Mr Pory out of Virginia.
1619
The proceedings of the first assembly of Virginia. ~July 1619

A reporte of the manner of proceeding in the General assembly convented at James city in Virginia, July 30. 1619. consisting of the Governour the Counsell of Estate, and two Burgesses elected out of each Incorporation and plantation; & being dissolved the 4th of August next ensuing.

First Sir George Yeardley knight Governour & Captaine general of Virginia having sente his summons all over the Country, as well to invite those of the Counsell of Estate that were absente, as also for the election of Burgesses there were chosen and appeared.

For James city
    Captaine William Powell,
    Ensigne William Spense.
For Charles city.
    Samuel Sharpe,
    Samuel Jordan.
For the city of Henricus
    Thomas Dowse,
    John Polentine
For Kiccowtan
    Captaine William Tucker,
    William Capp.
For Martin-Brandon Capt. John Martins plantation
    Mr. Thomas Davis.
    Mr. Robert Stacy.
For Smythes hundred
Captain Thomas Graves,
Mr. Walter Shelley.
For Martins hundred
Mr. John Boys
John Jackson.
For Argals guifte
Mr. Pawlett
Mr. Gourgainy.
For Flowerdieu hundred
Ensigne Rossingham
Mr. Jefferson.
For Captain Lawnes plantation.
Captain Christophor Larne,
Ensigne Washer.
For Captaine Wardes plantation
Captain Warde
Lieutenant Gibbes.

The most convenient place we could finde to sitt in was the Quire of the churche. Where Sir George Yeardley the Gover-nour being sett downe in his accustomed place, those of the Counsel of Estate sate nexte him on both handes, excepte onely the Secretary then appointed Speaker, who sate right before him; John Twine clerke of the General assembly being placed nexte the Speaker, and Thomas Pierse the sergeant standing at the barre, to be ready for any service the Assembly should commaund him. But forasmuche as mens affaires doe little prosper, where Gods service is neglected; all the Burgesses tooke their places in the Quire, till a prayer was said by Mr. Bucke the Minister, that it would please God to guide & sanctifie all our proceedinges, to his owne glory, and the good of this plantation. Prayer being ended, to the intente that as we had begun at God Almighty, so we might proceed with awfull & due respecte towards his Lieutenant our most gratious and dread Soveraigne, all the Burgesses were intreated to retyre themselves into the body of the Churche; which being done, before they were fully admitted, they were called in order and by name, and so every man (none staggering at it) tooke the oathe of Supremacy, entred the Assembly. At Captaine
Warde the Speaker took exception, as at one that without any Commission or authority, had seatted himselfe either upon the Companies, and then his Plantation could not be lawfull, or on Captain Martins lande, and so he was but a limbe or member of him, & so there could be but two Burgesses for all. So Captaine Warde was commanded to absente himselfe, till such time as the Assembly had agreed what was fitt for him to doe. After muche debate they resolved on this order following an order concluded by the General assembly concerning Captaine Warde July 30th 1619 at the opening of the said Assembly.

At the reading of the names of the Burgesses Exception was taken against Captain Warde, as having planted here in Virginia with-out any authority or commission from the Tresurer, Counsell and Company in Englande. But considering he had bene at so great chardege and paines to augmente this Colony, and had adventured his owne person in the action, and since that time had brought home a good quantity of fishe to relieve the Colony by waye of trade; and above all, because the commission for authorizing the General Assembly admitteth of two burgesses out of every plantation, without restrainte or exception. Upon all these con-siderations the Assembly was contented to admitt of him and his Lieutenant (as members of their body & Burgesses) into their society. Provided that the said Captaine Warde with all expedition, that is to saye, between this and the nexte generall assembly (all lawfull impediments excepted) should pro-cure from the Tresurer, Counsell and Company in England a com-mission lawfully to establishe & plant himselfe and his Company, as the Chieffs of other plantations have done. And in case he doe neglect this, he is to stande to the Censure of the nexte generall assembly. To this Captain Warde, in the presence of us all, having given his consente, and undertaken to performe the same, was together with his Lieutenant by voices of the whole Assembly first admitted to take the oath of Supremacy, and then to make up their number, and to sitt amongst them.

This being done, the Governour himselfe alledged that before we proceeded any farther, it behooved us to examine, whither it were
fitt, that Captaine Martins Burgesses should have any place in the Assembly, forasmuche as he hath a clause in his Patente which doth not onely exempte him from that equality and uniformity of lawes and orders, which the great charter saith, are to extende over the whole Colony; but also from diverse suche lawes as we must be inforced to make in the General assembly. That clause is as followeth. Item that it shall and may be lawfull to and for the said Captain John Martin, his heyers, Executours, and Assignes to governe & commaunde all suche person or persons, as at this time he shall carry over with him, or that shalbe sente him hereafter, free from any commaunde of the Colony, excepte it be in ayding and assisting the same against any forren or domestical enemy.

Upon this motion of the Governour discussed the same time in the assembly, ensued this order following.

An order of the General Assembly
touching a clause in Captain Martins Patent at James city July 30 1619.

After all the Burgesses had taken the oath of Supremacy, and were admitted into the house, and all sett downe in their places, a Copie of Captaine Martins Patent was produced by the Governour out of a clause wherof it appeared, that when the general assembly had made some kinde of lawes requisite for the whole Colony, he and his Burgesses and people might deride the whole company, and chuse whether they would obaye the same or no. The authority of Captaine Martins Patent graunted by the Counsell & Company under their Common seale being of an higher condition, and of greater force then any acte of the General Assembly. It was therfore ordered in courte, that the foresaid two Burgesses should withdrawe themselves out of the assembly, till suche time as Captaine Martin had made his personall appearance before them. At what time if upon their motion he would be contente to quitte and give over that parte of his Pat-ente, and contrary therunto woulde submitte himselfe to the general forme of governemente, as all others did, that then his Bur-gesses
should be readmitted; otherwise they were utterly to be excluded, as being spies, rather then loyal Burgesses; because they had offered themselves to be assistant at the making of lawes, which both themselves, and those whom they represented might chuse whether they would obaye or not.

Then came there in a complainte against Captain Martin that having sense his shallop to trade for corne into the baye under the commaunde of one Ensigne Harrison, the saide Ensigne should affirme to one Thomas Davis of Paspaheighs gent. (as the said Thomas Davis deposed upon oathe) that they had made a harde voyage, had they not mett with a Canoa coming out of a creeke, where their shallop could not goe. For the Indians refusing to sell their corne, those of the shallop entered the Canoa with their armes, and tooke it by force, measuring out the come with a hasket they had, into the shallop, and (as the said Ensigne Harrison saith) giving them satisfaction in copper, beades, and other trucking stuff. Hitherto Mr. Davys upon his oath.

Farthermore it was signified from Opochancano to the Governor, that those people had complained to him to procure them justice. For which considerations, and because suche outrages as this might breed danger and losse of life to others of the Colony, which should have leave to trade in the baye hereafter, and for prevention of the like violences against the Indians in time to come, this order following was agreed on by the General assembly.

A second order against Captain Martin. At James city July 30 1619.

It was also ordered by the Assembly the same daye, that in case Captaine Martin and the ging of his shallop could not throughly' answere an accusation of an outrage committed against a certaine Canoa of Indians in the baye, that then it was thought reason (his Patent notwithstanding, the authority wherof he had in that case abused) he shoulde from henceforth take leave of the
Governour, as other men, and should putt in security, that his people shall committe no suche outrage any more.
Upon this a letter or warrant was drawn in the name of the whole assembly to summon Captaine Martin to appeare before them in forme following.

By the Governour, and general assembly of Virginia.

Captaine Martine, we are to requeste you upon sight hereof with all convenient speed to repaire hither to James citty to treaunt and conferre with us about some matters of especial importance, which concerne both us, and the whole Colony, and your selfe. And of this we praye you not to faile.

James citty July 30. 1619.
To our very loving friend Captain John Martin Esquire Master of the Ordinance.

These obstacles remooed, the Speaker who a long time had bene extreame sickly, and therfore not able to passe through long Harangues, delivered in briefe to the whole assembly the occasions of their meeting. Which done, he read unto them the commission for establishing the Counsell of estate and the general Assembly, wherein their duties were described to the life.

Having thus prepared them, he read over unto them the great charter or commission of priviledges, orders and lawes sente by Sir George Yeardley out of Englande. Which for the more ease of the Committies having divided into fower books, he read the former two the same forenoon, for expeditions sake, a second time over; and so they were referred to the perusall of twoe Committies, which did reciprocally consider of either, and accordingly brought in their opinions. But some man may here objecte; to what ende we should presume to referre that to the examination of Committies, which the Counsell and Company in England had already resolved to be perfect and did expecte nothing but our assente therunto? To this we answere, that we did it not to the ende to correcte or controll any thing therin contained; but onely in
case we should finde ought not perfectly squaring with the state of this Colony, or any lawe which did presse or binde too harde, that we might by waye of humble petition seeke to have it redressed; especially because this great charter is to binde us and our heyers for ever.

The names of the Committies for perusing the first booke of the fower.

5. Mr. Shelley. 6. Thomas Douse.
7. Samuel Jordan. 8. Mr. Boys.

The names of the Committies for perusing the second booke.

5. William Cap. 6. Mr. Pawlett.
7. Mr. Jefferson. 8. Mr. Jackson.

These committies thus appointed, we brake up the first for noons assembly.

After dinner the Governour and those that were not of the Committies sate a seconde time, while the said Committies were employed in the perusall of those twoe bookes. And wheras the Speaker had propounded fower several objects for the Assembly to consider on; namely first the great charter of orders, lawes, and priviledges; Secondly which of the instructions given by the Counsel in England to my lord la warre, Captaine Argall, or Sir George Yeardley might conveniently putt on the habit of lawes: Thirdly what lawes might issue out of the private conceipte of any of the Burgesses or any other of the Colony; and lastly what petitions were fitt to be sente home for England: It pleased the Governour for expeditions sake, to have the second Objecte of the fower to be examined & prepared by himselfe and the Non Committies. Wherin after having spente some three howers conference, the two Committies brought in their opinions concerning
the twoe former bookes (the second of which beginneth at these wordes of the Charter: And forasmuche as our intente is to es-
establish one equall and uniforme kinde of government over all Virginia, &ct.) which the whole Assembly, because it was late, deferred to treatt of, till the next morning.

Satturday July 31.

The nexte daye therfore out of the Opinions of the said Com-
mitties it was agreed, these petitions ensuing should be framed, to be presented to the Treasurer Counsel, & Company in England. Upon the Committies perusall of the first book the General Assembly doe become most humble suitours to their lord-ships, and to the rest of that honourable Counsell and renowned Company, that albeit they have bene pleased to allote unto the Governour to themselves together with the Counsell of Estate here, and to the officers of Incorporations, certain lardge portions of lande to be layde out within the limites of the same; yet that they woulde vouchsafe also, that suche groundes as heretofore had bene granted by patent to the antient Planters by former Governours, that had from the Company received Commission so to doe, might not nowe, after so muche labour and coste, and so many yeares hab-itation be taken from them. And to the ende that no man might doe or suffer any wrong in this kinde, that they woulde favour us so muche (if they mean to graunte this our petition) as to sende us notice, what commission or authority for graunting of landes they have given to eache particular Governour, in times paste.

The second Petition of the General assembly framed by the Committies out of the second book is: That the Treasurer & Com-
pany in England would be pleased, with as muche convenient speed as may be, to sende men hither to occupie their landes be-
longing to the fower Incorporations, as well for their owne be-
hooffe and proffitt, as for the maintenance of the Counsell of Estate, who are nowe to their extream hinderance often drawnen far from their private busines: and likewise that they will have a care to sende tenants to the Ministers of the fower Incorpora-tions
to manure their gleab, to the intente that the allowance they have allotted them of 200£ a yeare may the more easily be raised

The thirde petition humbly presented by this General assembly to the Treasurer, Counsell, & Company is, that it may plainly be expressed in the great Commission (as indeed it is not) that the antient planters of both sortes, viz suche as before Sir Thomas Dales departure were come hither upon their owne chardges, and suche also as were brought hither upon the Companies coste, maye have their second, third, and more divisions successively in as lardge and free manner as any other Planters. Also that they wilbe pleased to allowe to the male children of them and of all others be-gotten in Virginia, being the onely hope of a Posterity, a single share a piece, and shares for their wives as for themselves; be-cause that in a newe plantation it is not knownen, whether man or woman be the more necessary.

Their fourth petition is to beseech the Treasurer counsell & Company, that they would be pleased to appoint a Sub-Tresurer here, to collecte their rentes, to the ende the Inhabitants of this Colony be not tyed to an impossibility of paying the same yearly to the Treasurer in England; and that they would enjione the said Sub-Treasurer, not precisely according to the letter of the Charter to exacte mony of us (wherof we have none at all, as we have no minte) but the true value of the rente in commodity.

The fifte petition is to beseeche the Treasurer Counsell & Company that towards the erecting of the University and Colledge they will sende, when they shall thinke most convenient, work-men of all sortes fitt for that purpose.

The sixte and taste is, they wilbe pleased to change the savage name of Kiccowtan, and to give that Incorporation a newe name. These are the several petitions drawn by the Committies out of the two former booties, which the whole general assembly in maner and forme above sett downe doe must humbly offer up and presence to the favourable construction of the Treasurer, Counsell and Company in England.
These petitions thus concluded on, those twoe Committies brought in a reporte, what they had observed in the two latter bookes, which was nothing else, but that the perfection of them was suche, as they could finde nothing therin subject to exception. Onely the Governours particular opinion to my selfe in private hathe bene, as touching a clause in the third booke, that in these doubtfull times between us and the Indians, it would behoove us not to make so lardge distances between Plantation and Plantation as ten miles, but for our more strength and security to drawe nearer together.

At the same time there remaining no farther scruple in the mindes of the Assembly touching the said great Charter of lawes, orders, and priviledges; the Speaker putt the same to the ques-tion; and so it had both the general assent, and the applause of the whole assembly; who as they professed themselves in the first place most submissely thankfull to almighty god therfore; so they commaund the Speaker to returne (as nowe he doth) their due and humble thankes to the Treasurer Counsell and company for so many priviledges and favours, as well in their owne names, as in the names of the whole Colony whom they represented.

This being dispatched, we fell once more to debating of suche instructions given by the Counsell in England to several Gover-nours as might be converted into lawes, the last wherof was the establishment of the price of Tobacco, namely of the best at 3 s. and of the second at 18 d. the pounde. At the reading of this the Assembly thought good to send for Mr. Abraham Persey the Cape marchant to publishe this instruction to him, and to demaunde of him, if he knewe any impediment, why it might not be admitted of? His answere was, that he had not as yet received any suche order from the adventurers of the Magazin in England. And notwithstanding he sawe the authority was good, yet was he unwilling to yield, till suche time as the Governour and Assembly had layd their commandement upon him, out of the authority of the foresaid Instructions, as followeth.
By the General Assembly.

We will and require you Mr. Abraham Persey Cape Marchant, from this daye forwarde to take notice, that according to an article in the Instructions confirmed by the Treasurer Counsel and Company in England at a general quarter courte, both by voices, and under their handes and Common seale, and given to Sir George Yeardley knight this present governour Decemb. 1. 1618. that you are bounde to accepte of the Tobacco of the Colony either for commodities, or upon billes, at three shillings the beste, and the second sorte at 18 d. the pounde, and this shalbe your suffi-cient dischardge. James citty out of the said General Assembly July 31. 1619.

At the same time the Instructions convertible into lawes were referred to the consideration of the above-named Committies, viz the general Instructions to the first Committie, and the particular Instructions to the second, to be returned by them into the assembly on Munday Morning.

Sunday Aug. 1.
Mr. Shelley one of the Burgesses deceassed

Munday Aug. 2.

Captain John Martin (according to the summons sent him on Fryday July 30.) made his personall appearance at the barre, whenas the Speaker having first read unto him the Orders of the Assembly that concerned him, he pleaded lardgely for himselfe to them both, and indevoured to answere some other thinges that were objected against his Patente. In fine being demanded out of the former order, whether he would quitte that clause of his Patent, which (quite otherwise then Sir William Throckmortons, Captain Christophor Lawnes, and other mens patentes) exempteth himselfe and his people from all
services of the Colonie, excepte onely in case of warre against a forren or domesticall enemie: His answere was negative, that he would not infringe any parte of his Patente. Wherupon it was re-
solved by the assembly, that his Burgesses should have no admitt-
tance.

To the second order his answere was affirmative, namely that (his Patent notwithstanding) whencesoever he should send* into the baye to trade, he would be contente to putt in security to the Governour, for the good behaviour of his people towards the Indians.

It was at the same time farther ordered by the Assembly that the Speaker in their names should (as he nowe doth) humbly demaunde of the Treasurer, Counsell, and Company an exposition of this one clause in Captain Martins Patente, namely where it is saide, That he is to enjoye his landes in as lardge and ample manner to all intentes and purposes, as any lord of any manours in England doth holde his grounde; out of which some have collected, that he might by the same graunte protecte men from pay-
ing their debtes, and from diverse other dangers of lawe. The least the Assembly can alledge against this clause is, that it is obscure, and that it is a thing impossible for us here to knowe the prerogatives of all the manours in Englannde. The Assembly therfore humbly beseecheth their lordships and the rest of that honourable bourde; that in case they shall finde any thing in this or in any other parte of his graunte, wherby that clause towards the conclusion of the great charter (viz that all grauntes as well of the one sorte as of the other respectively, be made with equal' favour, & graunts of like liberties & immunities as neer as may be, to the ende that all complainte of partiality and unindifferenc-y may be avoided) might in any sorte be contradicted: or the uni-formity and equality of lawes and orders extending over the whole Colony
might be impeached; That they would be pleased to re-moove any suche hinderance, as may diverte out of the true course the free and publique current of Justice.

Upon the same ground, c and reason their lordships together with the rest of the Cowbell and Company, are humbly besought by this general assembly, that if in that other clause which empteth Captaine Martin and his people from all services of the Colony &ct. they shall finicic any resistance against that equality and uniformity of lawes and orders intended nowe by them to be established over the whole Colony, that they would be pleased to reforme it.

In fine wheras Captain Martin for those ten shares allowed him for his personal adventure, and for his adventure of 70£ besides, cloth claime 500. acres a share; that the Treasurer, Counsell and Company woulde vouchsafe to give notice to the Governour here, what kinde of shares they meante he should have, when they gave him his Patent.

The premisses about Captaine Martin thus resolved, the Com- mitties appointed to consider, what Instructions are Litt to be con- verted into lawes, brought in their opinions, and first of some of the general Instructions.

Here begin the lawes drawen out of
the Instructions given by his Majesties
Counsell of Virginia in England to
my lord la Warre, Captain Argall
and Sir George Yeardley knight.

By this present gencrall Assembly be it enacted, that no injury or oppression he wrought by the Englishe against the Indians, whereby the present peace might be disturbed and antient quarrel's might be revived. And farther be it ordained, that the Chico-homini are not to be excepted out of this lawe; untill either that suche order come out of Englande, or that they doe provoke us by Illsome newe Injury
Against Idlenes, Gaming, durunkenes, & excesse in apparell, the Assembly bath enacted as followeth.

First in detestation of Idlenes be it enacted, that if any man be founde to live as an Idler or runagate, though a freedman, it shall be lawful for that Incorporation or Plantation to which he belongeth, to appoint him a Master to serve for wages, till he showe apparant signes of amendment.

Against gaming at dice & Cardes be it ordained by this present assembly, that the winner or winners shall loose all his or their winninges, and both winners and loosers shall forfaicte ten shillings a man, one ten shillinges wberof to go to the discoverer,’ and the rest to charitable & pious uses in the Incorporation where the faulte is committed.

Against drunkenes be it also decreed, that if any private person be found culpable therof, for the first time he is to be reprooved privately by the Minister, the second time publiquely; the thirde time to lye in boltes 12. howers in the house of the Provost Marshall, & to paye his fee; and if he still continue in that vice, to undergo such severe punishment, as the Governour and Counsell of Estate shall thinke fitt to be inflicted on him. But if any Officer offende in this crime; the first time he shall receive a reproooff from the Governour the second time he shall openly he reprooved in the churche by the minister; and the third time he shall first be committed; and then degraded. Provided it be understood, that Governour hath alwayes power to restore him, when he shall in his discretion thinke fitte.

Against excess in apparell; that every man be cessed in the churche for all publique contributions, if he be unmarried, according to his owne apparrell, if he be married, according to his owne and his wives, or either of their apparell.

As touching the instruction of drawing some of the better disposed of the Indians to converse with our people, & to live and
labour amongst them, the Assembly who knowe well their dis-
positions, thine it fitte to enjone, at least to counsell those of the Colony neither utterly to rejecte them, nor yet to drawe them to come in. But in case they will of themselves come voluntarily to places well peopled there to doe service, in killing of Deere, fishing, beating of Corne, and other workes, that then five or sixe may be admitted into every such place, and no more, and that with the consent of the Governour. Provided that good guarde in the night be kept upon them: for generally (though some amongst many may proove good) they are a most trecherous people, and quickly gone when they have done a villany. And it were fitt, a house were builte for them to lodge in aparte by themselves, and lone inhabitants by no meanes to entertaine them.

Be it enacted by this present assembly, that for laying a surer foundation of the conversion of the Indians to Christian Religion, eache town, citie, Burrough, and particular plantation do ob-taine unto themselves by just means a certaine number of the natives children to be educated by them in true religion and a civile course of life. Of which children the most towardly boyes in witt & graces of nature to be brought up by them in the firste Elements of litterature, so to be fitted for the Colledge intended for them; that from thence they may be sente to that worke of conversion.

As touching the busines of planting corne, this present Assembly doth ordaine, that yeare by yeare all & every houesholder and houesholders have in store for every servant he or they shall keep, and also for his or their owne persons, whether they have any servants or no, one spare barrell of corne to be delivered out yearly either upon sale or exchange, as need shall require. For the neglecte of which duty he shalbe subjecte to the censure of the Governour and Counsell of estate. Provided alwayes, that for the first yeare of every newe man this lawe shall not be of force.

About the plantation of Mulbery trees be it enacted that every man, as he is seatted upon his division, doe for seven yeares together every yeare plante and maintaine in growth sice Mulberry trees at the least, and as many more as he shall thinke
convenience, and as his vertue & Industry shall moove him to plante: and that all suche persons as shall neglecte the yearly planting and maintaining of that small proportion, shalbe subject to the censure of the Governour & Counsell of Estate.

Be it farther enacted, as concerning silke-flaxe, that those men that are upon their division or settled habitation doe this nexte yeare plante & dresse 100th plantes, which being founde a commodity, may farther be increased. And whosoever doe faile in performance of this, shalbe subject to the punishment of the Governour & Counsell of Estate

For hempe also both Englishe & Indian, and for English flaxe & Anniseeds, we do require & enjoi ne all housholders of this Colony that have any of those seedes, to make tryal therof the nexte season.

Moreover be it enacted by this present Assembly, that every housholder doe yearly plante and mainaine ten vines, untill they have attained to the arte and experience of dressing a Vineyard, either by their owne industry, or by the Instruction of some Vigneron. And that upon what penalty soever the Governour and Counsell of Estate shall thinke fitt to impose upon the ne-glecters of this acte.

Be it also enacted, that all necessary tradesmen or so many as need shall require, suche as are come over since the departure of Sir Thomas Dale, or that shall hereafter come, shall worke at their trades for any other man eache one being payde according to the quality of his trade and worke, to be estimated, if he shall not be contented, by the Governour and officers of the place where he worketh.

Be it farther ordained by this General assembly, and we doe by these presents enacte, that all contractes made in England between the owners of lande, and their Tenants and servants which they shall sende hither, may be caused to be duely
performed, and that the offenders be punished as the Governour and Counsell of Estate shall thinke just and convenient.

Be it established also by this present Assembly, that no crafty nor advantagious meanes be suffered to be putt in practise for the inticing awaye the Tenants or servants of any particular plantation from the place where they are seatted. And that it shalbe the duty of the Governour & Counsell of Estate most severely to punishe both the seducers and the seduced, and to returne these latter into their former places.

Be it farther enacted, that the orders for the Magazin lately made be exactly kepte, and that the Magazin be preserved from wrong & sinister practises, and that according to the orders of course in Englande, all Tobacco & Sassafras be brought by the Planters to the Cape marchant, till suche time as all the goods nowe or heretofore sente for the Magazin be taken off their handes at the prices agreed on. That by this meanes the same going for Englande into one hande, the price therof may be up-helde the better. And to the ende that all the whole Colony may take notice of the last order of Courte made in Englande, and all those whom it concerneth may knowe howe to observe it, we holde it fitt to publishe it here for a lawe among the rest of our lawes. The which order is as followeth.

Upon the 26 of October 1618 it was ordered that the Magazin should continue during the terme formerly prefixed, and that certaine abuses nowe complained of should be reformed; and that for preventing of all Impositions, save the allowance of 25. in the hundred profitt, the Governour shall have an invoice as well as the Cape Marchant, that i f any abuse in the sale of the goods be offred, hee upon Intelligence and due examination therof shall see it corrected. And for the encouragement of particular hundreds, as Smythes hundred, Martins hundred, Lawnes hundred, and the like, it is agreed, that what commodities are reaped upon anie of these several Colonies, it shalbe laweful for them to returne the same to their owne adventurers. Provided
that the said commodity be of their owne growing, without trading with any other, in one entyre lumpe, and not dispersed; and that at the determination of the joint stocke the goods then remaining in the Magazin shalbe bought by the said particular Colonies before any other goods which shalbe sente by private men. And it was moreover ordered, that if the lady la warre, the Lady Dale, Captaine Bargrave, and the rest, would unite themselves into a settled Colony, they might be capable of the same Priviledges that are graunted to any of the foresaid hundreds. Hitherto the Order.

All the general Assembly by voices concluded not onely the acceptance & observation of this Order, but of the Instruction also to Sir George Yeardley next preceding the same. Provided first, that the Cape Marchant do accephe of the Tobacco of all and everie the Planters here in Virginia, either for goods, or upon billes of Exchange at three shillings the pounde the beste, and 18 d. the second sorte. Provided also that the billes be duly payde in Englande. Provided in the third place, that if any other besides the Magazin have at any time any necessary commodity which the Magazine doth wante, it shall and may be lawfull for any of the Colony to bye the said necessary commodity of the said party, but upon the termes of the Magazin, viz allowing no more gaine then 25. in the hundred, and that with the leve of the Governour. Provided, lastely, that it may be law full for the Governour to give leave to any Mariner or any other person that shall have any suche necessary commodity, wanting to the Magazin, to carrie home for England so muche Tobacco or other naturall commodities of the country, as his Customers shall pay him for the said necessary commodity or Commodities.

And to the ende we may not onely persuade & incite men, but in-force them also thorughly and loyally to cure their Tobacco, before they bring it to the Magazine; be it enacted, and by these presents we doe enacte, that if upon the Judgement of fower sufficient men of any incorporation where the Magazine shall reside (having first taken their oaths to give true sentence, twoe wherof to be chosen by the Cape marchant, and twoe by the Incorporation) any Tobacco whatsoever shall not proove vendible at the second price,
Hitherto suche lawes as were drawen out of the Instructions.

Tuesday Aug. 3 1619

This morning a thirde sorte of lawes (suche as might proceed out of every mans private conceipte) were read and referred by halves to the same Committies which were from the beginning.

This done, Captaine William Powell presented to the Assembly a petition, to have justice against a lewde and trecherous servant of his; who by false accusation given up in writing to the Governour sought not onely to gett him deposed from his government of James citty, and utterly (according to the Proclamation) to be degraded from the place & title of a Captaine; but to take his life from him also. And so out of the said petition sprang this order following.

Captaine William Powell presented a petition to the generall Assembly against one Thomas Garnett a servant of his, not onely for extreame neglect of his busines, to the great losse and prejudice of the said Captaine, and for openly and impudently abusing his house in sight both of Master and Mistresse, through wantonnes with a woman servant of theirs, a widdowe; but also for falsely accusing him to the Governour both of Drunkenes & Thefte, and besides for bringing all his fellow servants to testifie on his side: wherin they justly failed him: It was thought fitt by the general assembly (the Governour himselfe giving sentence) that he should stande fower days with his eares nayled to the Pillory, viz Wedensday Aug. 4th and so likewise Thursday, fryday and Satturday next following: and every of those fower dayes should be publiquely whipped. Now as touching the neglecte of his worke, what satisfaction ought to be made to his Master for that, is re erred to the Governour and Counsell of Estate.

The same morning the lawes abovewritten drawen out of the Instructions were read, and one by one throughly examined, and
then passed once againe the generall consente of the whole Assembly.

This afternoon the Committies brought in a reporte, what they had done as concerning the third sorte of lawes: the discussing wherof spente the residue of that daye. Excepte onelv the con-sideration of a petition of Mr. John Rolfes against Captaine John Martine, for writing a letter to him, wherein (as Mr. Rolfe alledged) he taxeth him both unseemly & amisse of certaine thinges wherin he was never faulty, and besides casteth some aspersion upon the present government, which is the most tem-perate and juste that ever was in this country, too milde indeed for many of this Colony, whom unwoonted liberty hath made insolente, and not to knowe themselves. This petition of Mr. Rolfes was thought fitt to be referred to the Counsell of State

Wedensdav Aug. 4th

This daye (by reason of extream heat both paste and likely to ensue, and by that meanes, of the alteration of the healthe of diverse of the general Assembly) the Governour, who himself also was not well, resolved should be the laste of this firste Session. So in the morning the Speaker as he was required by the Assembly) redd over all the lawes and orders that had formerly passed the house, to give the same yett one reviewe more and to see, whether there were any thing to be amended, or that might be excepted againste. This being done, the third sorte of lawes, which I am nowe coming to sett downe, were read over and throughly discussed; which together with the former did nowe passe the laste and finall consente of the General Assembly.

A thirde sorte of lawes, suche as may issue out of every mans privat conceipt.

It shalbe free for every man to trade with the Indians servants onely excepted, upon paine of whipping, unlesse the Master will redeeme it off with the payment of an Angell; one fourth parte wherof to goe to the Provost Marshall, one fourth parte to the
discoverer, and the other moyty to the publique uses of the Incorporation.

That no man doe sell or give any of the greater howes to the Indians, or any Englishe dog of quality, as a Mastive, Grey-hound, bloudhounde, lande or water Spaniell, or any other dog or bitche whatsoever of the Englishe race, upon paine of forfait-ing 5£ sterling to the publique uses of the Incorporation where he dwelleth.

That no man do sell or give any Indians any piece,' shott, or poulder, or any other armes offensive or defensive, upon paine of being helde a Traytour to the Colony, and of being hanged, so soon as the facte is prooved, without all redemption.

That no man may go above twenty miles from his dwelling place, nor upon any voyage whatsoever shalbe absent from thence, for the space of seven dayes together, without first having made the Governour or commaunder of the same place acquainted therwith upon paine of paying twenty shillinges to the publique uses of the same Incorporation, where the party delinquent dwelleth.

That no man shall purposely goe to any Indian townes, habitations, or places of resorte, without leave from the Governour or commaunder of that place where he liveth, upon paine of paying 40 s. to publique uses, as aforesaid.

That no man living in this Colony, but shall betwene this & the first of January nexte ensuing come or sonde to the Secretary of Estate, to enter his owne and all his servants names, and for what terme, or upon what conditions they are to serve, upon penalty of paying 40 s. to the said Secretary of Estate. Also what-soever Masters or people doe come over to this plantation, that within one moneth of their arrivial (notice being first given them of this very lawe) they shall likewise resorte to the Secretary of Estate, and shall certifie him upon what termes or conditions they be come hither, to the ende that he may recorde their graunts and commissions, and for how long time, and upon what condi-
their servants (in case they have any) are to serve them, and that upon paine of the penalty nexte above mentioned.

All Ministers in the Colony shall once a yeare, namely, in the moneth of Marche, bring to the Secretary of Estate a true account of all Christenings, burials and Marriages; upon paine, if they faile, to be censured for their negligence by the Governour and Counsell of Estate. Likewise where there be no ministers, that the commanders of the place doe supply the same duty

No man without leave from the Governour shall kill any Neatt-cattle whatsoever, young or olde, especially kine, Heyfars, or Cowe-calves, and shalbe carefull to preserve their Steeres and Oxen, and to bring them to the plough and suche profitable uses, and without having obtained leave as aforesaid, shall not kill them upon penalty of forfaiting the value of the beast so killed.

Whosoever shall take any of his neighbours boates, oares, or Canoas, without leave from the owner, shalbe helde and esteemed as a felon, and so proceeded against. Also hee that shall take away by violence or stelth any Canoas or other things from the Indians, shall make valuable restitution to the said Indians; and shall forfaict, if he be a freeholder five pound, if a servant, 40 s. or endure a whipping. And any thing under the value of 13 d. ob. shalbe accounted Petty larceny.

All Ministers shall duely read divine service, and exercise their Ministerial function, according to the Ecciesiasticall laves and orders of the churche of Englande, and every Sunday in the afternoon shall Catechize suche as are not yet ripe to come to the Communion. And whosoever of them shalbe found negligent or faulty in this kinde, shalbe subject to the censure of the Governour and Counsell of Estate.

The Ministers and Churchwardens shall seeke to presente all ungodly disorders; the committers wherof, if upon good admonitions and milde reprooff they will not forbeare the said skanda-lous offenses, as suspicions of whordomes, dishonest Company-
keeping with weomen, & suche like, they are to be presented and punished accordingly.

If any person, after two warnings doe not amende his or her life, in point of evident suspicion of Incontinency or of the commission of any other enormous sinnes; that then he or shee be presented by the Churchewardens, and suspended for a time from the churche by the Minister. In which Interim if the same person do not amende, and humbly submitt him or herselfe to the Churche, he is then fully to be excommunicate, and soon after a writt or warrant to be sente from the Governour for the apprehend-ing of his person and seizing on all his goods. Provided alwayes that all the ministers doe meet once a quarter, namely at the feast of St. Michael the Arkangell, of the nativity of our saviour, of the Annuntiation of the blessed Virgine, and about Midsomer, at James citty, or any other place where the Governour shall reside, to determine, whom it is fitt to excommunicate, and that they first presence their opinion to the Governour ere they proceed to the acte of Excommunication.

For reformation of swearing, every freeman and Master of a family after thrise admonition, shall give 5 s. or the value upon present demaunde, to the use of the church where he dwelleth; and every servant, after the like admonition, except his Master dischardge the fine, shalbe subject to whipping. Provided, that, the payment of the fine notwithstanding, the said servant shall acknowledge his faulte publiquely in the churche.

No man whatsoever coming by water from above, as from Henrico, Charles citty, or any place from the Westwarde of James citty, and being bound for Kiccowtan or any other parte on this side the same, shall presume to passe by either by day or by night without touching firste here at James citty, to knowe whether the Governour will commande him any service. And the like shall they performe that come from Kiccowtan ward, or from any place between this and that, to go upwarde; upon paine of forfeiting ten pound sterling a time to the Governour. Provided, that if a servant having had instructions from his Master to observe this
lawe doe notwithstanding transgresse the same that then the said servant shalbe punished at the Governours discretion: otherwise that the Master himselfe shall undergo the foresaid penalty.

No man shall trade into the baye either in shallop, pinnace, or ship, without the Governours license, and without putting in security, that neither himselfe, nor his Company shall force or wrong the Indians, upon pain that doing otherwise, they shalbe censured at their returne by the Governour and Counsell of Estate.

All persons whatsoever upon the Sabaoth daye shall frequente divine service and sermons both forenoon and afternoon; and all suche as beare armes, shall bring their pieces, swordes, pounder, and shotte. And everyone that shall transgresse this lawe, shall forfait three shillinges a time to the use of the churche, all lawfull & necessary impediments excepted. But if a servant in this Case shall wilfully neglecte his Masters commande, he shall suffer bodily punishemente.

No maide or woman servant, either now resident in the Colonie, or hereafter to come, shall contract her selfe in marriage without either the consente of her parents, or of her Master or Mistris or of the Magistrat and Minister of the place both together. And whatsoever Minister shall marry or contracte any suche persons without some of the foresaid consentes, shalbe subjecte to the severe censure of the Governour and Counsell of Estate.

Be it enacted by this present assembly, that whatsoever servant bath heretofore, or shall hereafter contracte himselfe in England, either by way of Indenture or otherwise, to serve any Master here in Virginia, and shall afterward, against his said former contracte, departe from his Master without leave, or being once imbarked shall abandon the ship he is appointed to come in; and so being lefte behinde, shall putt himselfe into the service of any other man that will bring him hither: That then at the same servants arrival here, he shall first serve out his time with that Master that brought
him hither, and afterward also shall serve out his time with his
former Master, according to his covenant.

Here ende the lawes.

All these lawes being thus concluded and consented to; as
aforesaide, Captaine Henry Spellman was called to the barre, to
answere to certaine misdemeanours layde to his chardge by
Robert Poole interpretour upon his oath (whose examination the
Gover-nour sente into England in the Prosperus) of which
accusations of Poole some he acknowledged for true, but the
greattest parte he denied. Wherupon the General Assembly
having throughly heard and considered his speaches, did
dconstitute this order following against him.

Aug. 4th 1619.

This day Captaine Henry Spelman was convented before the
General assembly, and was examined by a relation upon oath of
one Robert Poole Interpreter what conference had passed
between the said Spelman and Opochancano, at Pooles meeting
with him in Opochancanos courte. Poole chardgeth him, he spake
very unreverently and maliciously against this present Governour
wherby the honour and dignity of his place and person, and so of
the whole Colonie might be brought into contemppe; by which
means what mischiefs might ensue from the Indians by
disturbance of the peace or otherwise, may easily be conjectured.
Some thinges of this relation Spelman confessed; but the most
parte he denied. excepte onely one matter of importance, & that
was, that he had informed Opochancano, that within a yeare there
would come a governour greater then this that nowe is in place.
By which and by other reportes it seemeth, he hath alienated the
minde of Opochancano from this present Governour, and brought
him in muche disesteem both with Opochancano and the Indians,
and the whole Colony in danger of their slippery designes.

The general assembly upon Pooles testimony onely not willing to
putt Spelman to the rigour and extremity of the lave, which might
perhaps both speedily and deservedly have taken his life from him
(upon the witnes of one whom he muche excepted against) were
pleased for the present to censure him rather out of that his
confession above written, then out of any other proofe. Several
and sharpe punishments were pronounced against him by diverse
of the Assembly. But in fine the whole courte
by voices united did encline to the most favourable, which was,
that for this his misdemeanour he should first be degraded of his
title of Captaine at the head of the troupe and should be
condemned to performe seven yeares service to the Colony, in
the nature of an Interpreter to the Governour.

This sentence being read to Spelman, hee as one that had in him
more of the Savage then of the Christian, muttered certain wordes
to himselfe, neither shewing any remorse for his offenses, nor yet
any thankfulnes to the Assembly for their so favourable censure,
which hee at one time or another (gods grace not wholly
abandoning him) might with some one service have bene able to
have redeemed.

This day also did the Inhabitants of Paspaheigh alias Argalls
towne presente a petition to the general assembly to give them an
absolute dischardge from certain bondes wherin they stand bound
to Captain Samuell Argall for the payment of 600£ and to Captain
William Powell at Captaine Argalls appointment, for the payment
of 50£ more. To Captaine Argall for 15. skore acres of woody
ground called by the name of Argals towne or Pas-paheigh; to
Captaine Powell in respect of his paines in clearing the grounde,
and building the houses, for which Captaine Argal ought to have
given him satisfaction. Nowe the general assembly being doubtful
whether they have any power and authority to dischardge the said
bondes, doe by these presentes (at the Instance of the said
Inhabitants of Paspaheughs, alias Martins hundred-people)
become most humble sutours to the Tresurer Counsell and
Company in England, that they wilbe pleased to gett the said
bondes for 600£ to be cancelled; forasmuche as in their great
commission they have expressely and by name appointed that
place of Paspaheigh for parte of the Governours lande.
And whereas Captain William Powel is payde his 50£, which Captaine Argall enjoined the saide Inhabitants to presente him with, asp arte of the bargaine; the generall assembly at their intrety do become sutours on their behalfe, that Captaine Argall by the Coun-sell & Company in England may be compelled either to restore the said 50£ from thence; or else that restitution therof be made here, out of the goods of the said Captaine Argall. The last acte of the Generall assembly was a Contribution to gratifie their officers, as followeth.

Aug. 4th 1619

It is fully agreed at this Generall Assembly, that in regarde of the great paines and labour of the Speaker of this Assembly (who not onely first formed the same Assembly and to their great ease & expedition, reduced all matters to be treatted of into a ready method, but also, his indisposition notwithstanding, wrote or dictated all orders and other expedients, and is yet to write severall bookees for all the several Incorporations and plantations, both of the great charter, and of all the lawes) and likewise in respecte of the diligence of the Clerke and Sergeant officers therto belonging: That every man and manservant of above 16. yeares of age shall pay into the handes and Custody of the Burgesses of every Incorporation and plantation, one pound of the best Tobacco, to be distributed to the Speaker, and likewise to the Clerke & sargeant of the Assembly, according to their degrees and rankes, the whole bulke wherof to be delivered into the speakers handes, to be divided accordingly. And in regarde the Provost Marshall of James citty hath also given some attendance upon the said Generall Assembly, he is also to have a share out of the same. And this is to begin to be gathered the 24th of February nexte. In conclusion the whole Assembly commaundd the Speaker (as nowe he doth), to present their humble Excuse to the Treasurer, Counsell, & Company in England, for being constrained by the intemperature of the weather, and the falling sicke of di-verse of the Burgesses, to breake up so abruptly, before they had so muche as putt their lawes to the ingrossing.
This they wholly com-mitted to the fidelity of their speaker; who therein (his Conscience telles him) bath done the parte of an honest man. Otherwise he would easily be founde out by the Burgesses themselves, who with all expedition are to have so many bookes of the same lawes as there be both Incorporations and Plantations in the Colony.

In the second place the Assembly doth most humbly crave pardon, that in so shorte a space they could bring their matter to no more perfection, being for the present enforced to sende home Titles rather then lawes, Propositions rather then Resolutions, Attemptes, then Atchievements: hoping their courtesy will accepte our poore indevour, and their wisedome wilbe ready to supporte the weaknes of this little flocke.

Thirdly the General Assembly doth humbly beseech the said Treasurer, Counsell and Company, that albeit it belongeth to them onely to allowe or to abrogate any lawes which we shall here inacte, and that it is their right so to doe; yet that it would please them not to take it in ill parte, if these lawes which we have nowe brought to light, do passe currant & be of force, till suche time as we may knowe their farther pleasure out of Englande: for otherwise this people (who nowe at length have gotte the raines of former servitude into their owne swindge) would in shorte time growe so insolent, as they would shake off all government, and there would be no living among them.

Their last humble suite is, that the said Counsell & Company would be pleased, so soon as they shall finde it convenient, to make good their promise sett downe at the Conclusion of their Commission for establishing the Counsel of Estate & the General Assembly; namely that they will give us power to allowe or disallowe of their orders of Courte, as his Majesty hath given them power to allowe or to reject our lawes.

In summe Sir George Yeardley the Governour prorogued the said General Assembly till the first of Marche which is to fall out this
present yeare of 1619 and in the mean season dissolved the same.

Finis.