundred pounds of tobacco to the use of the parish where the said act is committt or be whipt.

ACT XV.
Concerning Hireing of Servants.

WHEREAS divers persons do enter into covenant with runaway servants and freemen who have formerly hired themselves to others, to the greate prejudice if not vtter vnndoing of diverse poore men thereby also encouraging servants to runaway from their masters and absent themselves in some remote plantations, Vpon consideration had for the future preventing of the like injuries and vnjust dealings, 

See it enacted and confirmed that what person or persons soever shall entertaine any person as hireling, or sharer, or vpponanie other condition for any time without certificate from some commissioneer of the place or his master that he or she is free from any engagement of service, the person soe hireing without certificate as aforesaid shall for every night that hee or shee entertaineth any servant either as hireling or otherwise forfeit to the master or mistresse of the said servant thirtie pounds of tobacco, and everie free man (by hee or shee entertained) formerly hired by another as aforesaid, hee or shee shall forfeit to the party who had first hired him thirtie pounds of tobacco for every night as aforesaid, And in all these cases the partie hired shall receive such censure and punishment as shall bee thought fitt by the court, Allwaies provided that if any such runaway servants or hired freemen, shall produce a certificate wherein it appeares that they are free from their former masters service or from any other engagement respectively, If afterwards it shall be proved that such certificate be counterfeit, then the receiver not to suffer according to the penaltie of this act, but such punishment shall be inflicted vpon the forger or procureors thereof as the court shall think fitt.
LAWS OF VIRGINIA,

ACT XVI.

Against Runaway Servants.

WHEREAS there are divers loidtering runawayes in this countrey who very often absent themselves from their masters service, and some times in a long time cannot be found, whereby their said masters are at great charge in finding of them, and manie times even to the losse of their yeares labour before they be had. Bee it therefore enacted and confirmed, that all runawayes that shall absent themselves from their said master's service shall be liable to make satisfaction by service at the end of their times by indenture vizt. double the time of service so neglected and in some cases more if the com'rs. for that place appointed shall find requisite and convenient. And if such runawayes shall be found so to transgresse the second time or oftner, if it shall be duely proved against them, then they shall be branded in the shoulder with the letter R. and alseoe double their time of service neglected, and likewise double his time if at any time afterwards hee shall neglect, and in some cases more if the court shall think fitt. And be it also further enacted; That he or shee that shall lodge or harbor any runaway shall pay thirtie pounds of tobacco for everie night as long as they shall be prooved to entertaine them, contrary to the former act about hireing of servants; And it shall be lawfull for any servant giveing notice to his master, haveing just cause of complaint against their masters by harsh and bad vsage, or else for want of diett or convenient necessaries, to repaire to the next com'r. to make his or their complaint And if the said commissioner shall find by just proose that the said servants cause of complaint is just, the said com'rs. is hereby required to give order for the warneing of the said master or mistresse before the com'rs. in the severall countie courts, where the matter in difference shall be decided, as they in their discretions shall think fitt, and that care be had that no servant or servants be misused by their master or mistresse where they shall find the complaint to be just.
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ACT XVII.

No Ammunition to be Sent or Sold to the Indians.

BEE it also enacted and confirmed, that what person or persons soever shall barter or sell with any Indian or Indians for peace, powder or shott, and being there-of lawfully convicted, shall forfeite his whole estate, The one halfe to the informer, and the other halfe to the countie where such fact shall be committed: And be it further enacted, That what person or persons soever within this collonie shall lend any Indian either peace, powder or shott, it shall be lawful for any person or persons meeting such Indian so furnished, to take away either peace powder or shott, so as the person taking it away, carry the same to some com'r. of the county and acquaint him therewith, which said comissioner is hereby authorized to give possession to the informer of the said peace, powder or shott, so brought before him; And the said comissioner is further required to make strict enquiry and examination to find out such person as did lend or give such peace, powder or shott, to the Indians, and in case the said com'rs. or other com'rs. shall find any person by just prove delinquent in the premises hee or they are to binde over the partie to answer the same before the Governour and councill the ensuing quarter court, And in such case the partie delinquent, for his first offence, shall forfeit two thousand pounds of tobacco, The one halfe thereof to the informer and the other to the publique, And further it is enacted that such delinquent for his second offence shall forfeit his whole estate, The one halfe to the publique and the other halfe to the informer.

ACT XVIII.

How long Servants without Indentures shall Serve.

WHEREAS divers controversies have risen between masters and servants being brought into this collonie without indentures or covenants to testify their agreements, whereby masters and servants have been often prejudiced, Be it therefore hereby enacted and confirmed for prevention of future controversies of the like nature, That such persons as shall be

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Person selling arms or ammunition to Indian, forfeits his whole estate.

Lending such to Indian, it may be seized and appropriated by any one.

Duty of comissioner

Penalty on person lending for 1st & 2d offence.

Preamble.

Servants imported without indentures

imported, having no indenture or covenant, either men or women, if they be above sixteen years old shall serve four years, if under fifteen to serve till hee or shee shall be one and twenty years of age, and the courts to be judges of their ages.

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**ACT XIX.**

*Appraisement upon Execution.*

**BEE it enacted** for the equall appraisement of goods seized by execution, That the plaintiff and defendant, shall choose each of them two indifferent men for that purpose, and in case of disagreement the said four or any three of them shall choose an umpire, which umpire soe chosen shall be sworn by the next commissioner to appraise such goods indifferently and his umpirage to be final. And be it further enacted by the authoritie of this Grand Assembly, That if either plaintiff or defendant shall neglect to appoint appraisers within three days after execution is served, notice being given them by the sherriff to whom the execution was directed, that then the sherriff in case of neglect as aforesaid to choose and appoint appraisers, either for plaintiff or defendant for the appraiseinge of any goods seized by execution as aforesaid.

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**ACT XX.**

*How long Sherriffs are to continue.*

**BEE it also enacted and confirmed,** That no sherriff nor under sherriff for the future do remaine, continue or execute the office of a sherriff or under sherriff any longer then one whole yeere in one countie, and the said sherriff of everie county respectively is at everie March quarter court to bring in and yeild vp an account yearly to the Governour and council of all publique commands committed to their charge, at which time they are to be discharged, And alsoe that all sherriffs do give good caution to the county courts for the performance of the trust commited vnto them.
ACT XXI.

Noe Orphans' Land to be Alienated.

BEE it also enacted and confirmed for future benefit of all orphans, That the commissioners of the several county courts, do take into their serious consideration and care that no land belonging to any orphan within their counties respectively be alienated, sold, estranged or taken vp as deserted land by anie persons during their minority until three yeeres after their full age, nor that they suffer nor any waies connive at that the overseers nor guardians intrusted for orphans as aforesaid do farme, sett or lett to lease any tenements or lands due to such orphans, for any longer tearme of yeeres then until the said orphants shall come of age as aforesaid, and in such lease provide against waste of the timber, and for keeping the houses in such repair as he finds them.

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ACT XXII.

Concerning Seating of Land.*

WHEREAS diverse suites are and have commenced in courts depending on differences of land to the greate trouble and molestation of the whole collony, for prevention whereof, Be it enacted and confirmed, That if any person or persons whatsoever have sett downe on any plantation or ground which did properly belong to any other man, and if it shall fall out by a just survey to bee the right of him, although it hath bee formerly peopled, cleared and built vpon by another, that a valuable consideration be allowed by the judgement of twelve men vppon oath to the first that hath seated vpon it, but if the charge shall amount to more then the owner is willing to disburse, that hee that is in possession shall give satisfaction for the land what it may be judged worth, by twelve men before the seating thereof, which jurie is to be sworne by the next au-

Persons setting on lands of others to be allowed for their improvements; but if they exceed the value of the land, the person in possession to take the land at valuation, independently of the improvement.

How the jury to be sworn

*This act, with the last proviso, is compounded of act XXXIII of 1642-3 (ante pa. 260) and act XV of November, 1647 (ante pa 249.)
Not to extend to orphans' lands. No compensation for improvements to persons having notice of a prior right.

ACT XXIII.

Noe Burgesses to be Arrested.

For the dispatch and reputation of the publique business, Bee it enacted and confirmed that none of the Burgesses of this nor any following Assembly nor any of their attendance shall be arrested from the time of his election until ten days after the dissolution of the Assembly wherein he serves as a Burgessse.

ACT XXIV.

Concerning Prisons and Prisoners.

BEE it enacted and confirmed by the authoritie aforesaid, That the sheriffes of the several counties respectively shall deteyne and keep all such prisoners as shall from time to time happen to be within the several counties as are to have their tryall before the Governor and Councill at James Cittie until the first day of the court which shall be appointed for their tryall, and that the said sheriffs or their deputies then are to deliver the said prisoners into the custody of the sheriff of James Cittie, And be it further enacted and confirmed, That the commissioners of the several counties do take care that sufficient prisons be built for the use of the said several counties respectively.

ACT XXV.

Concerning Grants of Land.

BEE it hereby enacted that any person or persons claiming land as due by importation of servants they or each of them shall prove their title or just right, either before the Governor and Councill or produce certificates from the countie courts to the secretaries
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office before any grant be admitted, and that no patents be made without exact survey produced in the secretaries office as aforesaid.

**ACT XXVI.**

*Against Trading with Servants.*

WHEREAS divers ill disposed persons do secretly and covertly trade and truck with other mens' servants and apprentices which tendeth to the great injurie of masters of families their servants being thereby induced and invited to purloine and imbezill the goods of their said masters, *Bee it therefore enacted* for redresse of the like disorders and abuses hereafter that what person or persons shall buy, sell, trade or truck with any servant, for any comoditie whatsoever without licence or consent of the master of any such servant bee or they so offending against the premises shall suffer one monthes imprisonment without bail or main-prize and also shall forfeite and restore to the master of the said servant four times the value of the things so bought, sold, trucked or traded for.

**ACT XXVII.**

*Councellors free from Levies.*

*IT is enacted by this present Grand Assembly, That each of the Council of State in this collony shall be freely exempted from all publique charges and taxes for them and ten tithables, church duties excepted.*

**ACT XXVIII.**

*Commissioners to take Securitie of Sherriffes.*

*Bee it also enacted, That the commissioners of the severall counties respectively shall, before the admission of any sherriffes into their offices, take such securitie as they shall think fitt and sufficient of the severall countie sherriffes respectively, for the performance of their places,especially for the receiving and dischargeing all publique duties and officers' fees comitted to their charge of collection, and if the said commissioners respectively shall omitt the same, then they to be liable and responsible for the same or any part of the same.*
LAWS OF VIRGINIA,

ACT XXIX.

Wines and Strong Waters Retailed, how to be rated.

WHEREAS there hath bin a great abuse by the unreasonable rates exacted by ordinarie keepers and retailers of wine and strong waters, *Bee it enacted*, That no person or persons whatsoever retailing wines and strong waters shall exact or take for any Spanish wines, vizt. Mallaga, Canary, Sherry, Muscadine, Tent, or Alicant above the rate of sixty pounds of tobacco per gallon, And for Madeira and Fayal above the rate of fiftie, and for all french wines above thirtie lb. of tobacco per gallon: and for the best sorte of all English strong waters above the rate of one hundred and twenty pounds of tobacco per gallon, and for aqua vitae or brandy above the rate of sixty per gallon, and if any person or persons retailing wines or strong waters as aforesaid shall fraudulently mix or corrupt the same, Upon complaint and due proof made thereof before two commissioners, whereof one to be of the quorum, the said commissioners shall by warrant vnder their hands cause the constable to stave the same, And if any shall take more then such rates sett, they shall be fined double the value of such rates so exacted, and their rates to be considered on yearly by the Assembly according to the scarceness of the commoditie or as the price of tobacco shall rise or fall.

ACT XXX.

Countie Courts impowered to grant Probats and Admi-nistrations.*

WHEREAS the estates of deceased persons in this collonie have bin much wronged by the great charge and expences which have bin brought in by the administrators thereof, vpon pretence of their attendance at James Cittie, and the distance of their habitations from thence, for remedie whereof, and because the abuses may be the better knowne and prevented in the place where the decedent dwelt. and the estates

* See act IX of November, 1645, (ante pa. 302) of which this is an amendment.
belonging to orphans and absent men the better preserved, Be it enacted that administrations may be granted at the county courts, where such person or persons did reside or inhabit; and probate of wills there made and wills recorded together with the appraisements, inventories and accounts belonging to the same there examined and allowed, and accordingly as the commissioners of the said county courts shall se cause to give certificate to the secretary's office at James Cittie, for a quietus est to be given to the admin'ators of course, Be it also enacted that vpon judgement against the estate of any deceased persons, no execution issue against the person or proper estate of the executor or administrator before a devastavit, that is waste, be proved against him.

ACT XXXI.

Orders of Courts and Proclamations not to contradict an Act.

IT is enacted and confirmed that no act of court or proclamation doe hereafter enjoyne any obedience contrary to an act of Assembly.

ACT XXXII.

Judgement before a Commissioner.*

BEE it alsoe enacted for the lessening expence and trouble in courts that if any person or persons will acknowledge under his or their hand or hands a judgment for his or their just debt or debts and the same be recorded by the clarke of the countie court before one of the commissioners of the quorum, in a booke to be kept for that purpose, then such judgment shall be equally binding as if given by the court, and execution to issue accordingly, and the clarke's fee for entering such judgment to be ten pounds of tobacco, and for an authentique copy four pounds of tobacco.

* Taken from act XI of November, 1645—See ante pa. 304.
ACT XXXIII.

Certificate of Judgment.

It is also enacted that a judgment being entered in any of the county courts and certified under the clerk's hand into another county, judgment shall there issue, as if judgment had been given in the said county.

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ACT XXXIV.

Sheriffs to take sufficient Bail.

It is hereby enacted that all sheriffs shall take sufficient bail of all persons arrested with this condition to bring forth the partie arrested, or perform the award of the court, and if the sheriff shall neglect to take sufficient bail of the partie arrested or otherwise consent to be the cause of his escape, then the said sheriff shall be liable to pay the award of the court himself, and the sheriff if he require it shall have an attachment against the estate of the partie arrested, and judgement the next court following; but if the partie arrested shall not appear to answer the suite bail being given then judgment shall be awarded against the bail, and the bail so condemned, if it be required, shall have an attachment against the estate of the partie so arrested not appearing, and the court following judgment thereupon, always provided that if the said sheriff or bail at the next court after the first impeaching do bring forth the body or goods of the said partie so arrested to satisfy the award of the court, then the said sheriff or bail shall be acquitted, and the court's shall be precisely tied to keep the daisies appointed for their meeting by act of Assembly, and for no cause alter the same, but it shall be lawful for the commissioner to hold courts at other times if occasion shall require, and it shall be in the power of the several courts to nominate and approve the clarks of

†The word "judgment" here is clearly a mistake. It should be "execution"—See act XIII of November, 1645 (ante pa. 304) from which this act is taken.

‡ Altered from act XIV of Nov. 1645—See ante pa. 305.
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their county courts,* who are to pay the secretary the usual composition and fees as formerly, Provided none that is clarke at present be putt out of this place, without manifest cause proveed against him.

ACT XXXV.

Prisoners' Charges how to be raised.

BEE it enacted and confirmed, That the charges and fees of prisoners for criminal causes for life and death shall be defrayed by the several counties respectively, where the fact he was accused of was committed, in case the said prisoner shall be found guiltie, but if not guiltie of any accusation not tending to his life, he shall bear his own charges, and discharge his fees but the county to pay the charge of the evidences.

ACT XXXVI.

Accounts to be ballanced in Courts.†

BEE it enacted for the avoidinge of manie causeless suites in lawe, That where any suite shall be comenced either at quarter courte or county court, That if the defendant have either bill, bond or accompt of the plaintiff, wherein he provees him debtor, that in such case the court shall ballance debts, consideration and allowance being had for charges to him that begunne the suite, as also to the time when such bills, bonds and accompts where due, to be compared to the accompts in ballance, Allwayses provided that no debts by bill or accompt whatsoever, be passed or turned over without the knowledge of both parties, and that the bill and accomt. be of the like nature and value.

* By act XIV of Nov. 1645 (ante pa. 305) the governor was authorised to appoint clerks of courts.

† See act XVI of February, 1644-5, ante pa. 296.—Act XI of March, 1645-6, from which this act is taken, with an amendment at the end of the act.

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Physicians and surgeons, how compelled to declare, on oath, the value of their drugs and medicines.

Courts may allow what they deem reasonable. Penalty on physicians and surgeons for neglecting their patients or refusing assistance.

Public and county levies to be first secured by sheriffs before any private debt or fees. Penalty.

ACT XXXVII.

Chyrurgians Regulated.†

FOR the regulating of the immoderate excessive rates and prices exacted by practitioners of phisick and chirurgery, Bee it enacted that it shall be lawfull and free for any person or persons where they shall conceive the account of the phisitian or chirurgeon to be unreasonable either for his paines, druggs or medicines to arrest the said phisitian or chirurgeon to the quarter court or county court where they inhabit, where the said phisitian shall declare vpon oath the true value, worth and quantity of his druggs and medicines administred to or for the use of the plaintiff, Wherevpon the court where the matter is tried shall adjudge and allow the said phisitian or chirurgeon such satisfaction and reward as they in their discretions shall think fitt, And it is further ordered that where it shall be sufficiently proved in any of the said courts that a phisitian or chirurgeon hath neglected his patient, or that he hath refused (being thereunto required) his helpe and assistance to any person or persons in sicknes or extremitie, that the said phisitian or chirurgeon shall be censured by the court for such his neglect or refusall.

ACT XXXVIII.

Noe fees to be received by the Sherriff before the Levie.‡

BEE it further enacted, That no sherriff or sherriffs whatsoever do receive his owne or other officers' fees, due or salarry or any other debt belonging to private persons before payment be made by the party of the publique and county levies, vpon the penaltie of one thousand pounds of tobacco for everie sherriffe or sheriffs that shall do or receive any tobaccoe contrary to the tenor hereof.

† This was probably taken from the act of October, 1639, which is recited and revised by act XV of March, 1654-6—See ante pa. 316.

‡ Act IX of October, 1646, ante pa. 330.
WHEREAS sundry suites, controversies and debates in lawe have bin and dayly do arise about claimes and titles to land to the great impoverishing of divers persons† for remedie and redresse of the like inconveniencies hereafter and for the better establishing the rights and possessions of the inhabitants, Bee it enacted that all persons whatsoever that have or doe pretend any title to any land shall prosecute their claime before the said land hath bin peaceably enjoyed five yeares, otherwise it shall be a good plea in barr for the possessor of such land claimed or pretended, to affirm he hath had peaceable possession without claime by comencement of suit, and prosecution to judgment to the time limited by this said act, which shall be accompted a sufficient confirmation to the said possessor, and shall conclude the claime and title of the pretender; And this act is to extend to all such that have not prosecuted their titles within five yeares since the sixth day of October, 1646—Allwaies provided that the limittation of five yeares in this act expressed shall not barr orphans from their titles, nor women under covert, or persons of not sound mind.‡ But that it shall be lawfull for them, within five yeares after orphans come of age, or those before mentioned to a legall capacity to comence suite for any land claimed by them, in which case it shall be no barr for the possessor to plead five yeares possession without claime, unles the suite bee commenced above five yeares after the orphan shall be at age or those before mentioned in a legall capacity as aforesaid.

* Altered from act XIII of October, 1646, ante pa. 331
† In the act of 1646 " his majesties subjects."
‡ The proviso in favor of femes covert, &c. added in this act, which was not in the former
Penalty on sheriffs for not making returns. 

ACT XL.

Surveyors' fees.

To deliver a plat of each survey. Penalty for refusing to survey for the legal fees.

Allowance for any day's absence from home.

His transportation by water to be provided by the person employing him.

ACT XLI.

Surveyors of Land regulated.

ACT XLII.

What Prisons are sufficient.

[This act contains the substance and almost the very words of act I. of November, 1647, ante pa. 340, and therefore need not be repeated.*]

* Many of the acts of this revisal, being mere transcripts of former laws, it is deemed unnecessary to insert them again.
Articles of Peace made with the Indians.

[Between act 42 and 43 in the MS. is inserted the treaty with Necotowance, king of the Indians, also the act concerning forts, and that appointing an interpreter for the colony; which three, form acts I, II, III of October, 1646, ante pa. 323, with no other variation than that in the first article Necotowance acknowledges to hold his kingdom of the "Lord Protector" instead of the "King's Majesty" of England; and the "Lord Protector's Governors" instead of the "King's Governors," are mentioned.]

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ACT XLIII.

Relief for Poore Prisoners.*

WHEREAS divers poor prisoners have been very hardly used by a long and tedious imprisonment of their bodies upon actions of debt, which they are unable to discharge in kind, though very ready and willing to give a valuable satisfaction to their creditors, who notwithstanding maliciously and perversely refuse such satisfaction to the utter ruine of such poor indigent persons, their wives and children, Bee it therefore enacted, for the relieving of such as are under duress and distraint or hereafter shall be imprisoned for debt, That where such persons doe or shall tender a valuable satisfaction to their creditors, by the appraisement of two honest persons, one to be chosen by the creditor, the other by the debtor, such creditor shall be compelled to accept of the same as satisfaction for their debt, and where two appraisers chosen cannot agree, in such case the two next adjoining commisioners to determine the value of the goods under appraisement, and satisfaction to be given the creditor, where the estate of the debtor remaineth, Provided* that this law do not extend to relieve any person or persons whatsoever that by his owne choice of what parte hee pleases of his es-

* Taken from act VIII of November, 1647, ante pa. 346; but the proviso has been added to this act.
the sheriff to seize any part. In case of disagreement between sheriff & debtor 2 justices to decide.

In case of disagreement between sheriff & debtor, justices to decide.

LAWS OF VIRGINIA,

Tithable persons, who.
All imported male servants of whatever age.
All negroes imported and Indian servants, male or female, 16 years old.
Native christians and free persons imported under 16, excepted.
Lists to be presented to clerk of co’ty. court, and there recorded.

When.

Tate shall claim the benefit thereof, but that the sheriff shall be bound to make seizure of any part of the estate of such debtor, in choice whereof the sheriff is to proceed indifferently to either partie, according to his oath, and in case of difference between the sheriff and debtor, two commissioners or more to determine thereof.

ACT XLIV.

Neglect of Comissioners fineable.

[This is the same as act XVII of Nov. 1647, (ante pa. 350) with the transposition of a few words only.]

ACT XLV.

Against Hoggstealing.

[This act is in the very words of act XIX of Nov. 1647 (ante pa. 350.) except that the last clause in that act, repealing a former one, is omitted in this.]

ACT XLVI.

What Persons are Tithable.

BEE it enacted for the prevention of the great abuse used by presenting of imperfect lists, that all male servants hereafter imported into this colony of what age soever they be, shall be brought into the lists and shall be liable to pay country levies; and all negroes imported whether male or female, and Indian servants male or female however procured, being sixteen years of age, to be listed and pay levies as aforesaid; such christians onelie to be excepted as are natives of this country, or such as are imported free either by parents or otherwise, who are exempted from levies being under the age of sixteen years. And it is further enacted, That everie master of a family shall present a true list of his family by the names of all the tithables therein to the clarke of the county court to bee recorded, who is to doe it (ex officio) wherein he liveth, between the first day of June and the last thereof, vps
on the penalty of paying treble duties for everie person left out; or if they shall neglect to present their lists as aforesaid, then to pay treble for the whole family; and if the clarke shall neglect to record them, to be fined at the discretion of the commisioners; and if any dispute arise about the age of any tithable, the court to be judge; and this act being of such gennerall concernement to be sett vp at the courte door for everie one to take notice of.

ACT XLVII.

Judgement of a Debt before one or more Comissioners, attested by them.

It is enacted that the confession and acknowledgment of a debt by the debtor vnder his hand before any commissioner, shall be accompted in lawe in the nature and quality of a judgment, soe as the writing be attest-ed by the said commissioner vnder his hand, and execution shall therevpon issue, in case the debt be not paid according to the tenor of the writing, being attested as aforesaid, Provided that the debt exceed not the value of five pounds sterling or flower hundred pounds of tobacco; and in case the acknowledgment of the debt be made as aforesaid before two commisioners and attested by them as aforesaid, then the judgment shall be binding and the execution therevpon shall be legall, being once payable and due, of what valew soever, either in money or tobaccoe the debt shall be; Provided the same bee recorded the next county courte.

ACT XLVIII.

Indians not to be assigned over.

It is enacted that in case any Indian do dispose of his childe to any person or persons whatsoever, either for education or instruction in Christian religion, or for learning the English tongue or for what cause soever, those persons to whom such childe shall be disposed shall not assigne or transffe such Indian child to any other whatsoever, vpon any pretence what-
Such Indian children to be free at 25.

soever of right to him or any time of service due from him, And it is further enacted that such Indian children shall be free and at his owne disposall at the age of twenty five yeares.

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ACT XLIX.

The size of Tobacco Caske.

It is enacted, Vpon the complaint of divers masters and merchants of shippes against the uncertainity and extraordinary size of caske, which hath bin very much prejudiciall to them, that a certaine size of all tobacco caske of Virginia hhd.s. shall be as followeth, vizt. fourtie three inches in length and the head twentie & sixe inches wide with the bulge proportionable; and whosoever shall make caske of a greater size shall pay vpon proosfe made to any court, if hee be a freeman, (otherwise his master or mistresse that imploies him) three thousand pounds of tobacco, the one halfe to the informer, and the other halfe to the countey where the caske is made, and if any caske shall be made of timber not well seasoned then such caske to be burntte.

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ACT L.

Countie Courts to levie Rewards for killing of Wolves.

WHEREAS great complaint is made of the frequent and many injuries done by wolves to the cattell and hoggs of severall inhabitants, It is therefore thought fitt and enacted by this Grand Assembly for the better encouragement of those that kill and destroy wolves, that the com'rs. of the severall counties shall hereby have power to advance and augment the reward appointed for killing of wolves, to such quantitie of tobaccoe as to their discretions shall be found fitt and reasonable.

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ACT LI.

Indians to be first served with Land.

BEE it enacted by this present Grand Assembly that there be no grants of land to any Englishman
 whatsoever (de futuro) until the Indians be first served with the proportion of fiftie acres of land for each bowman; and the proportion for each particular towne to lie together, and to be surveyed as well woodland as cleared ground, and to be layd out before patented, with libertie of all waste and vnfenced land for hunting for the Indians, And be it further enacted that where the land of any Indian or Indians bee found to be ineluded in an}y pattent allreadie granted for land at Rappahannock or the parts adjacent, such pattentee shall either purchase the said land of the Indians or relinquish the same, and be therefore allowed satisfaction by the English inhabitants of the said places, the said satisfaction to be proportioned equally between them.

ACT LII.

No Arrest on Sabbath dayes.

WHEREAS it hath been the frequent practice of sherriffs and officers for their owne ease and benefit to repaire to the churches on Sabbath dayes and other publique meetings on purpose to serve executions, warrants and other writts, by which means manytimes those duties are neglected by such who are in danger of arrests, It is therefore ordered, and bee it enacted by this present Grand Assembly, that no officer or officers shall from henceforth execute any writ or warrants upon any person or persons in time of exercise or muster for that day, nor on the Sabbath day.

ACT LIII.

Indians to Kill Wolves.

WHEREAS of late yeares the wolves have multiplied and increased exceedingly to the greate losse and decrease of cattell and hoggs This Grand Assembly doth therefore enact and declare, And be it hereby enacted and declared that the commissioners of each countie courte respectively shall take order for the destroying them in what way they shall best agree, by employing Indians or otherwise, Provided they arme not the Indians with English armes and gunns contrary to act of Assembly.
LAWS OF VIRGINIA,

ACT LIV.

What fences shall be sufficient.*

BEE it also enacted and confirmed by this present Grand Assembly, That everie planter shall make a sufficient fence about his cleered ground at the least lower foot and a halfe high, which if he shall be deficient in what trespass or damage soever he shall receive or sustaine by hoggs, goates or catell, shall be his owne loss and detriment, And also if it shall happen that any person shall hunt, anie of the said horses, mares, hoggs, goates or catell that shall so offend and doe them harm he shall make satisfaction for any of them, that shall be so hurt to the owners of them, to be recovered within any court of justice within the collonie; And it is further enacted, That where any horses, mares, cattell or hoggs shall endamage any person for want of such fence as aforesaid, and the partie damnified do wilfully kill or otherwise hurt so as the cattall, hoggs, horses or mares do die of such hurte, whether by doggs sett vppon them or otherwise, in such case the owner of the ground shall not onelie be liable to satisfie the value of such horses, mares, hoggs or cattell, but by vertue of this act be adjudged to satisfie double the value of such horses, mares, hoggs or cattell soe killed to the owner of them, And further be it enacted that where the figure shall be adjudged sufficient, vizt. sioore foot and a halfe, high and close downe to the bottom, that in case any damage or trespass be then done or committed to any person having such fences, by either horses, mares, hoggs, goates or any other cattell whatsoever, the owners of such horses, mares, &c. shall be liable to make satisfaction for their trespass and damage to the person injured in case the fence he found by two honest men appointed by the next com’rs. to be sufficient.

* Compound of act V of March, 1642-3 (ante pa. 244,) and act XV of October, 1646, ante page 332, with amendments.
MARCH 1657-8—9th OF COMMONWEALTH.

ACT LV.

No blank Warrants.

[This act is taken from act XXVII of March 1642-3, ante pa. 257.]

ACT LVI.

Noe Collonie Servants.*

BEE it hereby enacted and confirmed that noe person or persons whatsoever, for anie offence already committed shall be adjudged to serve the collonie hereafter.

ACT LVII.

None to bee compelled to resurvey Land.

[This act is a literal transcript from act XXXVIII of March, 1642-3, ante pa. 262.]

ACT LVIII.

Holy daies in commemoration our deliverance from Massacres.

BEE it enacted and confirmed by the authoritie of this present Grand Assembly, That the two and twentieth day of March† and the eighteenth day of April‡ be yearly kept holie in commemoration of our deliverance from the Indians at the bloody massacres the 22d day of March, 1621 and the eighteenth of April, 1644, And that the ministers of everie parish give notice

* This act seems to have been copied from act XXIX of 1642-3 (ante pa. 259,) except that the words, "or to be committed," inserted in that act, are omitted in this.

† This holy day appears to have been first instituted at the March session 1623-4 (see ante page, 123, act 4,) and the observance of it has been repeatedly enjoined since—See ante page 177, 202, 263.

‡ This holy day was first instituted at the February session 1644-5. See act IV, ante page 290
thereof to the parishioners the Sabbath day next before.

**ACT LIX.**

*Old Virginians freed from Taxes.*

*IT is enacted and confirmed by the authoritie aforesaid, That all such persons as were here or came in at the last comings in of Sir Tho: Yates,† shall be exempted from their personall service to the warrs and all publicque charges, ministers duties excepted, not exempting their families (excepting such as shall be imploied in cheife.)*

**ACT LX.**

*Concerning takeing awaie of boates.*

[This act agrees verbatim with act XLIII of March, 1642-3, except that the word “leave” is used in this act in the place of “license” in that, and the word “if” instead of “and” after the word “authorized,” which occurs but once in the act.]

**ACT LXI.**

*Penalty for not Building Prisons.*

*BE it alsoe enacted and confirmed by this Grand Assembly, That if any person shall happen to escape from the hands or custody of any sherriffe of the several counties respectively for want of a sufficient prison in each countie, all such sherrifes shall find his remedie against the several counties which shall be delinquent in the building of prisons, And it is alsoe enacted and confirmed that the said sherrifes shall bring an accompt at everie Grand Assembly of such charges and disbursements as are occasioned in their severall*

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* Taken from act X of March, 1623-4, ante page 124—Act XL I of February, 1631-2, ante page 172—Act XXXVII of September, 1632, ante page 197—and act XLII of March, 1642-3, with some variations.

† "Gates," in all the former acts.
counties by keeping the Protector's prisoners, and the said disbursments to be satisfied out of the publique charge.

ACT LXII.

Quarter Courts settled.*

BEE it hereby enacted and confirmed for the prevention of much trouble to the Governour and Council, and charges to the inhabitants of this collonie by over long attendance on their suites at James Cittie, that the quarter courts shall beginne as followeth, vizt.

March courte to beginne the 20th day of March, if it be not Sunday, if it be, then on the next day and to continue eighteen daies and Sundayes not to be accompted any of them.

June courte to beginne vpon the first day in June in case it bee not Sunday, if it be, then on the next day after and to continue tenn dayes and Sundaies not to be accompted any of them.

The like for October court as for June court, The fourth court to beginne the twentieth day of November if it be not Sundaie; if it bee, then on the next day following to contain the number of daies as March court doth; the causes of suites to be expressed in the writts which may be enlarged by petition between every arrests and returns of the writtes; the defendant to have ten daies time to provide himselfe; No arrests to be made in court except for the following court; the writt to goe in the same tenor as formerly, The defendant vpon the return of the writt either by himselfe or attorney to enter his appearance in a booke to be kept for that purpose, And also to put in his answer vnder his hand the third day of the returns of the writts, The petition and answer to be filed and remaine in the secretaries office, The plaintiff to put in his petition vpon the day of appearance and in case of such neglect to be non-suited and the defendants costs awarded against him.

* See act LV of March, 1642-3, ante page 270
ACT LXIII.

Countie Courts Settled.*

BEE it also hereby enacted that everie county court respectively shall keep their courts respectively as formerly, six times in the yeare, and to beginne on the severall daies of the moneth as hath bin formerly vsed and is hereafter expressed, vizt.

Henrigo 1st Daie. Lower Norfolke the 15th.
Charles Cittie the 3d. Eliza. Cittie the 18th.
James Cittie the 6th. Warwick the 21st.
Ilse of Wight the 9th. Yorke the 24th.
Nanzemund the 12th. Northampton 28th.
Gloster the 16th. New Kent 28th.

Which courts are to be held once everie two months or oftener if emergent occasion shall require, and shall be called by the name of countie courts‡ and the commissioners to be stiled by the name of the commissioners of the countie counts; And for prevention of manie chargeable suites tending to the molestation and trouble of divers poor men, for pettie and triviall debts, It is thought fitt and enacted by this Grand Assembly, That no courts of justice within this collonie shall proceed to determine or adjudge or at all take cognizance of anie suite hereafter to be commenced for or concerning any debt under the value of 20s. sterling or two hundred pounds of tobacco, but in such cases the next adjoyning com'r. to summon the debtor or defendant by his warrant before him, vpon complaint vnto him made, and to determine the same by order in writeing vnder his hand, which order shall be bindeing, and in case of non-performance, the said commissioner is authorized to commit to prison the person that is refractory to such order as aforesaid.

* See act LVI of March, 1642-3, ante page 272.

‡ Before the act of March, 1642-3, ante page 273, these courts were called "Monthly Courts," and the magistrates, "Commissioners of monthly courts."
MARCH, 1657-8—9th OF COMMONWEALTH. 463

ACT LXIV.

Juries to be empanelled to attend the Countie Courtes.*

_BEE it also enacted and confirmed_, that a jury shall be empanelled in the several counties to attend the said courts, to receive all presentments and informations and to enquire of the breach of all penal laws and other crimes and misdemeanours not touching life or member, and to present the same to the court.

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ACT LXV.

Noe Mares nor Sheepe to be Transported.

_IT is enacted_ that no mares nor sheepe be transported out of the collonie vpon such penaltie as shall be thought fitt by the Governour and Councill.

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ACT LXVI.

Free Trade to bee allowed.

_[This act is a mere repetition of act XIV of February, 1644-5, ante pa. 296._]

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ACT LXVII.

The Secretaries Fees.

_BEE it further enacted and confirmed_, by the authoritie of this present Grand Assembly that the secretaries's fees shall be as followeth, vizt. Tobacco.

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>For a pattent and recording it</td>
<td>80</td>
</tr>
<tr>
<td>for a comission of administration</td>
<td></td>
</tr>
<tr>
<td>and recording it</td>
<td>60</td>
</tr>
<tr>
<td>for a probat and recording it</td>
<td>60</td>
</tr>
<tr>
<td>For a comission to trade</td>
<td>50</td>
</tr>
<tr>
<td>for a deposition</td>
<td>15</td>
</tr>
</tbody>
</table>

† Act XII of November, 1645, (ante page 304,) only required a grand jury at March and Midsummer courts.
for a bond and recording it 40
for a coppie of a patent 30
for recording a letter of attorney 30
for recording a will 30
for a common warrant 015
for an order 015
for a coppie of an order 015
for recording a bill or receipt 010
for an execution 030
for a pass 030
for a subpoena 015
for a petition, if writt 015
for entering a petition 006
for a certificate for land 015
for coppie of an act of assembly 015
for recording a bill of sale or such like 030
for swearing a jurie 015
for a comission for the Militia or courte 050

Clerks of co'ty courts, their fees.

ALSOE bee it further enacted, for the better enabling and maintenance of the clerkes of the severall courts in their places that their fees shall be as followeth, vizt.

Imprimis for an action
for entering of an order 008
for coppie of an order 008
for an execution 015
for an attachment 015
for a deposition 010
for copie of a depon. 010
for administrations and probats both at 060
for a subpoena 010
for a petition, if they write it 010
for entrie of a petition 003
for certificate for lands 020
for any other certificate 010
for recording any busines, orphans excepted 020
for recording inventories and conveyances 030
for a scire facias in anie courte 016
And if any thing else be done by them then what is here expressed, The courts to adjudge the flee, And it is further enacted, That the sherrifs or collectors in case collectors be employed are hereby required and authorized to gather in, collect and receive the clarkes fleses, and in case of non payment to distraine, the clerk alloweing to the sherriff for his salarie ten pounds per cent.

\[\text{The Sherriff's fees.}\]

**BEE it alsoe enacted, That the sherriffes fees shall be as followeth:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>for an arrest</td>
<td>10</td>
</tr>
<tr>
<td>for bond</td>
<td>5</td>
</tr>
<tr>
<td>for going to prison</td>
<td>10</td>
</tr>
<tr>
<td>for whipping</td>
<td>20</td>
</tr>
<tr>
<td>for pillory</td>
<td>20</td>
</tr>
<tr>
<td>for serving a subpoena</td>
<td>10</td>
</tr>
<tr>
<td>for serving an execution, if under one hundred pounds of tobacco</td>
<td>10</td>
</tr>
<tr>
<td>If above a hundred to V. C.*</td>
<td>20</td>
</tr>
<tr>
<td>If above V. C. to 1000</td>
<td>40</td>
</tr>
<tr>
<td>If unto 2000</td>
<td>60</td>
</tr>
<tr>
<td>If above 2000, ten pounds per thousand</td>
<td></td>
</tr>
<tr>
<td>for summoning and empannelling a jury for everie cause twelve pounds, and for everie person summoned five pounds, Attachments as for arrests, and if further trouble to be allowed by the courte.</td>
<td>Extra services</td>
</tr>
</tbody>
</table>

**ACT LXVIII.**

*Concerning Persons remooveing into the Baie.*

WHEREAS divers of the inhabitants of this col- loncy have deserted their plantations and receded into the bay of Chisapeake and removed themselves unto other places remote from their former habitations they being much engaged to the inhabitants from whence they receded to the great damage and trouble of the creditors, And whereas divers people upon their removeall do transporte and drive away cattell to the great prejudice and damage to their neighbours and the loss

\[\text{V} \times \text{C} = \text{centum}, \text{or a hundred}.
\]

\[3 \ L\]
No person to remove to Chesapeake bay or a remote plantation without giving previous notice at the county court. Certificate to be obtained.

Persons transporting them without certificate, liable for their debts.

Penalty for removing cattle without notice.

of the remainants cattle, *It is therefore thought fitt, for redresse of such abuses as shall or may happen, and enacted by this present Grand Assembly, That no person or persons shall goe to seate in Chesapeake bay or any other remote plantation or plantations without notice given of his or their departure to such place or places, at the countie courte, where the said persons reside, and a certificate attested under the hand of the clerke of the said countie courte; and if any merchants, mariners or any other persons whatsoever shall transport any other person or persons without certificate as is before expressed, The person or persons so offending shall satisifie all the debts and engagements of the person or persons so transported, And be it further enacted by the authority aforesaid, That after the publication of this act any person or persons either before or after lawfull certificate of his or their departure shall remove or transporte any cattell into the bay or any other remote plantation whatsoever without notice given to fewer of the inhabitants next adjoyning, who are hereby required to take speciall notice both of the eare marke and colour of the cattell to be removed and transported, then the person or persons offending shall forfeit vpon lawfull conviction for every beast soe removed or transported one thousand pounds of tobacco, one halfe to the publique, and the other halfe to him that shall complaine against the party soe offendinge.

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**ACT LXIX.**

*In what case a Sherriffe may returne a non est inventus.*

IN case the sherriff vpon a writt or action entered against anie man returne *non est inventus* and proclamation be made at the court, vpon the plaintiffs desire he shall have an attachment against the defendants estate, returnable at the next courte followinge, and then the succeeding courte a judgement in case of non-appearance to answer the said suite.

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**ACT LXX.**

*Countie Courts to heare Maritime Causes.*

THE countie courts shall heare maritime causes, & the sherriffes shall have power to arrest on board
shipps by warrant from the Governor or any one of the councill, or under the hand of any two commisioners, whereof one to be of the quorum, vntill it be otherwise settled.

ACT LXXI.

Oath for Sherriffes and Constables.

THE oath alreadie drawne vp for sherriffes and constables to be use in the several county courts respectively with alteration of what relates to king-shipps and to be in the name of the present government.

ACT LXXII.

Confirmation of Indians' Land.

WHEREAS many complaints have bin brought to this Assembly touchinge wrong done to the Indians, in taking away their land and forcing them into such narrow streights and places that they cannot subsist either by planting or hunting, and for that it may be feared they may be justly driven to despaire & to attempt some desperate course for themselves, which inconveniencies though they have bin endeavored to be remedied by former acts of Assembly made to the same purpose, Yet notwithstanding manie English doe still intrench vpon the said Indians' land, which this Assembly conceiving to be contrary to justice, and the true intent of the English plantation in this country, whereby the indians might by all just and faire waies be reduced to civillity and the true worship of God, have therefore thought fitt to ordeine and enact, and bee it hereby ordained and enacted, That all the Indians of this collonie shall and may hold and keep those seates of land which they now have, and that no person or persons whatsoever be suffered to intrench or plant vpon such places as the said Indians clame or desire vntill full leave from the Governour and Counsell or com'rs, for the place; Yet this act not to be extended to prejudice those English which are now seat-ed with the Indians' former consent vpho vpon fur-
LAWS OF VIRGINIA,

Proviso.
Responsibility of commissioners.
Indians to be assisted in removing to vacant lands.

Not to sell their lands except at q'r. courts.
Settlers near the Pamunkies & Chickahominies recalled.
Permission to Indians to hunt.
Exception.
Patents contrary to this act, void; and none to be valid which incroach on Ind's' lands.

Lapsed land not to be entered without an order from the gov. and council.

First patentee may take up the like quantity elsewhere.

Not to prejudice vested rights.

ther examination before the Grand Assembly cause shall be found for so doing, And the said com'rs. shall be accountable before the Governour and Counciill and the Grand Assembly if any wrong or injurie be done to the Indians contrary to the intent of this act, And be it further enacted, That the Indians as either now or hereafter shall want seates to live on, or shall desire to remove to any places void or vntaken vpp they shall be assisted therein, and order granted them, for confirmation thereof, And no Indians to sell their lands but at quarter courtes, And that those English which are lately gone to seate neare the Pamunkies and the Chichominyes on the north side of Pamunkie river shall be recalled and such English to choose other seates else where, and that the Indians as by a former act was granted them, shall have free liberty of hunting in the woods without the English fenced plantations. these places excepted between Yorke river and James river and between the Black water and the Manakin towne and James river, and noe pattent shall be adjudged valid which hath lately passed or shall pass contrary to the sense of this act, Nor none to be of force which shall intrench vppon the Indians' lands to their discontent without expresse order for the same.

ACT LXXIII.

Deserted Lands to be taken vpp by Order of Court.

BEE it enacted by this present Grand Assembly that noe pattent of land shall hereafter pass vppon the pretence that the land is deserted for want of planting within the time of three yeeres vnles an order be first granted by the Governour and Counciill for that second pattent, whereby the land is adjudged to bee deserted: But this act shall not extend to forfeit the rights of the first pattent adjudged deserted, but that the owner of those rights may take vp the like quantity in any other place or places though not the same, neither shall the first petitioner for any land deserted be denied to have the first grant, and this act shall not be construed to extend to any land formerly deserted and alreadie granted and seated by ano-
ACT LXXIV.

Concerning the Dutch Trade.

BEE it enacted by this present Grand Assembly that all tobacco raised by sale of goods brought into this country by Dutchmen the owners thereof shall be liable to pay the custom of ten shillings per hogshead for what is shipped in any Dutch vessel or in any other vessel whatsoever bound for any part of America or else where, excepting such English vessels as are directly bound for England, and any person or persons whatsoever are to make oath, if it be required, what goods are brought in and what quantity of tobacco they shall ship from time to time in any vessel whatsoever, and the commissioners of the several county courts respectively are to take good care to prevent deceit herein, And that those Dutch repair to the governour, or whom he shall appointe to give a just accompt thereof upon the penaltie of double the quantitie soe shipped if any deceit be found of what shall be justly due to this act, And this act is further explained that for the custom of tenne shillings per hogshead be as well understood of all foreigners as of the Dutch nation, and conferred on the Governour.

ACT LXXV.

Comissioners to Ordaine Parishes.

BEE it enacted by this Grand Assembly, That it shall be lawfull for the comissioners of the several counties not yet laid out into parishes, with the consent of the inhabitants thereof to devide their counties into parishes as by the major part of the said counties shall be agreed.

ACT LXXVI.

Encouragement for Staple Comodities.

FOR the better encouragement of the inhabitants for the makeing of staple commodities in this colonie, BEE it enacted by this present Grand Assembly that what person or persons soever shall at any time here-
after make in this collonie so much silke, flax, hopps or any other staple comoditie (except tobacco) as is worth two hundred pounds sterling, or English wheate to the value of five hundred pounds sterling in one yeare and exporte the same or cause the same to be exported, or shall first make two tunne of wine raized out of a vineyard made in this collonie shall have given him by this countrey for an encouragement ten thousand pounds of Virginia tobacco.

Wine

Rates of articles.

Others to be valued by assembly

Wheate valued at five shilling per bushell.
Silke at twenty shillings per pound.
flax at six pence per pound.
Hopps at twenty shillings per hundred.

What other staple comodities shall be raised to be valued by the Assembly.

ACT LXXVII.
Against False Stilliards.

(This act is taken verbatim from act II of November, 1654, ante pa. 391.)

ACT LXXVIII.
Against Imploying Indians with Gunns.

(This is a mere transcript of act III of November, 1654, ante pa. 391.)

ACT LXXIX.
Northampton Commissioners to take acknowledgment of Indians' Lands.

(This is a literal transcript of act IV of Nov. 1654, ante pa. 391.)

ACT LXXX.
How Masters of Shipps to carry themselves here.

(This is a transcript of act V of November, 1654, ante pa. 392, with the omission of the words "at their peril," at the end of the act.)
MARCH, 1657-8—9th OF COMMONWEALTH.

ACT LXXXI.
Concerning the Election of Sheriffs.
[This is a literal transcript of act VI of November, 1654, ante pa. 395.]

ACT LXXXII.
For avoiding Charge and Trouble to Creditors in Seeking their debts.
[This act is taken verbatim from act I, of March, 1654-5, (ante pa. 409,) except that in the 5th line, the word "several" is used in this act before the word "person," where "any" is used in that act.]

ACT LXXXIII.
For preservation of the Peace with the Indians by Entertaining Indians without Leave.
[This act consists of the 2d section only of act II of March, 1654-5, ante pa. 410.]

ACT LXXXIV.
Concerning Ordinaries and Ferries.
[This is an exact copy of act V of March, 1654-5, (ante pa. 411,) except that in this act the words "their" is introduced before the word "ordinaries," which is not in the other.]

ACT LXXXV.
Irish Servants without Indentures.
[This act is substantially the same as act VI of March, 1654-5, ante pa. 411,) except that at the end of the act these words are added, "and all aliens to be included in this act."
LAWS OF VIRGINIA,

Articles at the Surrender of the Countrie.

[These were published ante pa. 363 & 365; that arrangement being most agreeable to chronological order.]

ACT LXXXVI.
An Act of Indempnitie made at the Surrender of the Countrey.

[This act is published, ante pa. 367.]

ACT LXXXVII.
The sforme of Patents.*

That all patents be drawne vpp in a fitt forme relating to the present government, And that till a seal may be procured the Governour and Secretarie for the time being signeing the said pattents, they shall be accounted valid and authentique in all courtes of justice as any patents formerly granted vnder the colo-ney seale, And the like for all things that hath usually passed vnder the seale.

ACT LXXXVIII.
Against Fraudulent Deeds.†

BEE it enacted and confirmed, That no personn or persons whatsoever shall pass over by conveyance or otherwise any parte of his estate, whether lands or goods

* This act was probably one of the articles of the provisional government, adopted in April, 1652, (ante pa. 371, 372.) It appears from an examination of the books in the Register's office, which formerly were in the office of the secretary, that many patents issued under the commonwealth's governors, long before the date of this act.

† Altered from act IV of December, 1656, ante page 417.—See also act XII of March, 1642-3, (ante page 248,) for registering mortgages.*
or chattells, whereby his creditors not having notice thereof might be defrauded of their just debts, unless such conveyance or other deeds be first acknowledged before the Governour and Councill or at the monethly courtes & be registered in a booke for that purpose, within six moneths after such alienation, And whosoever shall make over or alienate any part of his estate otherwise than is before expressed, the same shall not bee accompted nor allowed valid in law, And the said conveyance with acknowledgment made not to be held valid in lawe untill four moneths after the said acknowledgment, in which time the creditor may have notice to make his objection against the same, if hee shall have cause therefore, or any other person who may have made to him a former conveyance of the said estate.

ACT LXXXIX.

Sealed Barrells.*

BEE it hereby enacted and confirmed, That the commissioners of every monethly courte respectively shall seale all barrells brought unto them, when they are thereunto required with the marke VC, which barrells are to containe five bushells Whinchester measure that is to say forty gallons. And all barrells soe sealed to be allowed and noe other, vnder the pennaltie of forfeiture of forty pounds of tobacco for every time such an unsealed barrell is vsed. And likewise for bushells the aforesaid pennaltie, all persons whatsoever being herevnto required to take notice of this act, and accordingly to provide.

ACT XC.

English Weights and Measures.

[This act is the same as act XII of October, 1646, ante pa. 331.]

BEE it alsoe enacted, That if either plaintiff or defendant shall desire the verdict of a jury for the determination of any suite depending in any of the courtes of this collonie, hee or they shall signifie therein their desire by petition vnder his or their hands vnto the said courtes, before the same cause had any hearing vpon the day of tryall: if it be the desire of the plaintiff, and their petitions to be filed in the secretaries office, or with the clerek of the monethly courte, And if the defendant shall desire it, hee or they shall signifie the same, vpon the enterie of his appearance in the office which shall be inserted in a booke to be kept in the office for that purpose; Allways provided that the cause depending be proper for a jury: And bee it further enacted, that fall such, either plaintiff or defendant, who shall desire jurors to decide their causes shall pay and allow vnto the said jurors seaventy two pounds of tobacco per cause, And that during the time they shall be debating the cause of such plaintiff or defendant after the charge delivered them by the board, neither plt. nor defendt. shall have priviledge to be admitted to them: or entertained in anie discourse concerning the cause in triall.

ACT XCII.

What Money Debts are Pleadable.‡

BEE it henceforth enacted, That all money debts made in the collonie shall be pleadable, except onely such as are made in the time of a former prohibition

* Compounded of act LVII of March, 1642-3, ante page 273—Act X of November, 1645, ante page 305; and act X of March, 1645-6, ante page 313.

‡ From this mark ‡ to the end, taken from act X of March, 1645-6, ante pa. 313.

‡ From act III of December, 1656. (ante page 417,) with slight variations in the phraseology.
of money debts being not pleadable, vizt. from the 26th of March, 1643, to the 10th of Sbr. 1649, and alsoe all money debts which are or shall be made in England for goods imported to this collonie, But no other shall be pleadable in this collonie.

ACT XCIII.

The election of Burgesses.*

BEE it enacted by this present Grand Assembly, That all Burgesses shall be summoned and elected in manner hereafter expressed, (that is to say,) That the severall and respective sherrifles shall within tenne daies after the receipt of such writtes as they shall receive to that purpose cause the same to be published & by givinge notice of the same from house to house by the sherriff or his deputie to all persons interested in elections, which hee is to do ex officio and then and there alsoe to publish and declare the certaine daie of the weeke and moneth for choosinge Burgesses to serve in the Assembly, for all accustomed places in the severall counties, and parishes respectively, That at the day and place of election the sherriff shall take view of the said election, and before the sitting of the Assemblye to make returne to the secretaries office at James Cittie of the persons then and there elected by subscriptions of the major parte of the hands of the electors, And that the sherriff who shall wittinglie or willingly make any false returne or neglect his duty shall incur the pennahtle of ten thousand pounds of tobacco: That the persons who shall bee elected to serve in Assembly shall be such and no other then such as are persons of knowne integrity, of good conversation and of the age of one and twenty yeares, And all persons inhabiting in this collonie that are freemen to have their votes in the election of Burgesses, Provided they do not in tumultuous manner, but fairly give their votes by subscriptions as aforesaid.

*This act is composed of act VII of March, 1654-5, (ante page 411,) as amended by act XVI of March 1655-6, ante page 463.—So much of the former act as restricted the right of suffrage to "house keepers, whether free-holders, lease-holders or otherwise tenants" and to one person in a family, being omitted in this act, and the provisions of the latter act which restores the ancient usage of all freemen voting, being retained except those contracted between 1643 & 1649, during a former prohibition.

Election of Burgesses—how the time & place of, to be notified by the sheriffs.

When and where held.

Sheriff to attend.

When and how to make return.

Penalty for neglect.

Qualifications of persons to be elected.

Right of suffrage to be exercised by all free men residing in the colony.

How to give their votes.
ACT XCIV.

Concerning Indians.

[This act is copied from act I of March 10th, 1655-6 (ante pa. 393) with the transposition of a few words only, which do not vary the sense; and except that this act stops at the words "alienable by them," in the 3d line of the 3d section, pa. 396.]

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ACT XCV.

Northampton County to make Laws.

[This act is taken verbatim from act II of March, 1655-6, ante pa. 396.]

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ACT XCVI.

Encouragement for Markett Places.*

BEE it enacted, that if any countie or particular person shall settle any place whether the merchants shall willingly come for the sale or bringing of goods such men shall bee lookt vppon as benefactors to the publique.

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ACT XCVII.

Criminall Causes, where to be tried.

[This act contains the enacting part, only, of act V of March, 1655-6, (ante pa. 397,) omitting the preambles.]

* This act consists of the proviso, only, of act III of March, 1655-6, (ante page 397,) which act repealed one of the preceding session, for regulating trade and establishing ports, and places for markets. See act VIII of March, 1654-5, ante page 412.
MARCH, 1657-8—9th OF COMMONWEALTH.

ACT XCVIII.

Places of Trialls and Appeales.*

WHEREAS many appeales brought are meerly delatorie and for poor and inconsiderable causes where-by men are defrauded of the justice they sue for, the court tacitly taxt from whence they appeale and greate charge accruing the suite, Therefore bee it enacted by this Grand Assembly that all suites and causes between partie and partie of what valewe soever, not concerning life or member be tried by the countie courte and not by the quarter courte, vnles they exceed sixteen hundred pounds of tobacco and caske or sixteen pounds sterling, vpon paine of ffive hundred pounds of tobacco to be paid to the partie grieved, and that noe appeales from the countie courtes to the quarter courtes nor from the quarter courtes to Assemblies vnder the samevalue, and damages vpon appeales, to be awarded by the judges of appeales and the appellants forthwith to putt in securitie to pay what damages shall be awarded against them: Provided the former act authorizing to what valew comissioners are to try, be and remaine in full force and vertue, any thing contained to the contrarie notwithstanding. Vnto this act is added by the authoritie aforesaid that noe person whatsoever, shall be arrested vnto the quarter courte at James Cittie by writt from the office, except the debt amount vnto sixteen hundred pounds of tobacco vpon the pennaltie of ffive hundred pounds of tobacco fine, excepting such men that remoue themselves from the county where they made their debt vnto some remote countey.

ACT XCIX.

Concerning Fines.

[This is a literal transcript of act VII of March, 1655-6, ante pa. 399.]

* From act VI of March, 1655-6, (ante page 398.) with amendments.
Seconds and Slipps prohibited.*

WHEREAS it hath bin taken into serious consideration and debate for the bettering of our indeed only commoditie of tobaccoe for the benefit, both of the planter and merchant, both equally complaineing of its lowe and contemptible rate and noe expedient found but lessening the quantity and mending the qualitie, Wee, this present Grand Assembly, finding all other stints inconsistent with the good of this collonie, Marie-Land remaining a distinct government, do hereby enact that what person or persons soever after publication hereof shall suffer or cause to be tended any tobacco called seconds or slipps, shall for soe doeing forfeit ten thousand pounds of tobacco, one halfe to the informer and the other halfe to the militia, to be disposed of for ammunition for the countie where the offence shall be committed.

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ACT CL.

Ministers and Parishes Settled.†

WHEREAS there are manie places destitute of ministers and like so to continue, the people content without paying the accustomed dues, which should procure those that should teach and instruct them, soe that by this improvident saving, they loose the greatest benefit a Christian can have by heareing the word and the vse of the blessed sacraments, Therefore bee it enacted by this Grand Assembly that all counties not yet layd out into parishes shall be devided into parishes the next county court after publication hereof, and that all tithable persons in everie parish respectively in the vacancy of their ministers pay fifteen pounds of tobacco per pole yearly, and that tobacco be putt in

* This act agrees substantially with act VIII of March, 1655-6 (ante page 399,) except that the penalty is increased in this act, and the last clause of that is omitted.
† From act IX of March, 1655-6, ante page 399, with amendments
the hands of the churchwardens of the several parish- 
es, who are to give securitie to the vestrey for the dis- 
posing of it, In the first place for the building of a 
parish church, and afterwards the surplusage (if anie 
bee) go to the purchasing of a gleabe and stock for 
the next minister that shall be settled there.

ACT CII.

Concerning Administrations and Administrators.*

WHEREAS commissions of administrations are sud-
denly obtained and the estates as suddenly disposed 
of vnder pretence of greatest creditor or next of 
kinne whereby often times they that are really so, the 
one is defrauded of his just debt, and the other debar-
ed of his right and interest, the estate being imbezilled 
before either can have notice of his right or interest, 
Therefore bee it enacted by this present Grand Assem-
ibly that no administration be confirmed until the third 
courte be past except to the widdowe or child, And 
then suddenly to be granted vppon her request or the 
next of kinne, And for takeing care of the decedents 
estate vntill the time above limitted, be referred to the 
commissioners of the countie where the decedent died, 
That the estate in case of widow or kinne to be prais-
ced as formerly by men vpon oath appointed by the 
court and the administrator to pay the value of the ap-
praisement and noe further; but in case of no kinne, 
then the estate to be sold at an outcry, where there is 
not sufficient assetts, if the creditors shall require it; 
That all debts that are brought in and presented may 
be paied according to prioriitie in lawe; that none have 
their quietus est vnder a year and a day after con-
firmation of the administration, If anie administrator be 
of no kinne and have assetts, that all the estate left af-
fter debts paid, bee employed in the countey where he 
lived for setting vp of Manufactors, and other publique 
veses, The administrator being paid for his reasonable 
charge and paines.

* Taken from act X of March 1655-6, ante page 400, with some 
variations both in the phraseology and substance of the act.
Magistrates to be recommended by county court, approved by governor and council, and confirmed by assembly.

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**ACT CIII.**

*How Comissioners are to be made.*

_BEE it enacted, by this present Grand Assembly that no person or persons for the future, bee admitted to be a com’r. for any county court whatsoever, but such as shall be desired by the court, approved by the Governour and council and confirmed by the Assembly._

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**ACT CIV.**

*Against Shooteing at Drinkeings.*

_[This act substantially agrees with act XII of March, 1655-6, (ante pa. 401,) there being a few variations only, which do not affect the sense.]_ 

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**ACT CV.**

*Concerning Orphans’ Estates.*

_CONCERNING orphants estates be it henceforth enacted, That all wills and testaments be firme & inviolable, but in case the exe’rs. or overseers do refuse to execute their trust, then the court is to appoint others to act according to the will of the testator if it may be, otherwise to bee for the management of estates of persons intestate bee settled for the present and future as followeth—_[The rest of this act agrees almost verbatim, and entirely in substance, with the remaining sections of act II of Dec. 1656, and therefore need not be reprinted.]_  

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**ACT CVI.**

*Virginia Owners Priviledged.*

_[This act is taken verbatim from act XIV. of March, 1655-6, ante pa. 402.]_ 

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*This act was taken from act XIII of March, 1655-6, ante page 402; but goes farther, in requiring that the appointment of commissioners shall be confirmed by the assembly.*
MARCH, 1657-8—9th OF COMMONWEALTH.

ACT CVII.

Encouragement for Ministers and their Transporters.

[This is nearly a literal transcript of act V of Dec. 1656, ante pa. 418.]

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ACT CVIII.

Euerie Titheable to Plant and tend two acres of Corne.

[This act agrees substantially with act VII of Dec. 1656, (ante pa. 419,) there being a few verbal variations only, which do not affect the sense.]

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ACT CIX.

Concerning Mulberrie Trees.

[The only essential difference between this act and act VIII of Dec. 1656, (ante pa. 420,) is, that orphans are allowed five years after their attaining full age, by this act, to comply with the conditions of it; and only two years, by the act of 1656.]

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ACT CX.

Concerning straie Horses, Cattell and boates.

[This act agrees with act IX of Dec. 1656, (ante pa. 420,) with the transposition of a few words, which does not vary the sense.]

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ACT CXI.

Against Stealing of Indians.

WHEREAS divers informations have been given into Assemblies of sundry persons who by their indirect practices have corrupted some of the Indians to steale and convey away some of the children of other Indians, and of others who pretending to have bought or purchased Indians of their parents, or some of their great men, have violently and fraudulently forced them
Person purchasing an Indian to return him within 10 days.

Pecuniary penalty.

Person purchasing an Indian to return him within 10 days.

Pecuniary penalty.

WHEREAS in any Indian or English nation, by such their perfidious dealing, rendring religion contemptible, and the name of Englishmen odious, and may be of very important and dangerous consequence to the collony if not timely prevented, It is therefore enacted, that noe person or persons whatsoever shall dare or presume to buy any Indian or Indians (vizt.) from or of the English, and in case of complaint made, that any person hath transgressed this act the truth thereof being proved such person shall returne such Indian or Indians, within ten days to the place from whence he was taken, And be it further enacted, That whosoever shall informe against any person for breach of this act, and the information being found against the party accused, The offender shall pay unto the informer five hundred pounds of tobacco to be recovered within any courte of justice in this collony.

ACT CXII.

Against Mercenary Attorneys.*

Preamble.

No person to plead or give advice for fees.

Penalty.

WHEREAS there doth much charge and trouble arise by the admittance of attorneys and lawyers through pleading of causes thereby to maintain suits in lawe, to the greate prejudice and charge of the inhabitants of this collony for prevention thereof be it enacted by the authoritie of this present Grand Assembly that noe person or persons whatsoever within this collony either lawyers or any other shall pleade in any courte of judicature within this colloney or give councell in any cause or controversie whatsoever, for any kind of reward or profit whatsoever, either directly or indirectly vpon the penalty of sive thousand pounds of to-

* The laws concerning attorneys have, within a few years, undergone various alterations: In March. 1642-3, (ante page 275,) an act passed for licensing them, and limiting their fees; in November 1645, (ante page 392,) all mercenary attorneys were expelled from office; in March, 1645-6, (ante page 313,) the act of 1642-3, was repealed, and the act of 1645 made perpetual; in November, 1647, (ante page 349,) the last mentioned act was amended by declaring that no attorney should, directly or indirectly, take any fee, and that it should be the duty of the court, either to open the cause, for a weak party, or appoint some fit man "out of the people" to do it, and that no other attorneys should be allowed; in Dec. 1656, (ante page 419,) all acts against mercenary attorneys were repealed: the Governor was authorised to license them for the quarter courts, and the magistrates for the county courts. The present act revives the expulsion of attorneys.
bacco upon every breach thereof: And because the breakers thereof through their subtillity cannot easily bee discerned: Bee it therefore further enacted, That every one pleading as an attorney to any other person or persons, If either plt. or defend’t desire it shall make oath, That he neither directly or indirectly is a breaker of the act aforesaid.

ACT CXIII.

Concerning Huie and Cries.

WHEREAS huy and cries after runaway servants hath been much neglected to the greate damage and loss of the inhabitants of this colloney Bee it therefore enacted and confirmed by the authoritie of this present Grand Assembly, that all such huy and cries shall be signed either by the Governour or some of the Council, or vnder the hand of some com’r. nameing the county where the said com’r. lives, and the same shall be conveyed from house to house with all convenient speed according as the direction thereof expresseth: And every com’r. of each county vnto whose house by this means the said huy and cry shall come shall then date and subscribe the same, And the master of everie house that shall make default in the speedy conveyance of any such huyes and cries shall for everie such default forfeite and pay vnto the owners of any such runnawaye as the said huyes and cries shall mention, one hundred pounds of tobacco, and where the said runnawaye servant is found he shall be apprehended and sent from constable to constable vntill such runnawaye or runnawybes shall be delivered to his or their master or mistresse and if any neglect can be proved against the constable hie to be fined three hundred and fiftie pounds of tobacco.

ACT CXIV.

How long Bills and Judgments are Pleadable.*

WHEREAS the nature of our trade of Virginia in respect of our present commodities and the

Atorneys compellable to disclose, on oath, whether they have violated this act.

Hue and cry how issued against runaway servants.

How executed.

Duty of commissioners.

Penalty on masters of houses for neglect in the execution of the precedent.

Runaway, if apprehended to be sent back by constable.

Penalty for neglect.

* From act I of November, 1654, ante page 390, with amendments.
No bills, bonds, judgments or other engagements recoverable after 5 years from the date.

Execution not to issue on a judgment after a year and a day, without a scire facias. Commencement of act. Debtor being absent, limitation not to run. Further time for prosecuting debts 3 years due.

**ACT CXV.**

*How long fees and Levies are recoverable.*

BEE it enacted and confirmed by the authoritie aforesaid, That no clerkes or sherriftes fees, nor county nor country levies after two yeeres time due, be recoverable in this collony, except bill be taken for the same, or suite commenced, and the defendant arrested or in case of absence out of this countrey.
MARCH, 1657-8—9th OF COMMONWEALTH.

ACT CXVI.

Concerning Millers.*

WHEREAS by the second† act of Assembly A'o. 1645, It was ordered and established for the reforming the greate abuse of millers in exacting excessive and illegall toll that no person or persons vseing or occupieing any mill should take or receive for the grinding of any graine or exchangeing it for meale above the sixth part thereof for toll, which act hath not taken such effect as was intended thereby, in respect, as is conceived, neither penalty was imposed thereon vpon the offender, nor the execution thereof was given in direction to any particular officer, It is therefore thought fitt to enlarge the said act and by vertue thereof to require all millers or owners of mills to provide by the five and twentieth day of June next, stilliards or statute weights and scales by which they are to receive in and deliver out all graine, and that they do sufficiently grinde or exchange the said graine soe brought vppon the pennaltie in case they do exact beyond the said proportion for grinding or exchangeing or in case of default of such weights or scales, or for not sufficient grinding, the sume of one thousand pounds of tobaccoe.

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ACT CXVII.

Accompts, how pleasurable.‡

BEE it enacted by authoritie of this present Grand Assembly, That no booke debts or accompts shall bee henceforth pleasurable in any court of justice within this collonie without specialtie or writeing vnder the hand or hands of such person or persons that shall be implead about the same, Provided that this act shall

* See ante page 301, act IV of November, 1645; and act XI of November 1647, ante page 347, from which this is taken, with amendments.

† Act IV of this collection, ante page 301.

‡ See act VI of November, 1645; act VII of March, 1645-6.
If the debtor will not deny the debt on oath, court may give judgment.

This act not to extend to dec. persons' estates.

extend only to such debts as shall be made within this colony, Provided also that in case the debtor bee living, It shall be lawfull to putt the debtor to his oath, and in case he shall refuse to swear that he oweth not the debt sued for, nor anie part thereof, then it shall be sufficient evidence against him for the court to pass judgment against him for so much of the said debt as bee shall confess or not deny due vpon his oath, Provided also that this act in noe wise extend to dead mens' estates.

ACT CXVIII.

Concerning Denizations.

BEE it also further enacted and confirmed by the authority aforesaid, That all aliens and strangers who have inhabited the country, the space of flower yeeres, and have a firme resolution to make this country their place of residence shall be free denizens of this colony, Provided they and everie of them take the oath of fidelite to be true to the government of this country, And the said oath is to be administered by the several courts respectively in the counties where anie such aliens do dwell: And it is also further enacted that their children also shall be free denizens on taking the oath of fidelite when they arrive at fullage.

ACT CXIX.

Want of Forme no barr to a Plea.

WHEREAS there is and daily doth arise excessive charges and greate delays and hinderances of justice betwixt the subjects of this colony by reason of small mistakes in writs and formes of pleading. It is therefore for the prevention thereof, enacted by this present Grand Assembly, That all courtes of judicature within this colony shall proceed and give judgement according as the right of the cause and the matter in
lawe shall appeare vnto them, without regard of any imperfection, default or want of forme in any writt, returne plaintiff or process or any other cause whatsoever.

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**ACT CXX.**

 Concerning Supersedeas.

WHEREAS the writt of supersedeas is frequently obtained vpon slight matters and pretences to the great injurie and prejudice of manie of the inhabitants of this colloney by the stopp and delaie of justice thereby, Bee it therefore enacted and confirmed by the authoritie aforesaid that what person or persons soever shall obtaine a supersedeas to remove, stopp or staie any proceedings in lawe, either in quarter or county courts, and notwithstanding after be cast in the suite shall pay vnto the party grieved tenne pounds in the hundred damage for so much as shall be recovered either in money or tobacco, besides ordinarie costs.

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**ACT CXXI.**

 Encouragement to make Silke.

WHEREAS it is generally supposed, That the making of silke will much conduce to the good of this collony, Bee it therefore enacted by the authoritie aforesaid, that what person soever shall first make one hundred pounds of wound silke in one yeare within this colloney shall for his so doing be paid five thousand pounds of tobacco out of the publique levie.

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**ACT CXXII.**

 What Tobacco is Merchantable.

BEE it enacted and confirmed by the authoritie of this present Grand Assembly, that noe tobacco whatsoever hereafter made within this collonie shall be held or accounted merchantable tobacco, which shall have therein anie ground leaves, And be it also enacted by the authoritie aforesaid, for the payment of old debts, that three hundred pounds of tobaccoe without ground tobacco mixed with ground leaves, no longer merchantable. In paying old debts, 300 lbs. of tobac-
Penalty for packing bad tobacco with top tobacco.

leaves shall pay flower hundred pounds of tobaccoe, formerly called merchantable tobaccoe, haveing the ground leaves therein and so proportionably: And if the creditor shall not accept of the payment of the said proportion without ground leaves then the residue of the debt shall bee paid him with ground leaves, being packt and putt by themselves. And be it also enacted that all publique levies, clerkes' fees, ministers' dues and all other payments whatsoever touching the publique, shall be henceforth paid in good tobacco without ground leaves; And in case anie person or persons whatsoever shall false pack anie tobacco, that is, pack anie ground leaves to the quantity of five pounds in a hogshead, among his topp tobacco, if it shall be proved by the testimony of two or three viewers, who are to be appointed by each partie concerned one and the third by a com'r. vpon whose verdict given vnder their hands, It shall be lawfull for the said com'r. to give order for the burning it.

ACT CXXIII.

None to plant Tobaccoe after 10th Julie.

WHEREAS the exportation of hides, wool and iron is gennerallie conceived to be much prejudicial to the commonwealth and good of this collony, Bee it therefore enacted by the authoritie of this present Grand Assembly that what person or persons soever, shall export out of this collony either wool, hides or iron, shall. for their and everie of their offences in soe doing paie as followeth, vizt. for everie hide, soe ex-
ported the sume of one thousand pound of tobacco and for everie pound of iron tenne pounds of tobaccoe, and for everie pound of wooll fiftie pound of tobacco, the one halfe of which said payments and forfeitures shall be paid to the informer, and the other halfe to the publicque.

ACT CXXV.
Debts, when to be demanded.

WHEREAS manie creditors for severall by respects neglect demanding the tobacco due to them in due time, by that means enforcing the debtors to the inconveniencies both of not disposing of their tob'o nor paying their debts, to the greate damage and prejudice of the said debtors, Bee it therefore enacted that everie person or persons not demanding their debts between the tenth of October and the last of January shall not sue or implead any person or persons indebted to them for present payment, But it shall be lawfull for anie person oweing tobaccoe after the said last of January, to dispose of his tobacco at his pleasure, Provided allwaies that it shall be lawfull for the creditor to sue or implead his debtor for securitie for his debt, against next yeare, any thing in this act to the contrary notwithstanding.

ACT CXXVI.
Ordinarie Keepers rated.

BEE it enacted by the authoritie of this present Grand Assembly for the payment of debts made in the ordinaries at James Cittie this present Grand Assembly, that what bills have been formerly taken, or hereafter shall be taken, for any thing expended during this sessions of Assembly shall be reduced and abated in such sort that the debtor shall pay for their drink at the rates followinge, (vizt.) for case waters and the like, fiftie pounds of tobacco per bottle, or quart; for Spanish wines, vitz. Sack, or the like, thirty pounds of tobacco per bottle or quart, fine French wines burnt twentie pounds of tobaccoe per bottle or quart, and beer
Diet for masters and servants.
Lodging.

If any bills passed for the above, to be reduced to those rates.

Tavern keeper to disclose on oath.

Justification of these measures.

Ordinary keepers to be hereafter governed by the law.

Clerk of Assembly, his fees.

20 pounds of tobaccoc per gallon, and for diets fifteen pounds of tob' o, per meale for masters and tenne pound of tobacco for servants, and for lodging five pounds of tobacco per night, And be it also further enacted, That in case any person or persons whatsoever, have passed or shall pass their bills for any sume or sumes of tobacco touching the premises during the continuance of this session of Assembly they shall have remedie for the same according to the rates aforesaid in any court or judicature within this collonie. And if need be to proceed in chancery against all person or persons who have or shall infringe this act, and the said person or persons offending to be examined upon interrogatories how much hee or they have exceeded in his or their accompts, bill or bills the rates aforesaid, which sume or sumes exceeding the said rates shall be abated vnto the debtor or debtors out of the said bills or acco’ts, Nor have we hereby prejudiced the said ordinarie keepers att all in their rates because wee hereby exceed the rates by a former act of Assembly sett vpon ordinarie keepers, for sale of wines, strong waters and dye'tts: And it is also further enacted that for the future the said ordinarie keepers are to proceed in their rates and accompts according to act of Assembly in such case, for regulation of them made and provided.

ACT CXXVII.

The Clerk of the Assemblies Fees.

BEE it enacted by this present Grand Assembly, That the clerke of the Assemblies fees shall be as followeth, vizt.

Impri’s, for entrie of a cause by returne, plea or petition 020
for an order and copie of an order 020
for denization 050
for naturalizinge 050
for countie court commissions 050
for militia comm’ons, if graunted by Assembly 050
for coppicing the acts of every Assembly 300
for the whole body of the acts writeing 300
for attesting Acts of Assembly Ex officio
for coppicing answers and replies
MARCH, 1657-8—9th OF COMMONWEALTH.

ACT CXXVIII.

Imposition of two shillings per Hogshead.

(Worne out*)

This present Grand Assembly of Virginia taking into serious consideration the burthensom and unequall waie of layinge taxes by the pole and how just and proportionable it will be to impose the same on our commoditie made and also how they may with most honour & ease support the government in well paying of its officers and as means perhaps of introducing money, & an encouragement to men, to produce other vsefull ^ ^ duty of two shillings on every hogshead of tobacco shipped from Virginia, have thought fitt to impose two shillings vpon everie hogshead of tobacco that shall from and after the first of July next be shipped on board anie shipp or other vessell within Virginia to be exported, And the collectors of the said imposition, to dispose of no part thereof but by order of the Grand Assemblie only.

Bee it therefore ordained and enacted by this present Grand Assembly and by the authoritie thereof; And it is hereby enacted that the master and masters of all and everie shipp or vessell coming to trade in Virginia after the first day of July next coming, shall, vppon demand made by the collector or collectors who shall by order of Assembly be impowered to receive the said imposition from everie shipp or vessell enter into securi-ty to pay such collector or collectors two shillings for everie hogshead of tobacco, that shall, vpon any accompt whatsoever be shipped on board his shipp or vessell to be exported, The said payment to be made either in money bills of exc'a. or goods at thirty per cent. advance vpon the price of such goods at the first pennie; And all freightors to be accountable to the said masters for the tobacco by them shipped.

Bee it also ordained and enacted by the authority aforesaid, for the discovery of the number of hogsheads each shipp or vessell contained that the master of such shipp or vessell shall deliver his boatswaines booke to

Preamble.

Duty of two shillings on every hogshead of tobacco shipped from Virginia.

Masters of vessels to give security for payment of duties.

How pay't. ; may be made. Freighters accountable to masters.

How the number of hhds. ascertained.

* So marked in the MS. But the sense seems to be complete.
the perusall of the collector, and make oath of the truth of the same, so far as he knoweth, And that the mates, boatswaines or any other seamen be sworn, if the collector see cause, to discover the truth of the said freight.

And if any master of shipp or vessell shall wittingly or willingly conceive any part of his freight, from the collector, and shall thereof be lawfully convicted, then the said master shall forfeit for ev'ry such offence the sume of one hundred pounds sterling, one moiety thereof to goe to the informer and the other to the publice to be recovered by action of debt, bill or plaint, in quarter court or countie courte by vertue of this act against which no essoigne, wager of lawe or protection to be allowed to any person soe offendinge.

Bee it further enacted and ordained, that if any master shall pass bills of exchange for the said imposition, that then the collectors are hereby required to take sufficient caution of the said master for the true and good payment of the same.

*It is hereby ordained and enacted, That the collectors of the severall rivers and places in Virginia for the receiving of the said two shillings per hogshead be appointed and confirmed by this present Grand Assembly and give sufficient security and caution for the due execution of the trust hereby reposed in them; And to be accountable to the next Assembly according to the tenor of this act, And the said collectors to be allowed tenne per cent. sallarie for collecting the said imposition, Provided always and it is hereby ordained and enacted by the authoritie aforesaid, That this present act of Assembly be and remaine in force for one whole yeare and noe longer.*

It is also desired by this present Grand Assembly that the hon'ble Samuell Mathewes, Esq'r. Governor, do grant out commissions to the several collectors nominated with full authoritie to execute their offices and to take sufficient caution of them, for their true and faithful execution of their offices according to the above said execution and in the case of the non-acceptance of the place of collector by any person here nominated or in case of any of their mortality, the Governor is hereby impowered to putt another in their place taking caution as aforesaid.
MARCH, 1657-8—9th OF COMMONWEALTH.

ACT CXXIX.

Burgesses Charges, how to be raised.

BEE it enacted that in regard the money levied at two shillings per hogshedd by reason of the disbursment for agencie and other publique debts, cannot this yeare defray the Burgesses charges. That the severall counties respectively shall, by a county levie as formerly, pay the charge of their severall respective Burgesses for this Assembly.

ACT CXXX.

Pecies of Eight, to pass at Five Shillings.*

BEE it hereby enacted by this Grand Assembly. That noe false money shall pass for currant in this countrey, but peices of eight that are good and of silver shall pass for five shillings currant money vpon penaltie of twenty shillings to be paid by the refusers of them, And that none shall exporte money out of this countrey above the sume of fortie shillings, if any shall exceed the said sume to forfeite double the value there-of.

ACT CXXXI.

For the Adjournment of the Assembly.

BEE it enacted That this present session of Assembly bee adjourned vntill the second Monday in March next, and in case of the death, departure out of the countrey or any of the present members being made sherriffes, and so incapable of serving as a Burgesse the next sessions, then the respective sherriffs to give timely notice to the people in the severall counties to make a new election, And if anye emergent occasions requires the conveneing the Assembly before the day before limited, the Governour is hereby desired and impowered to send out his sumons for the speedy con-

* From act IV of March, 1655-6 (ante page 397) which repealed act IV of March, 1654-5. (ante page 410.) with amendments.
vention of the severall Burgesses of the Assembly, Provided also that if a new Burgess should be chosen for any place in stead of any of the present Burgesses now bound out of the country, if the present Burgess returne before the next session, then the new election to be void.

THE acts of the preceding session contain not only those of the Revisal of March, 1657-8, for which provision was made at the December session, 1656, (ante pa. 421, 427,) but several other laws originally passed; as appears by the journal of the House of Burgesses of March, 1657-8, in which the subjects comprehended in those laws are discused. In the MS. the journals of the March session, 1657 8, are intermixed with those of the March session, 1658-9. This arose from the careless and variable manner in which the date of the year was, at that period, written. Sometimes the new year was annexed to the old, between the 1st of January and 25th of March, (as 1657-8, 1658-9) and sometimes not; Most frequently, it was written singly, as 1657, or 16 8; and the dates were so confounded, that the one was often inserted for the other. Thus we have seen that the acts of March, 1654-5, and those of March, 1655-6, were all dated simply 1655. The clerk, in transcribing them, inserted those of March, 1655 6. first; and it was only by the subject matter, that the error could be discovered; two acts of March, 1655-6, having repealed preceding acts of 1654-5. (See ante pa. 404; 410, note; 412, note.) So the journals of March, 1657-8, and March, 1658-9, are all inserted after the meeting of a new Assembly in March, 1658-9; and, with one exception, are simply dated March, 1658. But by having reference to the acts of those sessions, we discover to which the journals respectively belong. (See note to page 393, on the subject of the old and new style.)

Such parts of the journal as tend to elucidate the history of the period to which they relate, will alone be inserted.]
The Revised Laws of March, 1657-8 were thus adopted, under date of March 31st, 1658: (See Rand. MS. pa. 238.)

This day all the former acts having been perused by the committee for viewing and regulating them were by the said committee presented to the house, where being read and seriously discussed they were approved of in the House and a committee appointed to present them to the Governor and Council, and to advise with him and his council about the explanation or alteration of any seeming difficulties or inconveniences, yet with this limitation not to assent to any thing of consequence without the approbation of the House.

The following extracts from the Journals of March, 1657-8, will shew the manner of doing business, in the Assembly, at that period:

March 26th, 1658.

Proposed, Whether a regulation or total ejection of lawyers?

Resolved, By the first vote. An ejection.*

* See ante act CXII, page 482 the act which grew out of this proposition. The act for expelling lawyers from the bar met with serious opposition from the Governor and council, if we may judge from the following proceedings:

The answer of the Governor and Council to the House's message about the lawyers.

The Governor and Council will consent to this proposition so far as it shall be agreeable to Magna Charta.

Wm. Claiborne.

March 25th, 1658.

Proposed, Whether the committee should draw up a reply to the answer of the Governor and Council of the 23d instant, concerning the proposition about lawyers.

Resolved, An answer should be drawn up by the committee.
PROPOSED whether ground-leaves or seconds are merchantable tobacco.*

Resolved they are not merchantable tobacco. N. 31.

Proposed whether old debts made without excluding ground leaves may not be satisfied after the rate of three hundred clear, to pay four hundred with them, and in case of the creditor's refusal, the debtor to pay one hundred in 400 in ground leaves and so proportionally.

Resolved 300 shall pay 400, or the residue to be paid in ground leaves.

PROPOSED whether any tobacco to be planted after the 10th of July.†

Resolved none shall plant tobacco after the tenth of July.

Proposed what penalty to be imposed upon the person or persons planting after the said tenth of July.

Resolved: To be fined ten thousand pounds of tobacco.

PROPOSED whether this Assembly to be adjourned or dissolved.

The humble reply of the Burgesses to the Governor and Council.

1. Concerning Lawyers. 2. Concerning the manner of proceeding in law.

To the first we have considered Magna Charta and we cannot discern any prohibition contained therein but that these propositions may pass into laws.

It was resolved in two former Assemblies that it was not only necessary but that they had power to make laws for that purpose, as appears by two acts of Assembly now upon record.

The first whereof stood in force above ten years, and the later addition was added in 1647, which acts stood in force until the last Assembly, and so we humbly conceive that we have no less power nor cause to make the like laws.

* See ante act CXXII, page 487
† See ante act CXXIII, page 488
Resolved to be adjourned to the first of November.

PROPOSED, whether hides, raw or tanned, wool or old iron should be exported.‡

Resolved they shall not be exported.

Proposed what penalty to be imposed on the infringers of that lawe prohibiting exportation as in the last quære.

Resolved, Confiscation of the vessel and goods taken, and this act to be in force after the tenth of June next.

PROPOSED, Whether all propositions and laws exhibited by the committee shall be first treated on in the House by the Burgesses in private or in presence of the Governor and Council.

Resolved by a generall consent that they shall be first discussed among the Burgesses only.

March the 30th.

VPON returne of the petition of the inhabitants of the north side of the river in Charles Citye county from the committee to the house—It is ordered, That the county of Charles City shall not be divided, but that it remaine one entire county and for the ease of the people that there shall be 2 courts kept one on the South side where it is, and the other on the North side by turnes. The com’rs. of both sides to assist at both courts indifferently: And each side of the river to beare the charge of building their own court house & prison.

‡ See ante act CXXIV. page 488.
THIS Grand Assembly taking into their consideration the inequality of raising taxes per poll, And the small encouragement given to any publick endeavors by reason of the inconsiderable value of levy tobacco, It is therefore ordered that two shillings per hhd. be laid upon every hhd. of tobacco exported out of this country, * out of which money so to be raised sixe hundred pounds sterling to be paid to the honourable Samuel Mathewes, Esquire, Governour.

MARCH 31st, 1658.

WHEREAS in the proportion of the publick charge there is specified an allowance of two hundred pounds, for accomodation of the councellors at quarter courts and Assemblyes it is

Proposed, Whether any thing shall be allowed the councellors for their accomodation or not.

Resolved by the first vote nothing to be allowed them.

PROPOSED, If the Burgesses charge is paid out of the publick levy on the tobacco exported, whether it be not necessary to restraine the countyes to the election of onely two out of a county.

Resolved by the first vote, that there shall be allowed to each county the freedom to elect as many Burgesses as formerly.

APRIL the first, 1658.

VPON the petition of the inhabitants of Middle Plantation and Harrop parishes, It is ordered, That both of them be henceforth incorporated into one parish which is to be called the parish of Middletowne and the bounds of the same to be those already includeing both the aforesaid former parishes.

* See act CXXVIII of last session, which grew out of this resolution.
MARCH, 1657-8—9th OF COMMONWEALTH.

[Pursuant to the CXVIIIth act of the last session, commissions of denization issued to William Westerhouse, George Hacke, Lambert Grooten, Minor Dowdas and John Abraham, all Dutchmen; and a commission of naturalization to William and John Custis, born of English parents. See Rand. MS. pa. 240.]

JAMES Citty, APRIL the 1st. 1658.*

THE Governor and Council for many important causes do think fitt hereby to declare, That they do now dissolve this present Assembly, And that the Speaker accordingly do dismiss the Burgesses.

SAMUEL MATTHEWES.

W: CLAIBORNE.

Subscribed,

Thomas Pettus,

Obedience Robins, Henry Perry,
John Walker, Nathaniel Bacon,
Geo: Reade, Francis Willis,
William Bernard,

The Answer of the Burgesses to the declaration of the Honourable Governor and Council.

THE House humbly presenteth, That the said dissolution as the case now standeth is not presidentall neither legall according to the lawes, now in force, Therefore wee humbly desire a revocation of the said declaration, especially seeing wee doubt not but spe-

* These proceedings commence in page 242, of the Rand MS. after the names of the burgesses returned to serve in the session of March 1658-9, which may be found in page 226. But there is no difficulty in referring this contest to the session of March, 1657-8: for it will be seen that “John Smith,” who signed the answer of the House of Burgesses, was Speaker in the session of 1657-8, whereas “Edward Hill” was Speaker in the session of 1658-9—Besides, on comparing the names of the Burgesses, it will be found, that the two assemblies were composed of very different members.
dily to finish the present affaires to the satisfaction of your honour and the whole country.

Subscribed,
JOHN SMITH, Speaker.

VPON which transactions (worne out*) being but three monthes absent, It was voted unanimously, That no Burgess and if any shall depart, That he shall be censured as a person betraying the trust reposed in him by his country, And the remaining to act in all things and to all intents and purposes as a whole and entire house, And further, That Mr. Speaker signe nothing without the consent of the major part of the house.

Voted further, That an oath of secrecy be adminis-
tred to the Burgesses which was done as followeth.

The Oath.

You shall sweare that as a Burgessse of this House you shall not either directly or indirectly repeate nor discover the present or future transactions, debates or discourses that are now or hereafter shall be transacted or debated on in the House to any person or persons whatsoever except to a Burgessse of this Assembly now present dureing the time of this present session. So help you God and the contents of this Booke.

This oath taken by all the Burgesses present.

The reply of the honourable the Governor and Councill.

VPON your assurance of a speedy issue to conclude the acts so near brought to a confirmation in this Assembly, wee are willing to come to a speedy conclusion, And to referre the dispute of the power of dissolving and the legality thereof to his Highnesse the Lord Protector;

Subscribed,
SAMUELL MATHEWES.
Win. CLAIBORNE, Sec.

Ja: Cittie, April 2d, 1658.
The Answer of the Burgesses.

THE House is unanimously of opinion that the answer returned is unsatisfactory, and desire with as much earnestness as the honourable Governour and Councill have expressed a speedy dispatch, and propose That the Governour and Councill please to declare

The House remaines unsolved that a speedy period may be putt to the publique affaires.

Subscribed,

JOHN SMITH, Speaker.


The Reply of the Governour and Councill.

VPON your promise received of the speedy and happy conclusion, Wee revoke the declaration for the dissolution of the Assembly, And referre the dispute of the power of dissolving and the legality thereof to his Highnesse the Lord Protector.

Subscribed,

SAMUELL MATHEWES,
Wm. CLAIBORNE, Sec.

Further reply of the gov'r. and council

THE House, unsatisfied with these answers, appointed a comittee to draw vp a report for manifestation and vindication of the Assembly's power which after presentation to the House to be sent to the Governour and Councill, These vnderwritten being appointed the committee:


The same comittee is by the House impowered to draw vp all such propositions as any way tend to or concerne the settling the present affaires of the country and government.
The Report of the Committee nominated for vindication and manifestation of the Assembly's Power.

WEE have considered the present constitution of the government of Virginia and do propose, That wee find by the records, The present power of government to reside in such persons as shall be impowered by the Burgesses (the representatives of the people) who are not dissolvable by any power now extant in Virginia, but the House of Burgesses.

They humbly thinke fitt that the House do propose,

Samuel Mathewes, Esquire, to remaine Governor and Capt. Gen'll. of Virginia, with the full powers of that trust, And that a Councill be nominated, appointed and confirmed by the present Burgesses convened, with the assistance of the Governor for his advice.

Upon which Report was drawn vp this Declaration.

THE Burgesses takeing into consideration the many letts and obstructions in the affaires of this Assembly and conceiving that some persons of the present councell endeavour by setting vp their own power to destroy the apparent power resident only in the burgesses, representatives of the people, as is manifest by the records of the Assembly:

Wee the said Burgesses do declare, That we have in our selves the full power of the election and appointment of all officers in this country untill such time as wee shall have order to the contrary from the supreme power in England, All which is evident upon the Assembly records.

And for the better manifestation thereof and the present dispatch of the affaires of this countrey we declare as followeth:

That wee are not dissolvable by any power yet extant in Virginia but our owne, That all former election of Governor and Council be void and null; That the power of governor for the future shall be conferred on Coll. Samuel Mathewes, Esq. who by vs shall be invested with all the just rights and priviledges be-
longing to the Governor and Capt. General of Virginia, and that a council shall be nominated, appointed and confirmed, by the present burgesses convened (with the advice of the Governor, for his assistance,) And that for the future none be admitted a councillor but such who shall be nominated, appointed and confirmed by the house of Burgesses as aforesaid, until further order from the supreme power in England.

Subscribed,

JOHN SMITH Speaker.

By the Grand Assembly.

THESE are in the name of his Highnesse the Lord Protector to will and require you not to act or execute any warrant, precept or command directed to you from any other power or person then the Speaker of this hon'ble House, whose commands you are hereby required to obey and not to decline therefrom until further order from vs, the Burgesses of this present Grand Assembly, hereof faile not as you will answer the contrary at your peril. Given 2d Apr. 58.

Signed,

JOHN SMITH, Speak'r.

Directed to Capt. Robert Ellison, High Sheriff of James Citty County and Serjeant at Armes for this present Grand Assembly.

IT is ordered, That whereas the supreme power of this country of Virginia is by this Grand Assembly declared to be resident in the Burgesses, the representatives of the people, That in reference and obedience thereto Coll. William Claiborne late secretarie of state forthwith surrender and deliver the records of the country into the hands of the Speaker of this present Grand Assembly.

Coll Claiborne being sent for by the serjeant at armes there was drawn vp the ensuing order.
Whereas it hath been ordered by this present Grand Assembly, That Coll. William Claiborne late secretarie of state should deliver, vpon oath, all the records concerning this country of Virginia or any particular member thereof vnto this present Grand Assembly, These are to impower & authorize Coll. John Carter and Mr. Warham Horsmenden to receive the same in the name and behalfe of the aforesaid Grand Assembly, and for such records as they shall receive to give the said Coll. Claiborne a full receipt and discharge.

April the 3d, 1658.

The comittee appointed for manifestation of the countreys power did this day by order of the house present to the Governor the forme of the oath to be taken by him and the Councill, which by him was approved and a list of those he desired to be of his councill presented by him to the house.

The Oath.

I doe sweare that as Governour and Capt. Gen'll. of Virginia, I will, from time to time to the best of my vnderstanding and conscience deliver my opinion in all cases for the good and wellfare of this plantation of Virginia, And I do also swear that as a minister of justice in Virginia, I will, to the best of my judgment and conscience, do equall right and justice vnto all persons in all causes when I shall bee therevnto called, according to the knowne laws of England or acts of Assembly which are or shall be in force for the time being without favour, affection, partiality or malice or any by respect whatsoever, Neither will I, directly or indirectly give counsell or advice in any cause dependig before me, So help me God.

The names of the Councellors nominated by the Governor and approved by the House.

Richard Bennett, Coll. John West,
S: Coll. Wm. Claiborne, Coll. Tho's. Pettus,
Secretary of State,
MARCH, 1657-8—9th COMMONWEALTH.

S: Coll. George Reade, Coll. Abraham Wood,
Coll. John Carter,
Mr. Warham Horsmenden,

These 3 last not to be sworne vntill the dissolution of the Assembly.

These marked in the margent with the letter S: where then sworne in the forme expressed, their titles onely changed.

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ATT A

GRAND ASSEMBLY

HELD AT JAMES CITTY, MARCH THE 1st. 1658-9.*

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

THE Burgesses of the several counties being returned by the Sherriffes and this day makeing their appearance in the House, there was by the vna-nimous vote of all then present (being thirty in number) choson, Coll. Edward Hill, Speaker, and being

* This is dated simply 1658, in the MS; but from many obvious circumstances, it is here placed as 1658-9. These are, the different speakers at this session and the last; the change in the members; and the subject matter of the laws and resolutions passed.
The names of the Burgesses for the respective Counties this Assembly.

Coll. Edward Hill, Speaker.

**For Henrico County.**
Mr. William Hatcher,

**For Charles City County.**
The Speaker.
Mr. War'm Horsmenden,

**James City County.**
Mr. Walter Chiles,  
Capt. William Whittacre,  
Capt. Thomas Foulke,  
Capt. Matthew Edlowe,

**Surry County.**
Capt. Geo: Jordan,  
Mr. Thamas Warren,  
Capt. Wm. Cawfeild,

**Isle of Wight County.**
Coll. Robert Pitt,  
Major John Bond,  
Capt. English,  
Mr. James Pyland.

**Upper Norfolke.**
Leift. Coll. Ed'w Carter,  
Capt. Thomas Goodwyn, Coll. Moore flautleroy,  
Mr. Giles Webb.

**Lower Norfolke.**
Capt. John Sidney,  
Mjr Lemuell Mason.

**Warwick County.**
Mr. John Harlowe.

**Elizabeth City County.**
Mr. William Batte,  
Mr. florentine Paine.

**Yorkie County.**
Nathaniel Bacon, Esq'r.  
Major Joseph Crowshaw,  
Mr. Thomas Bushrod,  
Mr. William Hay.

**New-Kent County.**
Mr. William Blaekte.

**Lancaster County.**
Coll. John Carter,  
Mr. Hen: Corben.

**Rappahannock County.**
Mr. John Weye.

† To give some idea of the parliamentary forms observed at this period, most of the proceedings of this session, which are much more regular than those of any preceding one, will be inserted.
MARCH, 1658-9—10th OF COMMONWEALTH.

Glocester County. Northampton County.
Capt. Francis Willis, Coll. John Stringer,
Capt. Augustine Warner, Mr. William Jones.

Northumberland County.
George Collclough.

WHEREAS Coll. Moore flantleroy not being present in the House at the election of the Speaker moved against him as if clandestinely elected and taxed the House of unwarrantable proceedings therein, It is ordered, That the said Coll. flantleroy be suspended untill to-morrow morning, when vppon his submission he may be readmitted.

The House adjourned untill Tuesday morning.

MARCH the 8th, 1658-9.

THE House being mett, Coll. Fantleroy acknowledging his error, was re-admitted and the order for suspension reversed.

Orders for observation of good order in the House being this day read are generally assented to and ordered to be recorded.

ORDERS IN THE HOUSE.*

1. That no Burgesse shall absent himselfe from attendance on the House without leave first obtained (unless prevented by sickness) when any matter shall be debated of; But that every member shall kepe good order, and give due attention to the reading or debateing of whatsoever shall be proposed or presented to the consideration of the House: And that every Burgesse shall, with due respect, addresse himselfe to Mr. Speaker in a decent manner, And not entertaine

Moore Fantleroy, a member, suspended for contempt to the house.

Fantleroy re-admitted.

* These rules were the first which appear to have been adopted, and agree almost verbatim with the first five adopted at the session of 1664. See Burk's Hist. Virg. vol. 2, pa 138, note.
any private discourse, while the publique affairs are treated off.

2. That any member of this house for everie time of his absence vpon call of the clerke shall forfeit twenty pounds of tobacco to be disposed of by the major part of the house vpon every Saturday in the afternoon, lawfull impediments excepted.

3. That the first time any member of this house shall by the major part of the house adjudged to be disguised with overmuch drinke he shall forfeit one hundred pounds of tobacco, and for the second time he shall be soe disguised, he shall forfeit 300 of tob'o. and for the 3d offence 1000 lb. tobacco.

4. That vpon debate of any thing proposed by the Speaker, The party that speaketh shall rise from his seat and be uncovered* during the time he speaketh, wherein no interruption shall be made vntill he have finished his discourse, vpon the penalty of one hundred pounds of tob'o.

5. That no irreverent or indigne forme of speech be vtttered in the House by any person against another member of this House, vpon the penalty of five hundred pounds of tobacco, The House to be judge therein and the severall ffines to be disposed of by the House as abovesaid.

COLL. John Sidney was ordered by the House to go to the Governour and request the appointment of some of the Council to administer the oath to the Burgesses, wherevpon were sent Coll. William Claiborne, Coll. William Bernard and Coll. Thomas Dewe, who administred the oath to the Burgesses in forme following.

The Oath.

You and every of you shall swear vpon the holy Evangelist and in the sight of God to deliver your opini-

* It would seem, from this rule, that the members sat in the house with their hats on, according to the practice now pursued in the House of Representatives of the Congress of the United States.—In the legislature of Virginia, at this day, all the members of each branch sit uncovered.
MARCH, 1658-9—10th OF COMMONWEALTH.

ons faithfully, justly and honestly according to your best understanding and conscience for the generall good and prosperity of this country and every particular member thereof, And to do your utmost endeav'our to prosecute that without mingling with it any particular interest of any person or persons whatsoever, So helpe you God and the contents of this booke.

Post Meridiem.

COLL. Collclough and Giles Webb were sent by the House to acquaint the Governour's honour that the house attended his pleasure; Who coming in caused a letter directed to him and the councill to be read.

The Letter.

Duplicate.

Gentlemen, His late Highnesse the Lord Protector, from that generall respect which he had to the good and safety of all the people of his dominion, Whether in these nations or in the English plantations abroad did extend his care to his collony in Virginia, The present condition and affaires whereof appearing vnder some unsettledness through the looseness of the government, The supplying of that defect hath been taken into serious consideration and some resolutions past in order therevnto which we suppose would have been brought into act by this time if the Lord had continued life and health to his said Highnesse; but it hath pleased the Lord on friday the third of this moneth to take him out of the world, his said highnesse having in his life time according to the humble petition and advise appointed and declared the most noble and illustrious Lord, the Lord Richard, eldest sonne to his late Highnesse to be his successor, who hath been accordingly with generall consent and applause of all proclaimed protector of this Common-Wealth of England, Scotland and Ireland and the dominions and territories therevnto belonging, And therefore wee have thought fitt to signifie the same vnto you, whom wee require according to your duty that you cause his said highnesse Richard, Lord Protector, forthwith to be proclaimed in all parts the house of burgesses.

Message to the gov. that the house were ready to receive him.

Gov. attending, communi-cated a letter from the president of the council of the late protector. Protector's solicitude for the colony. Resolutions relating there-to frustrated by his death.

Time of Cromwell's death.

His son Richard no-minated his successor, & proclaimed accordingly in England, Scotland and Ireland; & a request that he might be proclaimed in Virginia.
of your collony, And his Highnesse Councill have thought fitt hereby to assure you that the settlement of that collony is not neglected and to lett you know that you may expect shortly to receive a more express testimony of his Highness care in that behalfe; till the further perfecting whereof, their Lordships do will and require you the present Governour and Councill there to apply yourselves with all seriousness, faithfullnesse and circumspection to the peaceable and orderly management of the affaires of that collony according to such good lawes and customs (not repugnant to the lawes of England) as have been heretofore vsed and exercised among you improveing your best endeavors, as for maintaining the civil peace, so for promoteing the interest of religion, wherein you will receive from hence all just countenance and encouragement, And if any person shall presume by any vndue wayes to interrupt the quiet or hazard the safety of his Highnesse people there, Order will be taken (vpon the representation of such proceedings) to make further provision for secureing of your peace in such a way as shall be found meet and necessary, and for calling those to a strict acco't. who shall endeavour to disturbe it.

Signed in the name and by the order of the Councill,

HE : LAWRENCE, Presid't.*

Whitehall, 7th September, 1658.

Superscription.

To the Governour and Councill of his Highnesse Collony of Virginia.

* In the Harleian Miscellany (page 418, of the last quarto edition) the characters of several persons are ludicrously drawn, who, it was said, meditated the formation of a House of Lords, during the protectorship of Cromwell, and who themselves were to be members. Among others, Henry Lawrence, who occupies the third place, is thus depicted:

"Henry Lawrence, a gentleman of courtly breed & a good trencher-man; who, when the bishops ruffled in their pride and tyranny, went over to Holland, afterwards came back and became a member of the long parliament; fell off at the beheading of the late king, and change of the government, for which the protector, then lieutenant general, with great zeal declared, "That a neutral spirit was more to be abhorred than a cavalier spirit, and that such
THE letter being read was proposed whether the House should have time to debate on their acceptance and approbation of that letter.

Resolved they should have time to consider of it.

In reference to which the Governor and Councill departed and then was proposed, whether the letter in that part that requires obedience to his Highnesse Richard, Lord Protector, should be assented to.

Resolved generally and unanimously in the affirmative.

2. Whether the letter sent be accepted as an authentique manifestation of their Lordships' intentions for the government of this countrey.

Voted—That wee owne the power and the whole contents thereof, After which the House adjourned vntill Wednesday morning.

MARCH the 9th, 1658.

THE House being mett, The Speaker declared the intentions of the Governor and Councill in tender care of the good of this country to assist the Assembly in makeing addresses to his Highnesse for confirmation of the privilidge granted to the country in electing

"men as he were not fit to be used in such a day as that, when "God was cutting down kingship root and branch;" yet came in play again, upon design, in the little parliament, and contributed much to the dissolving of them, as also setting up the protector, and settling the instrument of government, and a single person, affirming, "That other foundation could no man lay." For which worthy services, and as a snare or bait to win over, or at least quiet the baptised people, himself being under that ordinance, he was made and continued President of the Protector's Council, where he hath signed many an arbitrary and illegal warrant for the carrying of honest, faithful men to prisons and to exile without cause, unless their not apostatising with them from just and honest principles. His merits are great and many, being every way thorough-paced, and a great adorer of kingship; so as he deserveth, no doubt, and is every way fit to be taken out of the parliament, to have the third place of power, and negative voice in the other house over the people of these lands." See also Scobell's acts part 2, pa. 333, where Henry Lawrence is called "Lord President of his Highness Council."
He acknowledges the supreme power of the assembly, & promises his assistance in procuring a confirmation.

Committee to draw up an address to Richard Cromwell.

Committee for private causes.

Committee of revision

Wm. Parry's petition for relief rejected.

Certain captains of vessels

their own officers, in which the House desired to be satisfied from the Governour's owne expressions. In reference to which, Mr. Bacon, Mr. Horsmenden, L't. Coll. Carter and Capt. Fowke were sent to desire his honor to come to the House and affirme it which accordingly he did as followeth, vizt. He acknowledged the suprem power of electing officers to be by the present lawes resident in the Grand Assembly, And that he would joyne his best assistance with the country in makeing an addresse to his Highnesse for confirmation of their present priviledges, And that for this reason, That what was their priviledge now might be his or their posterities hereafter.

THE committee appointed to draw vp the addresses of the country to his Highness, to whom were added of the Councill, Coll. Wm. Claiborne, Coll. John Walker, Coll. John Carter, Capt. Francis Willis, Mr. Nathaniel Bacon, Mr. Warham Horsmenden.

The Committee for Private Causes.


The Committee for review and regulation of the Acts, and to make Report of the inconveniencies or requisite alterations.

LE'T. Coll. John Stringer, Col. Robert Pitte, Capt. William Whittacre, Major Joseph Crowshaw, Mr. George Collclough, Mr. William Blacke.

WILLIAM Parry tendring a petition to the House for a reliefe to be allowed by the publique in regard of his losses by fire, age and impotency had his said petition ejected.

COMPLAINT being made to the Assembly by Le't. Coll. Miles Cary and Mr. Henry Corben two of
the collectors of the imposition of two shillings per hhd. That Thomas James, master of the Anto. of London, David Welldy, master of the ship belonging to Southampton, Mr. Henry Haines, master of the Robt. Capt. Peter Wraxall, commandant of the Good Will, Mr. Richard Sellacke, master of the Recovery all of Bristol, Mr. Nicholas Smith, comander of the Dolphin of Amsterdam,* Mr Samuell Groom, commandant of the Dove, And Capt. Richard Husbands, comander of the Recovery of London refused to give caution for payment of the said Levy according to the tenor of the act in that case provided; It is ordered that Warrants issue forth vnder the hands of the Governour and

* It is a melancholy fact, that every important public transaction in Virginia, from the commencement of the commonwealth of England to the restoration of Charles the second, has been either totally misunderstood or wilfully misrepresented by all the English historians. Even Beverley, who was nearer the scene of action, and from whom more accuracy might have been expected, is not exempted from the general charge. Mr. Burke, the first historian of Virginia who seems to have been disposed to give a correct detail of the events of that period, has been compelled, in many instances, from the want of materials, to substitute a rational conjecture for positive facts, founded on authentic documents.—He states that neither the ordinance of 1650, nor the act of 1651, for imposing restraints on the commerce of the colonies, took effect in Virginia (Hist. Vir. vol. 2, p. 120.) Robertson, on the other hand, speaks of those restrictions as in full operation, and assigns the existence of them, as one of the causes which confirmed the Virginians in principles of loyalty to the king, and rendered them impatient to shake off the government of Cromwell. (Robertson’s Hist. Amer. vol. 4, page 230.) The truth is, that in no part of the public records of Virginia, during the existence of the commonwealth, is the authority of the above mentioned acts of parliament recognized. On the contrary, various acts of the general assembly prove, that the people of Virginia regulated their own commerce—(see particularly acts IX and XVI of 1659-60;) and the appearance of so many vessels in their ports, among which was one from Amsterdam, is quite inconsistent with the idea that they were under the influence of those regulations which “prohibited all mercantile intercourse between the colonies and foreign states,” and which provided “that no productions of Asia, Africa or America, should be imported into the dominions of the commonwealth, but in vessels belonging to English owners, or to the people of the colonies settled there, and navigated by an English commandant, and by crews of which the greater part must be Englishmen.” (See Robertson’s Hist. Amer. vol. 4, pa. 229, 230.) The IXth act of 1659-60, is expressly founded on the principle, that the colonists, by the articles of surrender, were entitled to a free trade with all the world, and the assembly compel every captain of a vessel to give security in the penalty of £ 2000 sterling, that he will not molest any person trading here, under the protection of the laws of the colony.
Speaker for the immediate personal appearance of the persons above said before them and the Grand Assembly.

The House adjourned until Thursday morning.

MARCH the 10th, 1658.

WHEREAS certain persons of the county of Surry complained by petition, That one of their Burgesses was unduly elected, and prayed, That Mr. Thomas Warren might be admitted to implore the sherriffe for his return, which being granted and the said Mr. Warren averring, That there was no fault in the sherriffe, The election, returne and Burgesse were thereupon all approved.

It is ordered, That Mr. Henry Haines stand committed until he give bond with security for payment of the levy of two shillings per hhd.

The remaining part of this day and the eleaventh and twelveth being spent in severail propositions and messages past between the Governour and Councill.

MARCH the 13th, 1658.

COLL. John Carter, Mr. Warham Horsmonden & Capt. Francis Willis, Capt. Warner, Leitt. Coll. Carter were by the House sent to the Governor and Councill for their assent to the last proposition concerning the establishing the government.

The Governour and Councill's Answer to the Burgesses Proposition.

To shew our desire and complyance for the peace of the collyony, wee shall consent till the pleasure of his Highness be further signified.
Whereupon the proposition was drawn up into an act and signed by the Governour and Speaker and by beat of drum proclaimed.*

Whereas Solomon Martin hath scandalously objected against Coll. Wm. Bernard, a Councillor of State, that he could make his servants swear what he would, The House hath comited the said Martin to prison untill Monday morning for his offence.

WHEREAS order for patenting the land of the Wiccamoco Indians in Northumberland county upon the said Indians deserting the said land was granted to the honourable Samuel Mathewes, Esq. Governour, &c. the twenty-seaventh day of November, 1657, and confirmed by another order of the quarter court, dated the eleaventh of March, 1658, and that grounded vpon the desire of the said Indians to surrender the same to his honour, The Assembly hath thought fitt to ratifie the said grants, and do hereby confirme the same, Provided that no intrenchment be made vpon any preceding rights of Coll. Richard Lee.

MARCH the 15th, 1658.

PROPOSED, Whether Coll. John Carter, Mr. Warham Horsmonden and Le'tt. Coll. Auto. Elliott† should, by vertue of their last election continue councillors or be referred to a further confirmation.

Resolved that they should be referred to a new ellection.

TO the queere of the Governour and Councill referred to the consideration of the Assembly, March

* This was probably act I. of the present session, by which the governour and council are appointed, and the mode of election and tenure of their offices prescribed, till the pleasure of his highness shall be known.

† These were the three last elected at the session of March, 1657-8.
the assembly as to the right of appeal in a certain case.

Judgment of Surry court reversed for giving a law an ex post facto operation.

VPON the petition of Coll. Henry Browne shewing, That he was impleaded by John Jennings, overseer of the estate of Robert Morslay, dec’d. to recover a debt without ground leaves which was made for tobacco then merchantable att the date of the bill, And Surry county court having granted an order for payment of the said debt in tobacco clear of ground leaves, according to the tenor of the act of Assembly now in force, It is ordered, That the order of Surry county court be reversed; And that the said Jennings forthwith repay vnto the said Coll. Browne the overplus of the tobacco and caske received by vertue of the said order of Surry court with costs als. exec’on.

ATT A

GRAND ASSEMBLY

HELD AT JAMES CITTIE, MARCH 7, 1658-9.

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death, it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

ACT I.

IT is enacted and confirmed by the Governour, Coun-cil and Burgesses of this present Grand Assembly, That the honourable Coll. Samuell Mathewes, Esquire,

* "Daines" in the MS. but evidently a mistake.
Be the Governour and Capt. Gennerall of Virginia for two yeeres ensueing, and then the Grand Assembly to elect a Governour as they shall think fitt, the person elect being then one of the Councell, And it is further enacted, That the present Councell shall be the Councell of State, the Assembly reserving to themselves a just exception against any one particular Councellor; But for the future the Councellors to be fixt during life except in case of high misdemanors, And of this the Grand Assembly to be the onely judge, And it is moreover ordained by the authoritie aforesaid, That the Governour shall have priviledge to nominate the future councellors, and the Burgesses according to their discretion to elect, And this act to be of force until his Highness pleasure be further signified.

ACT II.

Concerning conveneing of Assemblies.

WHEREAS by act of this present Assembly, It is provided, That the Assembly should, at the end of two yeeres elect a Governour, but no provision therein made for convention of an Assembly at that time to make the said election, It is proposed that the Governour shall issue forth his summons in January preceeding March, which shall be from hence two yeares, and in case the Governour at the time appointed shall omitt the sending forth such summons, then that by the tenth of February, the Secrettarie for the time being shall send forth writtes for election of Burgesses, and in case the secretary shall neglect, then the sherriffe, by his owne power to convene the people (by the 20th of February) to elect Burgesses for the next Assembly, which of course is to beginn the tenth of March every two yeeres, reserving a power to the Governour to convene an Assembly sooner vpon the interveneing of any important occasion.

ACT III.

How to know a Runaway Servant.

WHEREAS the act for runaway servants appoints only the punishment of the said servants and the
penalties of entertain ing them, but provides no way for the discovery of them, \textit{I t is enacted and ordained} that the master of every such runaway shall cut or cause to be cut, the hair of all such runaways close above their ears, whereby they may be with more ease discovered and apprehended.

\textbf{ACT IV.}

\textit{Indians to use their own Guns.}

WHEREAS there is an act in force prohibiting the lending of guns or ammunition to the Indians, by virtue of which many quarrels have arisen between English and Indians caring their own guns, which might, unless prevented, prove a disturbance of the peace now made between the two nations, \textit{I t is enacted and ordained} that it shall be lawful for the Indians to make use of their own guns and ammunition without the lett or molestation of any person or persons whatsoever within their own limits.

\textbf{ACT V.}

\textit{Concerning Surveighors.}

WHEREAS many contentious suites do arise about titles to land, occasioned much though the fraudulent and underhand dealing of surveighors who frequently make sale of the surveighs by them made, in the behalfe of one person to another, whereby often times he that had the first and justest right is unjustly deprived of his due for prevention whereof, \textit{for the future, bee it enacted and ordained} that no surveigh of land shall give a plot of any land surveyed by him unto any other person whatsoever, until six months after such plot is drawn according to its surveigh, & that all land surveyed shall be at the surveighing there- of plainly marked and bounded for all persons to take notice of that none may by ignorance of the bounds intrench upon another's right. And the person offending either in giving out of surveighs, contrarie to this act, or not sufficiently marking his bounds to forfeit five hundred pounds of tobacco, for everie hundred
acres the surveigh shall be given of, to the use of the county, That all owners of elder pattents shall be obliged to show their bounds to those that shall require it having land bounded vpon theirs, with all conveniency, at least within twelve monthes after demand, and in case of neglect the younger being exactly bounded to be valid in lawe, the other presumed not to have been lawfully surveighed, which will prevent quarrells amongst neighbours, all future differences especially concerning orphans, And this act not to extend to orphans land or persons out of the coloney, and all lands soe bounded to be kept and continued by new marking or setting vp of new markes in the places of these false.

ACT VI.

None to exporte English Comodities out of this Countrey bought in the Collony.

WHEREAS the necesseties of this country are received cheifly by the importation of English goods, and that releife much obstructed by many that bring in vnecessary comodities and make sale thereof for tobaccoe, which they againe truck for substantiall goods, as clothing and the like and by that means leave the country destitute of her owne supplies, It is hereby enacted, That what person or persons soever shall, after the first of June next, exporte out of the collony any English goods (not by him formerly imported) shall, vpon discovery of the same forfeite such goods or the value thereof, the one halfe to the informer and the other to the publique.

ACT VII.

Concerning Appeales.

WHEREAS the acte for appeales, hath limited the value of appeales from countie courts to quarter courts, but noe limitation of appeale from quarter courts to Assemblies, whereby many litigious suites for inconsiderable valewes are brought into Assemblies to the hinderance of the publique affaires and advance of the publique charge, It is enacted and ordained, That noe appeale be made from the quarter court to the
Assembly under the value of two thousand five hundred pounds of tobacco the original debt besides costs and damages.

ACT VIII.

Concerning Appeals from Northampton Countie.

WHEREAS an act of Assembly had formerly provided, That in regard of the great distance between Northampton countie and James Cittie, that no appeale should lie from the said countie courte, to the quarter courtes, under the value of three thousand two hundred pounds of tobacco or thirty pounds sterling, It is hereby enacted and confirmed, That for the reasons aforesaid no appeale be hereafter made, from thence nor admitted in the quarter courtes vnles it exceed the valew aforesaid.

ACT IX.

The Act for Mullberrie Trees repealed.

WHEREAS the act for mullberrie trees seemes rather troublesome and burthensome then any waies advantageous to the country, It is hereby enacted, That the said act for planting mullberrie trees shall be repealed and made void.

ACT X.

Concerning the Charges of a Parochiall Burgess.

WHEREAS many disputes and controversies have arose about the defraying of the charge of the parochiall Burgesses, by reason the vestrys of the said parishes have not been sufficiently qualified for laying the same vpon the people, It is hereby enacted and ordained, That the vestrie of any parish which shall elect any Burgess shall be impowered to order payment for his charges, And in case any persons within the parish electing shall refuse to make payment according to their order, then the collectors shall by vertue of that
MARCH, 1658-9—10th OF COMMONWEALTH.

order make distresse for the same, which shall be accounted authentique in any court of judicature within this collonie.

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ACT XI.

Mr. Thomas Flood made Interpreter for the Country.

WHEREAS Coll. John flood hath long and faithfully served this country in the office of an interpreter and being now deceased, It is enacted, That Thomas flood, son to the said Coll. John flood, being recommended to the Assembly for his abilility in the Indian tongue shall be received in the place of his father and have the same salary.

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ACT XII.

Encouragement to make Silke.

FOR incouragement to the makeing of silke, It is enacted, That whosoever shall make fiftie pound of wound silke shall receive from the publique as a reward of his dilligence ten thousand pounds of tobacco, Provided he prove it to be all of his owne makeing.

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ACT XIII.

The Actes for Juries Inquest and for Peoples bringing in the Listes of their Families are repealed.

WHEREAS the acts for juryes of inquiry and for peoples bringing in the lists of their families have not produced such success as was expected for detection of offences, or discovering the true number of the tithables, It is enacted, That both the said acts be repealed and the sherrifs to take lists as formerly hath been accustomed.

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ACT XIV.

Ordinaries Regulated.

WHEREAS many inconveniencies and much damage ariseth to the whole country in generall through the exorbitant prices of drinke sold by ordinarie-keep-
Courts to fix tavern rates according to the price of tob. License to be obtained and bond and security given.

No supersedeas grantable except where an appeal will lie.

Preamble.

Security for costs to be given by non-resident plaintiffs.

ers, which the acts for limitation of the prices have not wholly prevented, *Bee it therefore enacted*, That the county courts shall, as the prices of tobacco shall rise or fall, from time to time set rates how the drinke shall be sold, And none to be permitted to keep ordinaries unless they first take out their license and give good security to sell at no other rates then those by the courts appointed, not excluding the power of the Governour and Council in the time of quarter courts at James Cittie.

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**ACT XV.**

*In what case a Supersedeas may be granted.*

WHEREAS many causless molestations arise by the frequent granting of a supersedeas, *Bee it enacted and confirmed*, That noe supersedeas be granted but in such cases and causes by any court where an appeale doth lie open.

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**ACT XVI.**

*Attorneys for Business out of England to put in Security.*

WHEREAS many persons in this colony entertaine as attorneys many troublesome businesses out of England, where justly there is no occasion for such molestation and the parties so molested left destitute of releife by reason the said disturbers have no estate in this country to satisfie their dammages, *Bee it therefore enacted*, That noe attorney by any power out of England or elsewhere shall implead or sue any person of this collony without first giving in good securitie that hee the said attorney shall pay all costs and damages the court shall award against him, where the lawe shall find that he hath by that power unjustly molested the said defendant.
MARCH, 1658-9—10th OF COMMONWEALTH.

ACT XVII.

Noe Sherriffe, vnder Sherriffe or Clerke of a Court permittted to plead as Attorney.

BE it enacted, That neither sherriffe, vnder sherriff nor clerke of any court within this collony be permitted to plead in any person's behalle in any court where he officiates, and the sherriffe, vnder sherriff or clarke soe offending after prohibition to be fined one thousand pounds of tobacco, to the vse of the countey where he pleaded, for each default.

ACT XVIII.

What Councellors are to have a part in the Two Hundred Pounds.

BE it enacted, That noe councillor haveinge not officiated in the flower last courtes shall have any part of the two hundred pounds sterlign given last Grand Assembly to the councellors they haveing not been at any charge.

ACT XIX.

The Act for Two Shillings per Hhd. made void.

WHEREAS certaine inconveniencies have ben found in the manner of collecting the imposition of two shillings per hogshead to which an apt remedie could not bee applied and the said act now expired, It is enacted and confirmed, That the said lawe shall not be renewed but continue void. Notwithstanding which, all tobaccoes exported or to be exported this crop to be paid for accordinge to the said act, and the next yeeres levy to be raised in tobacco as formerly.

ACT XX.

The Office of Secretarie conferred on Coll. Claiborne.

WHEREAS the office of secretarie is a place of great trust, and thought fitt by the Assembly to bee reserved to their disposall, It is enacted, that Coll. William Claiborne (acknowledging the said place re-
ceived from the Assembly) shall continue secretarie of state vntill the next Assembly or vntill his Highness pleasure be further signified vnto vs.

**ACT XXI.**

*Quarter Courts altered.*

**WHEREAS** the keeping of June quarter court hath bin found vnnecessary and inconvenient in regard the shipps are then out of the country, time of payment past and the crop then chiefly in hand. *It is enacted and confirmed,* That the said court shall bee totally abolished & void and the three other courts to beginn the twentieth of March, the twentieth of September, and the twentieth of November, *Provided* that the taking away of this next June court, prejudice none. But that all references to that court, and all debts, by the late act made pleadable shall continue and extend vntill next September court.

**ACT XXII.**

*Concerning Ground Leaves.*

**WHEREAS** at the last Assembly it was enacted that ground leaves should not pass for merchantable tobacco, the Assembly in tending thereby to lessen the quantity and mend the quality of tobacco, which act hath not produced the desired effect in regard the said ground leaves have bin trucked away to seamen & others so that the noise of so many hogsheads goeing home obstructs the markett, as much as ever, for prevention whereof *bee it enacted and ordained* that ground leaves shall be totally suppressed, and that whosoever shall be proved to dispose of or lay out any ground leaves in the countreay shall forfeit for the quantity of every hogshead so layd out three hogsheads and soe proportionable, and for every hogshead shipped home, tenn hogsheads, The one halfe to the informer, the other halfe to the use of the countrey, and this act to be in force the first of August next, *Provided also* that those which have made contracts before this act may have their contracts nulld whereby they may have an equall benefit with others in the advance of their topp tobacco.
MARCH, 1658-9—10th COMMONWEALTH.

ACT XXIII.

The Act for Hides and Iron not to bee Exported Repealed.

THE act prohibiting the exportation of old Iron & Hides is hereby repealed and liberty given to any one to make their best advantage of them.

ACT XXIV.

Free Trade with the Indians.

WHEREAS it is manifest that the neighbouringe plantations both of English and strangers do plentifully furnish the Indians with guns, powder & shott, and do thereby drawe from vs the trade of beaver to our greate losse and their profit, and besides the Indians being furnished with as much of both guns and ammunition as they are able to purchase, It is enacted, That every man may freely trade for guns, powder and shott: It derogateing nothing from our safety and adding much to our advantage, And this act to be in force the first of April which shall be in the yeare one thousand sixe hundred and sixty.

ACT XXV.

Provision to bee made for Amunition.

BEE it enacted that a provident supplie be made of gunn powder and shott to our owne people, and this strictly to bee lookt to by the officers of the militia. (vitz.) That every man able to beare armes have in his house a fixt gunn two pounds of powder and eight pound of shott at least which are to be provided by every man for his family before the last of March next, and whosoever shall faile of makeing such provision to be fined fiftie pounds of tobacco to bee laied out by the county courts for a common stock of amunition for the county.
AT A

GRAND ASSEMBLY

HELD AT JAMES CITTIE, THE THIRTEENTH OF MARCH 1659-60.*

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son, Peyton Randolph, Esq. after whose death it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

SIR WILLIAM BERKELEY, Knight, Governor and Captaine Generall of Virginia,†

The council of State:

Mr. Richard Bennett, Coll. Obedience Robins,
Coll. Will'm Claiburne, Capt. Henry Perry,
Secretarie of State, Le'tt. Coll. John Walker,
Coll. Wm. Bernard, Coll. George Read,
Coll. Thomas Pettus, Coll. Abraham Wood,
Coll. Francis Morrison, Leift. Coll. Edw'd Carter,
Coll. Edward Hill, Capt. Augustine Warner,
Coll. Thomas Dewe,

* This is simply dated 1659 in the MS. but it was the session of 1659-60.

† No portion of the History of Virginia has been so palpably misunderstood, as that which relates to the re-appointment of Sir William Berkeley, governor, before the restoration. Robertson (who quotes Beverley, pa. 55, and Chalmers, pa. 124) thus introduces the subject and accounts for the event:

"Under governors appointed by the commonwealth, or by Cromwell, when he usurped the supreme power, Virginia remained almost nine years in perfect tranquility. During that period, many adherents to the royal party, and among these some gentlemen of good families, in order to avoid danger and oppression, to which they were exposed in England, or in hopes of repairing their ruined fortunes, resorted thither. Warmly attached to the cause for which they had fought and suffered, and animated with all the passions natural to men recently engaged in a fierce and long-protracted
civil war, they, by their intercourse with the colonists, confirmed them in principles of loyalty, and added to their impatience and indignation under the restraints imposed on their commerce by their new masters. On the death of Mathews, the last governor named by Cromwell, the sentiments and inclination of the people, no longer under the control of authority, burst out with violence. They forced Sir William Berkeley to quit his retirement; they unanimously elected him governor of the colony; and as he refused to act under an usurped authority, they boldly erected the royal standard, and acknowledging Charles II. to be their lawful sovereign, proclaimed him with all his titles; and the Virginians long boasted, that as they were the last of the king’s subjects who renounced their allegiance, they were the first who returned to their duty."

(Robert Hist. Amer. vol. 4, pa. 230.)

Never was there so short an extract more replete with error—Not a dictum contained in it, is supported by the public records of the colony; but, on the contrary, they directly contradict every assertion of this historian.

From the death of Charles I, in 1649, to the restoration of Charles II, in 1660, not a governor of Virginia, had been appointed either by the commonwealth or by Cromwell. In truth, almost every page of the Assembly’s records, from the date of the convention with the commissioners of parliament, in 1651-2 (see ante pa. 363, 371,) till the termination of the commonwealth, proves that the government of Virginia was entirely provisional; and it no where appears that the influence of Cromwell’s protectorship was extended to this colony. If this idea required any confirmation beyond what is clearly deducible from the face of the records, it would be found in the letter from the president of the council in England, (ante page 509) announcing Cromwell’s death; which expressly states, that certain measures had been contemplated by the Protector, towards settling the government of Virginia, “and some resolutions passed in order thereto, which, it was supposed, would have been brought into act, by that time, if the Lord had continued life and health to his highness.”

After the death of Cromwell, his son Richard was acknowledged as his successor, by the colony of Virginia, (ante pa. 511) and the same provisional government continued; the house of burgesses
having more and more encroached on the powers of the governor and council, till they left them mere cyphers. (See ante from page 499 to 505.) It was not until after Richard had resigned the reins of government, on the 22d of April, 1659, and before the restoration of Charles II, on the 29th of May, 1660, that the assembly passed an act expressly "taking the power into the assembly's hands," though they had, in effect, exercised all the powers of government long before. The first four acts of this session (1659-60) show the measures of the assembly to have been the offspring of necessity; to have grown out of that state of suspense produced by the reserved conduct of general Monck, when it was uncertain, even in England, what kind of government would be finally adopted.

Col. Samuel Mathews, late governor, having died in January, 1659, (see list of governors prefixed to this volume) the next assembly which sat on the 13th of March, 1659-60, elected Sir William Berkeley governor, by act of assembly, (see act II, of March, 1659-60) precisely in the same manner as they had elected Mathews governor, at the preceding session (see act I, of March, 1658-9.) The story of Sir William Berkeley's being forced from his retirement, of his refusing to act under an usurped authority, and of the election of the royal standard, &c. is a mere effort of the imagination, about as much founded on fact, as that Mathews was the "last governor named by Cromwell," when we have seen, that he, like Berkeley, was elected by act of assembly. The truth is, that the election of Berkeley, was an ordinary act of the Assembly; and the name of king, or of majesty does not occur till the October session 1660, after the restoration of Charles II had been announced.

The idea that the people, on the death of Mathews, were "no longer under the control of authority," is perfectly consistent with that poetic fiction which has given a coloring to the whole piece; but it is totally unsupported by fact. The governors, during the commonwealth, were the mere creatures of the house of burgesses, dependent on their breath for their political existence, and annihilated at their pleasure:—The 'Representatives of the People,' as they proudly and justly denominated themselves, were the only sovereigns of Virginia.

Mr. Burk, who, with propriety, rejects the account, given by Robertson and other historians of the election of Sir William Berkeley, has, from the want of authentic documents (having never seen the MS. from which these acts are printed,) hazarded a conjecture "that Sir William Berkeley received his authority from a tumultuous assemblage of cavaliers and aristocrats, without the agency of the assembly." (See Burk's Hist. Vir. vol. 2, pa. 119, 120.) It appears, however, that he was elected by a full assembly, composed, it is true, of many new members; but the acts passed at that session seem to be such, only, as the exigencies of the country required.
The period of the death of Mathews, and the succession of Berkeley, may be ascertained with tolerable accuracy, by a reference to the records in the office of the register of the land office, formerly the secretary's,—in a book labelled "Patents from 1655 to 1664," folio 377, will be found, the last patents issued under Samuel Mathews, as governor; which were in September, 1659,—the first patent issued by Sir William Berkeley, after his re-election, (same book, folio 391) bears date the 22d of March, 1659-60: several other patents issued in his name, in March, April, &c. 1660,—(See Patents from 1655 to 1664, folio 392, 393)

To prove the fallacy of the position that the governors of Virginia during the commonwealth, received their appointments from England, it will only be necessary to recur to the pages of this volume, where it will be found that they were, in every instance, elected by the house of burgesses. In April, 1652, Richard Bennett was appointed the first governor, under the provisional government (ante page 371); in March, 1655 Edward Digges was elected (ante page 408); in March, 1657-8. Samuel Mathews was elected (ante page 431, 2); at the same session, a contest arising between the governor and council and the house of burgesses, as to the constitutional power of dissolving the assembly, the burgesses declared all former elections of governor and council void and null; but immediately after re-elected Mathews, (ante page 502;) by the first act of March, 1658-9 (ante page 516;) Mathews was again elected; and by the second act of this session, 1659-60, Sir William Berkeley was elected. It is ridiculous to suppose that this first election of Sir William Berkeley, before the restoration had taken place in England, was produced by a change of sentiments in the people; that they should have anticipated a possible event, when the best informed men in England were held in awful suspense, by the taciturnity and reserve of Monck; doubting whether he would declare for himself, for Charles II, or for any other individual. Let it be remembered that the restoration took place on the 29th of May, 1660, and this assembly was held on the 18th of March preceding. If the people of Virginia had really declared in favour of Charles II, would there not have been some manifestation of it in their public acts? But nothing of that kind appears. The style of the assembly is precisely such as marks the proceedings during the commonwealth, and their acts evidently flow from a state of interregnum. In the next assembly, indeed, held in October, 1660, Sir William Berkeley is called "His Majesty's Governor," but this was after the restoration was effected, and he had probably received an appointment from the crown.
An Act for taking the Power into the Assemblies hands.

WHEREAS by reason of the late frequent distractions (which God in his mercy putt a suddaine period to) there being in England noe resident absolute and gen'1l. confessed power; Be it enacted and confirmed, That the supreme power of the government of this country shall be resident in the Assembly, And that all writs issue in the name of the Grand Assembly of Virginia, until such a comand and comission come out of England as shall be by the Assembly adjudged lawfull.

ACT II.

An Act for Sir William Berkeley being Governour.

BEE it enacted, That the honourable Sir William Berkeley bee Governour and Captain Gen'll. of Virginia, And that he governe according to the auncientlawes of England and the established lawes of this country, And that all writs issue in the name of the Grand Assembly of Virginia, That once in two years at least he call a Grand Assembly or offener if he see
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cause, that he have liberty to make choice of a Secretary & Council of State with the approbation of the Assembly, And that he do not dissolve this Assembly without consent of the major part of the House.

ACT III.
An Act to repeale all Acts disagreeing with the Lawes and Power now established.

WHEREAS by the frequent reviews and alterations of the lawes of this country there may be some contrarieties happen, and some of the precedent lawes be adverse to the lawes enacted this Assembly and especially to the power now established, Bee it therefore enacted, That all precedent lawes and clauses in lawes, contrarie to the lawes, power and forme of government now established be reversed, repealed, made void and null.

ACT IV.
An Act for the Peace of this Collony under the present Government.

WHEREAS by reason of the late frequent distractions in England there is there no absolute gen'll. confessed power; And necessitie forceth vs (during these distractions) to declare some power, Vnder which this collonie may be settled, It hath been thought necessary and convenient by the present Burgesses of this Assembly, the representatives of the people, during the time of these distractions, to take the government into their owne power with the conduct of the ancient lawes of England, till such lawfull comission or comisions appear to vs as wee may dutifully submit to according as by declaration sett forth by vs doth more amply appeare, Now whereas many disaffected persons may be apt and forward by their idle words and actions to say or do such things as may be prejudicial to the authority and government for the present settled or established, For preservation whereof, Bee it ordained and enacted by this Assembly and by the authority of the same, That all persons whatsoever that shall after publication hereof say or act any thing in derogation of the present government.
tion of the present government hereby established shall be proceeded against as enemies of the peace of this collonie and receive punishment accordingly.

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ACT V.

An Act for Sherriffes makeing due Returns of Burgesses, And Burgesses meeting on the day.

WHEREAS many inconveniencies arise by the negligance of sher's. in makeing the due returns of the Burgesses, And the Burgesses not appearing by the day by which means the charge of those counties whose sherriffes and Burgesses have performed the tenor of the writt is augmented and the publique buisness is retarded; Bee it enacted, That what Sherriff soever shall not before the day expressed in the writt make returne of the election according to act of Assembly shall be fined two thousand pounds of Tobacco. And what Burgesses soever shall (vulesse obstructed by some law'll impediment, and that to bee adjudged by the House) faile in makeing his appearance shall for ev'ry day he shall be absent after the day appointed in the writt for the sitting of the Assembly be fined three hundred pounds of tobacco to be disposed off by the Assembly.

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ACT VI.

An act for the suppressing the Quakers.

WHEREAS there is an unreasonable and turbulent sort of people, comonly called Quakers, who contrary to the law do dayly gather together unto them vnlaw'll Assemblies and congregations of people teaching and publishing, lies, miracles, false visions, prophecies and doctrines, which have influence vpon the comunities of men both ecclesiasticall and civil endeavouring and attempting thereby to destroy religion, lawes, comunities and all bonds of civil societie, leaving it arbitrarie to everie vaine and vitious person whether men shall be safe, lawes established, offenders punished, and Governours rule, hereby disturbing the publique peace and just interest, to prevent
and restraine which mischiefe, It is enacted, That no master or comander of any shipp or other vessell do bring into this collonie any person or persons called Quakers, vnder the penalty of one hundred pounds sterling to be leavied vpon him and his estate by order from the Governour and Council or the comissioners in the severall counties where such shippes shall ar-

rive, That all such Quakers as have beene question-
ed or shall hereafter arrive shall be apprehended where-
soever they shall be found and they be imprisoned with-
out baille or mainprize till they do adjure this country or putt in security with all speed to depart the collonie and not to returne again: And if any should dare to presume to returne hither after such departure to be proceeded against as contemners of the lawes and magis-
tracy and punished accordingly, and caused again to depart the country, And if they should the third time be so audacious and impudent as to returne hither to be proceeded against as felons. That noe person shall enterain any of the Quakers that have heretofore been questioned by the Governour and Council, or which shall hereafter be questioned, nor permit in or near his house any Assemblies of Quakers in the like penalty of one hundred pound sterling, That comissioners and officers are hereby required and authorized as they will answer the contrary at their peril to take notice of this act to see it fully effected and executed. And that no person do presume on their peril to dispose or publish their bookes, pamphletes or libells bearing the title of their tenents and opinions.

ACT VII.

In Act for receiving Port-Charges and Castle-Duties in vacancy of a Governour.

WHEREAS by former acts of Assemblies the port charges and castle duties have been conferred on the Governour and no order therein taken, for the receiwing the same in the vacancy of a governour, It is enacted & confirmed, that during such vacancy the sheriffs of the respective counties in which any shipp soc arrivinge shall first beginne to load shall for the use of the countrey receive of the commander or master of such shipp the port-charges and castle-duties due from
Penalty for refusing payment.

Or the sheriff for neglect.

Preamble.

Collectors of port charges and castle duties to be appointed by the gov'r.

Penalty on master of vessel for concealing the burthen of his ship.

the same, and for whatsoever he the said sherriff shall soe receive to become responsible to the next Assembly. And if any such master shall refuse uppon demand of the sherriff to make payment thereof accordingly, Then the said sherriff to make his complaint to the next commisioner of the quorum in that county, who by virtue of this act is, without further process impowered to graunt execution against the person or estate of the said master refusing to pay his duties as aforesaid, And if anie sherriffe shall neglect the performance of his duty in demanding and recovering the said port-charges and castle-duties, Then the estate of the sherriff to be liable to make satisfaction for his neglect to the next Assembly.

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ACT VIII.

An Act where the Port-Charges and Castle-Duties are to be paid.

WHEREAS the charge in hyreing boates and hands to collect the port-charges and castle-duties, and the vnconsiderablenesse of the value of the commodities they are paid in, being commonly the refuse of their whole cargo, hath added little to the supply of the Governour to which by several Assemblies they have been appropriated, Bee it therefore enacted and confirm'd, That there be in every river certaine places and persons appointed and authorized by the Governour to receive the same, within whose respective limmits and precincts what master or commander of shipp or vessel soever shall intend to lade, he the said master or commander shall before he begins repair to the said place and person so appointed and authorized, And there shall enter his shipp, And either in kind or in other good valuable commodities att the rate he sells shall make just payment of the said port-charges and castle-duities, And uppon payment thereof shall take from the said officer a discharge and license to load, And if the said master shall fraudulently conceal the burthen of the shipp, And thereby defraud the Governour of his due, Then to forfeit his recognizance.
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ACT IX.

An Act for Masters of Shipps to give Bond for good abearing.

WHEREAS divers masters of shipps have of late years obstinately and contemptuously behaved themselves towards the lawes and government of this country, refusing their due obedience and submission to the same and have likewise contrary to the peace of this country, And the priviledges granted vs by our articles of surrender to have free trade with all nations in amity with the people of England, molested, troubled and seized diverse shipps, sloops and vessells coming to trade with vs to the great prejudice of the country's good and prosperity. for prevention whereof for the future, Bee it enacted and confirmed, That every master or commander of ship or vessell from what place soever coming hither shall within six dayes after arrivall or sooner, if by the officer authorized thereunto lawfully required give in bond for two thousand pounds sterling, with such security of some inhabitants of this country as by the said officer shall be adjudged responsible not to molest or trouble any ship or vessell in the jurisdiction of Virginia but to abear himself peaceably towards all the inhabitants of this country and all others trading here under the protection thereof, and not to infringe, but to yield all due obedience to the lawes here established, Bee it also further enacted, That if any master or commander of ship shall refuse to give such bond, he shall be totally debarred from having any trade in the country, Common reason prohibiting those to have the profit of the trade that refuse to submitt to the lawes or endeavour to destroy the priviledges of a country they trade with, Bee it also further enacted, That what person or persons soever shall presume to trade with any master, merchant or mariner of any ship, barque or vessell before he hath seen the certificat or hath certaine notice, That he the said master hath passed bond according to the tenor of this act, Then the person so offending to pay 2000 lb. of tobacco for a fine to the collector of the said imposition, who is hereby required to make diligent enquiry of such offences for the use of the country.

The condition of this obligation is such, That if the above bound shall well and

Preamble.

Asserting the right of Virginia to a free commerce, under the articles of surrender.

Every master of a vessel to give bond not to molest any person trading under the protection of our laws.

If they refuse, not permitted to trade.

Penalty for trading with them.

Form of the condition of the bond.
peaceably behave and abears himselfe towards all the inhabitants of this country and also towards all shippes and vessels, trading hither from any place or places in amity with the people of England and this place without molesting, either the merchants, masters or marryners of the said shipp or vessells, either on land or aboard, also if they shall according to law well and truly pay or cause to be paid the severall port charges and castle-duties at the appointed places to the respective officers authorized to receive the same, And also if they shall before their departure out of this country give good caution that in case they discharge not their vessells at some port within the English dominions in Europe, then to pay for each hogshead of tobacco by them exported ten shillings sterling, and if they shall not carry any passenger out of this collonie but such as shall legally procure a passe out of the secretaries office, And if they shall, before their loading, make entrye of their shippes and when full take out their dispatches for the same, Then this obligation to be void.

ACT X.

An Act for Tenne Shillings a Hogshead imposed on all shippes that do not discharge in the English Dominions in Europe.

Preamble.

WHEREAS the prudence of all nations hath provided for the defraying the publique necessarie charges of the country rather by laying an imposition vppon the adventurers for the staple commodities of the country by the exportation of which the greatest advantage accrues, then by taxing the persons of the inhabitants, the present Grand Assembly endeavouring as much as in them lyes to ease the burthen of the people, And taking into consideration the greate benefit that accrues to other countries by the customes ariseng from our commoditie tobacco, And that Virginia whose peculiar staple it is, hath from it nor from the adventurers hither no publique advantage, Wee have thought it necessary and convenient, And accordingly have enacted and confirmed, That all merchants, masters of shippes and mariners trading to Virginia and not bound by charter-party to returne and discharge in any of the English dominions in Europe shall pay for
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everie hogshead of tobacco they shall load aboard any shipp, barque or other vessel arriving here after the first of August next and not bound as aforesaid the summe of ten shillings sterling, either in money, bills of exchange with good caution, or in good valuable comodities at twenty-five pound per cent. advance: Provided allwaies, That all adventurers, inhabitants of this country, trading in bottomes belonging to Virginia owners shall be free from the said imposition, it tending to the advancement of trade here, The encouragement of the inhabitants to purchase vessells, And of marriners to make this the place of their residence.

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ACT XI.

An Act for the annihiilation of the Councillors.

WHEREAS it was enacted the last Assembly, That Coll. Samuel Mathewes should be Governour for two yeares, And the Councill of State fixt during life, It is thought fit and enacted, That in regard the then Governour and Council dissolved the said Assembly and expressly declined the said act, That the said act be repealed and the privilege and power of the Secretarie and Council of State annihilated made void and null.

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ACT XII.

An Act for establishing a Court of Admiralty.

WHEREAS by daily experience wee find the inconveniencies that happen to the inhabitants of and traders into this country for want of a court of admiralty, Bee it enacted and ordained by this present Assembly, That the Governour and Council shall have full power and authority of a court of admiralty to cognoss, determine and administer justice in all things pertaining to seafairing, that shall appertaine, happen or fall out (within the jurisdiction of this collonie) either between mariner and merchant, or mariner and master as likewise all complaints, contracts, offences, pleas, exchanges, assecurations, debts, counts, charter-parties, covenants and all other writings concerning lading and unlading of shipps, freights, hyres and
all other business whatsoever among sea-affairs done on the water, and where within the limitts and the jurisdictions of Virginia or the lawes and cognizance thereof, with the cognition of writts, the causes and actions of reprisalls, of letters of marque to take stipulations, cognitions and insinuations, And to do all other things without which the jurisdictions of the admiralty cannot stand or bear out, To make clerkes, marshalls and other officers, for the exercising of the said jurisdictions to arrest and put in execution, and to enquire by the oathes of twelve men upon all offences, (vizt.) Against pyrats, their assissters or abettors, out-traidors or receptors, against breakers of the admirall’s arrestments and attachments against goods forbidden, merchandizes not customed and yet shipt and transported, against the resisters of the admirall’s officers in executing precepts against all sorts of transgressions committed by seamen or any others any way touching the jurisdiction of the admiralty court.

ACT XIII.
An Act that no Servant lay violent hands on his Master or Overseer.

WHEREAS by the audacious unruliness of many stubborn and incorrigible servants, who by resisting their masters and overseers have brought many mischiefs and losses to divers particular persons of this country. Bee it enacted and ordained. That that servant that shall lay violent hands on his or her master or mistresse or overseer and be convicted thereof, before any county court in this country, the same court is hereby required and authorized to order such servant or servants to serve his or their said master or mistresse two yeeres after his or their time by indenture, custom or law is expired.

ACT XIV.
An Act for repealing an Act for Irish Servants.

WHEREAS the act for Irish servants coming in without indentures enjoying them to serve six yeeres, carried with it both rigour and inconvenience.
many by the length of time they have to serve being discouraged from coming into the country, And by that means the peopling of the country retarded, And these inconveniences augmented by the addition of the last clause in that act, That all aliens should be included, Bee it therefore enacted and confirmed, That the whole act be repealed and made void and null, And that for the future no servant coming into the country without indentures, of what christian nation soever, shall serve longer then those of our own country, of the like age: And it is further enacted, That what alien soever arrive here before that clause was inserted and that hath been by vertue of that last clause enforced to serve any time longer then the custom of the country did oblige them to shall be allowed competent wages by their several masters for the time they have overserved, Any act, order of court or judgment to the contrary notwithstanding, Provided always that all such aliens as came in servants during the time that the said clause was in force shall serve according to the tenor of that act.

ACT XV.

An Act for the Pay of Dutch Masters bringing in Runaway Servants.

WHEREAS by the articles of peace with the Dutch it hath been concluded that in case the master of any runaway servants that shall be brought into this country shall refuse to make payment for his passage and such other reasonable costs and disbursements as shall be made appear due, that then he should receive his pay at the secretary's office, Bee it enacted, That payment shall be accordingly made there by the secretary or his officer, either in money or tobacco, if to be procured at that time of the yeare or else in such other commodities of the country as can at the time of the demand be produced to make satisfaction, And for the raising the same, Bee it further enacted, That the secretary or his appointed officer shall have power to dispose of the said servant by outcry or otherwise, for so long time as will raise the value disbursed for him, after the expiration of which time he shall be returned

Preamble.

Payment for apprehending runaway Dutch servants to be made at the secretary's office.

How reimbursed.
to his master from whence he ran away, and serve him the remainder of his time by indenture and the additional time imposed by act.

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**ACT XVI.**

An Act for the Dutch and all other Strangers for Trading to this Place.*

WHEREAS the restriction of trade hath appeared to be the greatest impediment to the advance of the estimation and value of our present only commodity tobacco, Be it enacted and confirmed, That the Dutch and all strangers of what Xpian nation soever in amity with the people of England shall have free liberty to trade with vs, for all allowable commodities, And receive protection from vs to our vsmost powers while they are in our jurisdiction, and shall have equall right and justice with our own nation in all courts of judicature, Provided they give bond and pay the impost of tenn shillings per hogshead laid vpon all tobacco exported to any forreigne dominions and give bond according to act, Allwaies provided, That if the said Dutch or other forreiners shall import any negro slaves, They the said Dutch or others shall, for the tobacco really produced by the sale of the said negro, pay only the impost of two shillings per hogshead, the like being paid by our owne nation.

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**ACT XVII.**

An Act for debarring the present Burgesses from taking any Offices that may take them off from being Members of the House.

WHEREAS it hath bin thought fit for manie important reasons to adjourn and not to dissolve this present Assembly, Bee it enacted, That the same be

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* By the 74th act of March, 1657-8, (ante pa. 469,) a duty of ten shillings a hogshead was laid on all tobacco exported by the Dutch or other foreigners, in any vessel whatever, and bound to any port, excepting only English vessels bound directly to a port in England. This is another conclusive proof that the colonists, during the commonwealth, enjoyed a free trade with all people in amity with England.
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not dismembered of any present Burgesse by being made Councellors or sherriffs until the dissolution of the Assembly: And if anie present member shall, contrary to this act, presume to accept of either of the said places whereby he may be rendered incapable of serving as a Burgesse, *Bee it further enacted*, That he pay ten thousand pounds of tobacco fine for his contempt, The fine to be disposed of by the Assembly.

**ACT XVIII.**

*An Act concerning Appeales.*

WHEREAS the act restraining appeals is found inconvenient, *Bee it therefore enacted*, That the said act be made void and appeals from county courts to quarter courts, and from quarter courts to Assemblies for what value soever for the future be laid open, *Provided* that if the appellant be cast in the court he appeals to he shall pay half the value of the debt to the appellee for his damages beside all costs of suits, *Provided* that this act extend not so the act prohibiting appeals from Northampton county, under a certaine value, which is yet in force, *Provided also*, That no appeal be made vntill judgment be passed, And that juries be empannelled to enquire of the damages in all mixt and reall actions by the court where the appeale is tryed.

**ACT XIX.**

*An Act concerning the Trusting of Indians.*

WHEREAS many English tradeing with the Indians out of an inordinate coveteousness, trust the said Indians with more truck then they are able to pay for, And after makeing use of the benefitt of our lawses with which the Indians are utterly vnaquainted, imprison the persons and attach their goods, which provocations may in time contract a warr vpon the country: *Bee it enacted*, That what Englishman soever shall hereafter trust any Indian with any commodities or truck of what value soever he shall do it at his own perill, But shall not have benefitt of any arrest, plaint, suite or processe at lawe to recover the same, And all courts of justice and their officers to take notice hereof and to proceed accordingly.
A LAWS OF VIRGINIA,

ACT XX.

An Act to record all Marriages, Births and Burials.

WHEREAS many differences arise about the age of orphans, and enquiries are often made for persons imported into the collonie, of whose death no positive certificate can be granted for want of registers, Bee it therefore enacted, That every parish shall well, truly and plainly record and sett downe in a booke provided for that purpose, all marriages, deaths and births that shall happen within the precincts of the parish, and in the month of March in every yeare, the person appointed by the parish so to do, shall make true certificate into the clerke of every county to the intent the same may there remaine on record for ever, And if any master of a family or any other whose duty it is to give notice and information to the partie that is appointed to enter the same on record shall faile to doe the same within one month after such marriage, death or birth shall for every such default forfeit one hundred pounds of tobacco, And if such persons as are appointed by the parish shall faile to make such returns to the clerke of everie county in the said month of March as aforesaid shall forfeit one thousand pounds of tobacco, The one moety of the said forfeiture to be paid unto the governour, The other moety to such person or persons as shall discover the same, and make proofe thereof in any court of record within this collony, to bee recovered by the vsuall action of debt in any of the said courts, And the vestry of each parish vpon publication of this act to appoint such an officer in every parish.

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ACT XXI.

An Act for the adjourning of the Assembly.

BEE it enacted and confirmed, That this Assembly be adjourned to the twentieth of March, 1660, But if the governour find occasion by the importance of affaires to convene it sooner, It is further enacted, That he issue forth his sumons to the present Burges-
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ses, who are hereby required to make their appearance at James Citty according to the tenor thereof.

Wm. BERKELEY.

THEODE: BLAND, Speaker.

ORDERS*

OF A

GRAND ASSEMBLY.

HELD ATT JAMES CITTIE, MARCH 13TH, 1659-60.

Sir Wm. BERKELEY, Kn’t. Governour and Capt. Generall of Virginia.

Mr. THEODERIC BLAND, Speaker.

ORDERED that the port-charges and castle duties of all shippes arriveing and lading in any the ports or rivers within the jurisdiction of Virginia shall be paid to the honourable Sir William Berkeley, Knight, Governour and Captain Generall of of Virginia, att the several places and to the several persons by him appointed to receive the same, And it is further ordered, That all such ships as have arrived in any part of this countrey since the decease of the right late honourable the Governour, Coll. Samuell Mathewes, In case they have not alreadie paid the said port-charges and castle-duties forthwith make payment of the same to the said honourable Sir Wm. Berkeley, kn’t. or his order, And in case any shippes have gone out of the country without payment made as aforesaid, It is then ordered, That immediately after their next returne into the countrey payment may be made accordingly for the vse aforesaid. According to act of Assembly in that case provided,

* These appear to be Resolutions of the assembly, on private and local subjects, as contra distinguished from Acts, which are of general concern
And all persons that by vertue of any power now or formerly granted them have received the said port-Charges and castle-duties are hereby ordered to make present payment of what they have soe received unto the said honourable Sir William Berkeley or his order.

ORDERED, That the declaration alreadie drawne vp and read in the House demonstrating the reasons and grounds of the Assemblies assumeing the power of the government be forthwith proclaimed and published, And the declaration recorded.*

WHEREAS, the honourable Sir William Berkeley desired the advice of the late Counsell† and their concurcence in his acceptance of the government, It is ordered, That he have the free liberty of treating with them, And that his letter and their subscription approving his election be recorded.

ORDERED, That the declaration of Sir William Berkeley, Kn't. to be governour and Capt. Generall of Virginia, and to enjoy the obedience of the

* This declaration has probably been lost with many other public records of the colony. Its import may, however, be discovered in the first act of March, 1659-60; which assigns as a reason for taking the government into the assembly’s hands, † that there was no resident, absolute and general confessed power in England.—This, doubtless had an allusion to the interregnum in that country; it being between the resignation of Richard Cromwell, on the 22d of April, 1659, and the restoration of Charles II. on the 29th of May, 1660.

† By the first act of March, 1658-9, Samuel Mathewes was elected governor for two years, the existing councillors were declared to be the Council of State, and future councillors were to hold their office for life, removable only by the Grand Assembly, for high misdemeanors. The governor and council having negatived that act, as appears by the 11th act of March, 1659-60, and Mathewes being moreover dead, it might well be doubted, whether there was, at this time, any executive government in Virginia. This state of things probably gave rise to the above resolution, and the election of Berkeley as governor. If the royal standard had, in truth, been erected, as represented by all the English historians, surely we should have had some intimation of it, in some of the proceedings of this assembly.
MARCH, 1659-60—11th OF COMMONWEALTH.

people be forthwith proclaimed by the high sherriff of James Citty County and the declaration to be recorded.

ORDERED, That Collonell Manwaring Hamond, according to the desire of Sir William Berkeley, Kn't, Governour and Capt. Generall of Virginia, be constituted, authorized and made Major Generall of Virginia.

ORDERED, That John Johnson, millright, being a Dutchman be for the encouragament of other artificers of what nation soever admitted to be a denizen of Virginia, he having been resident here much longer then the act for denizens requires, And intending according to the tenor thereof to make this the place of his future residence, Therefore upon oath taken according to act, his letters of denization are ordered to issue forth.

WHEREAS Richard Bushrod exhibiting a petition against Thomas Brereton about a parcell of land in Potomack River, which land the said Bushrod pretends the said Brereton surreptitiously procured order to pattent, he is referred to take his course against the said Brereton at the comon law, this petition extrajudicially brought into the Assembly.

WHEREAS severall parishes have exhibited to this Assembly their complaints against the sherriffes of the county for refusing to take notice or make returne of the Burgesses by them elected, Whereby their privileges granted them by the law have been infringed, It is therefore ordered that no sherriff for the future vpon the desire of the vestry to have a parochial Burgesse manifested to him shall refuse to convene the people at a certaine time and convenient place, And be there present to take off their election and accordingly to returne their Burgesse.

ORDERED, That the comittee for auditing the accompts of the collectors of two shilling per hhd. be Major General appointed. John Johnson admitted a denizen. Bushrod vs. Brereton, referred to a trial at law, this suit being extrajudicially brought into the Assembly. No sheriff shall refuse to hold an election for a parochial burgess when requested by the vestry. Power of committee.
impowered to examine witneses, administer oathes, and all other legall means to vse, whereby the truth of the said accompts may be the more certainly manifested.

ORDERED, That the honourable Sir Wm. Berkeley may at his pleasure elect & swear one person to be of the Councell of State, Provided he be no member of this House.

ORDERED, That the honourable Sir William Berkeley, Knight, shall be allowed for his support of the government besides castle-duties and lycences, seaven hundred pounds sterling out of the imposition of the two shillings per hogshead and fifty thousand pounds of tobacco out of the levy, And the customs of all Dutch vessels tradeing hither from the Manados if any such come.

WHEREAS there are severall actions entred against the executors of the estate of Samuell Mathewes, Esq. deceased to the county court of James Cittie, Which actions the executors have desired might be heard before the Governour and Council, It is accordingly ordered, That all the said suites shall be heard on the sixth day of the next quarter court, Provided the executors give notice to the severall creditors that they may then and not before attend to prosecute.

ORDERED, That Robert Lawrence according to his petition have a writ of ease granted him from his future officiateing as a commisioner in the county of Nanzemund.

ORDERED, That John Beauchamp, merchant, be permitted to carry his Indian boy into England, Provided that at the county court in Charles Cittie Countie he make it appeare that he hath the consent of the said Indian boy's parents soe to doe.
WHEREAS the king of Weanoak hath shewed that by reason of many disadvantageous bargaines, made with the English his debts are at present greater than his abilities to pay, soe that he hath by his English creditors bin imprisoned whereby much detriment hath accrued to the publique, It is according to his petition wherein he offers security ordered that a protection be granted him against all arrests for any action of debt vntill the first of March next, of which all sherrifles and their deputies are required to take notice and commanded not to serve any writt or warrant vpon him, before the said first of March as they will answer the contempt at their perill.

WHEREAS the many important favours and services render'd to the country of Virginia by the noble family of the West, predecessors to Mr. John West, their now only survivor, claim at least that a gratefull remembrance of their former merits be still continued to their survivor. It is ordered. That the levies of the said master West and his family be remitted, and that he be exempted from payment thereof during life.

IT is agreed vpon in the House, That the nomination and choice of the several collectors of the imposition of two and ten shillings per hhd. of tobacco be wholly referred to the consideration of the honourable Sir William Berkeley, Knight.

ORDERED, That according to the desire of the honourable Sir William Berkeley, Coll. William Claiborne bee confirmed in the office of Secretarie of State.

ORDERED, That Coll. Thomas Swann pay thirty four pounds six shillings and nine pence being the balance of his accompt of collection for the use of the publique to such person or persons as the Assemblie shall appointe.
WHEREAS it hath been formerly granted by act of Assembly in one thousand six hundred forty and one, And by order of Assembly in one thousand six hundred fifty and two, for encouragement of discoverers to the westward and southward of this country, granting all profits arising thereby for fourteen yeeres, It is by this Assembly ordered, That Mr. Francis Hamond and his associates either jointly or severally may discover, And shall enjoy such benefitts, profits & trades for fourteen yeeres as he or they have found or shall find out in places where no English ever have been or discovered or have had particular trade, And to take vp such lands by patients (proving their rights) as they shall think good, not excluding others after their choice (from taking vp lands and planting in those now new discovered places as in Virginia now is vsed,) But wholly from the trade during the said fourteen yeeres, that being wholly appropriated to the said Francis Hamond and his associates.

WHEREAS a suite hath long depended between Mr. Miles Cary and Mr. John Brewer, proprietor of land in Stanley Hundred and Mr. John Harlowe about fiftie acres of land given by order of the Governor and Councell in the yeare one thousand six hundred thirty-one, for a com’ron vnto the inhabitants of the said Stanly Hundred which grant of the Governor and Councell appearing valid by the Grand Charter exhibited to the committee, It is therefore ordered, That the said fifty acres be confirmed to the said inhabitants of Stanly Hundred according to the grant, And that the patrent for the same granted to Mr. Harlowe be made void and null.

WHEREAS John Hope, lately of New-Kent, died intestate, and at the time of his death, was possessed of a certain dividend of land to which no heire as yet hath appeared to make claine, And John Barber, administrator of the said Hope’s estate having paid above two thousand pounds of tobacco for accompt of the said Hope’s debt, It is therefore ordered.
that the said land remain in the possession of the commissioners of the said county of New-Kent for the use of the county until an heir appear.

WHEREAS Edward Prescott on the third day of December in the year one thousand six hundred fifty and nine obtained an order of the quarter court against William Andrewes for four hundred and seventy pound sterling, It is ordered, That a supersedeas be granted to the said Andrewes to make stay of execution upon the said order, Provided the said Andrewes give notice to the said Prescott that the case is to be reheard the sixth day of the next quarter court, And that he give good security for payment of the damages that the said Prescott may sustaine by reason of the said stoppage of proceedings in case the said Andrewes be cast in the suite.

WHEREAS Mr. Theodorick Bland petitioned this Assembly for damages in a case wherein he had judgment the last Assembly against Mr. William Dromond who was attorney of the Coheires of Basse, It is ordered, That the said Dromond pay unto the said Bland two thousand five hundred pounds of tobacco damages according to act als. execution.

ORDERED, That two thousand pounds of tobacco be paid unto Mr. Phillip Mallary for his officiating at the two last Assemblies out of the levy in Yorke county.

ORDERED, That Mr. Peter Lansdale and Mr. Phillip Mallory be desired to preach at James town the next Assembly.

ORDERED, That the appointment of the collectors for gathering the imposition of two shillings per hogshead be wholly referred to the honourable Sir William Berkeley.

THE widow Hudson extrajudicially bringing into the Assembly a petition against Collovel William Clayborne is referred to take her course at the common lawe.
WHEREAS it appeares that there was levied for Sir William Berkeley vpon the county of Lancaster (which then included the whole river of Rappahan-nock) twelve thousand six hundred pounds of tobacco, And vpon the county of Northumberland, including then the whole side of river of Potomak in Virginia, twenty-one thousand eight hundred eighty-eight, And that there was more due to the said Sir William Berkeley ten pound per pole for corne to have been paid by the then tithables, It is ordered, That in case the comissiouers of the said counties or rivers haveing power by special warrant to cause the then collectors to bring in their accompts, do not by the tenth of October next make it appeare to the Governour and Coun-cell, That the said tobaccoes have been paid to the said Sir William Berkeley or his order. That then the said comissioners take course to levie the same vpon the persons delinquent or else make satisfaction of the premisses als. execution.

ORDERED, That none of the transacions of the last Assembly bee at all disputed of this session.

ORDERED, That in case Mr. John Harlowe cleare himselle of the objections now made against him he shall be restored to his former place in the comission, but vntill then he stand suspended.

ORDERED, that the orders of Assembly permitting the comissioners of the Isle of Wight county to keep two courts, bee reversed, made void and null, and that they keep only one court, and that to be held at the usal place as before the courts were devided.

IT is vnamiously agreed vpon by the Burgesses that they will not clame the priviledge of a Burgesse, Exempting them from arrests, during the time of the adjournment of this present session: But that they will be ten dayes after the expiration of this session subject to arrests, Judgment and execution against their estates but the persons to be still free.
MARCH, 1659-60—11th OF COMMONWEALTH.

ORDERED, That upon an authentique power legally attested from alderman Jackson and alderman Browne of Bristol produced to the committee for proportioning the levy they shall be authorized to make payment to their said attorney of twenty-two thousand sixhundred eighty-one pounds of tobaccoe, He giving them a sufficient discharge to acquit the country from any further claims.

ORDERED, That seaventy one thousand five hundred pounds of tobacco the same allowance of the soldiers that were carried over to Accomack he also paid to the inhabitants of Accomack for the full charge of all the late warr, Provided that twenty-two thousand six hundred eighty-one pound of tobacco be deducted out of the same, It being paid for a debt long since due from the said county to the publique.

ORDERED, That the Secretarie issue forth all sumons for Assemblies ex officio, And that sherriffs sumon all persons to bring in accompts of orphans estates, And the clerkes of county courts register the said accompts ex officio.

ORDERED, That the sherriffes of the severall counties returne the list of their severall tithables, into the Secretaries office by the first of September next,And that the Governour and Councell proportion the levy made this session, And enquire what sherriff have been delinquent in returning the writts for the Burgesses and fine each offending sherriff six hundred pounds of tobacco.

Extracts from the Minutes of the Proceedings of the Governor and Council of Virginia.

[From a MS. belonging to Thomas Jefferson, President of the United States, which was purchased by him from the Executor of Richard Bland, dec'd.]

Dec. 16th, 1631.

BECAUSE Edw. Grymes lay with Alice West he gives security not to marry any woman till further order from the Governour and Council.
March 25th, 1630. Tho: Tindall to be pillory'd 2 hours for giving my L'd. Baltimore the lye & threatening to knock him down.

6th Sbr. 1631. The first informer of any slanderous reports of Governour or Council were to have the fine; this day one was whipt and lost his fine for concealing such a slander.

Henceforward a court every Munday 14night to be held at James City, one Councellor to be there, all of 'em to take their turns.

1 Feb. 1632 Two maids got with child at sea, ordered to be sent back again.

Dec. 1633. The Compa's. Governour used to grant patents here and after the compa. confirmed them, and after their dissolution the K. confirms all patents made in their time agreeable to their laws.

When large tracts of land were petitioned for and the Gov'r. and Council were willing to grant it, they used to recommend it to the King's com'rs. for the affairs of this colony for confirmation.

1639. The King's letter commanding assistance to Henry L'd. Maltravers in seating Carolina to whom it was granted.

1640. A midwife administered an oath to a pregnant woman and the child born in marriage adjudged another man's.

Stephen Reekes put in pillory 2 hours with a paper on his head expressing his offence, fined £ 50 sterling and imprisoned during pleasure for saying that his majesty was at confession with the L'd. of Canterbury.

Robert Sweet to do penance in church according to laws of England, for getting a negroe woman with child and the woman whipt.

Francis Willis, Clerk of Charles River court turned out of his place and fined for speaking against the laws of last Assembly and the persons concerned in making them.

END OF THE FIRST VOLUME.
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