

VIRGINIA 350TH CORPORATION

The Three Charters of the Virginia
Company of London. With Seven
Related Documents; 1606-1621

**Virginia 350th Anniversary
Celebration Corporation**

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Documents; 1606-1621:*

Содержание

INTRODUCTION	4
THE THREE CHARTERS OF THE VIRGINIA COMPANY OF LONDON	11
ARTICLES, INSTRUCTIONS AND ORDERS	27
ORDINANCE AND CONSTITUTION	41
THE SECOND CHARTER	46
Конец ознакомительного фрагмента.	47

Virginia 350th Anniversary Celebration Corporation The Three Charters of the Virginia Company of London / With Seven Related Documents; 1606-1621

INTRODUCTION

Historians may trace in the Royal charters issued to the Virginia Company of London a course of empire; a Company organized for profit by the ablest businessmen of their time—merchants, manufacturers, statesmen, and artists who bound themselves together in a joint stock enterprise. The historian may also find in the three charters here published a pattern for a parliamentary system and its development into the American form of government. He might even perceive the inception of a new society.

The origin of the joint stock company was probably primitive. Its later genesis may readily be seen in the medieval guild. It

became an English institution in its application by Sir Walter Raleigh to his magnificent adventures in both honest trade and romantic piracy.

The Company provided an agency for assembling adventure capital and supplying able management to enterprises of great moment. It offered an invitation to the industrious to participate in the growing wealth and expanding power of the great English middle class. It supplied an opportunity to small investors and it limited their liability. It was an adaptation by practical people to practical problems.

Subscribers, or shareholders, met in their quarterly courts to discuss the business of the Company and participate in its management. These courts were the counterpart of our present day corporate stockholders' meetings and were characterized by the same sort of discussions. King James could protest vehemently against the "democratical principles of the Company." He could see in their charters the final death warrant of feudalism. He could execute Raleigh "chiefly for giving satisfaction to the King of Spain." He could revoke the charters in 1624, but he could not stop the rising tide of representative institutions nor darken the great vision of the liberal Elizabethans. A new day had dawned.

The General Assembly which met at Jamestown in 1619 was the natural child of the Company. Some of the planters along the James River were shareholders in the Company. They had a voice in its management. In the management of the civil affairs

of the Colony it was, therefore, logical that the plantations should elect their representatives to the local governing body. It was thus that the first freely elected parliament of a self-governing people in the Western World came into existence. Its principles were based on those of the corporation chartered and organized for profit by businessmen.

The three charters here published, changed successively to meet changing conditions, were the rules and the by-laws for the commercial, economic, and political development of a homogeneous, industrious English society in a land of opportunity. The principal authors and executors of the charters, Sir Thomas Smith and Sir Edwin and George Sandys, were businessmen. They were practical men. They found a practical way to assemble capital and ability, and coordinate them in constructive enterprise.

A hundred years before the great Virginia adventure, Luther, Erasmus, and Columbus rang down the curtain on the weary and confined drama of the Middle Ages. Expanding horizons challenged man's vision and intellect. Great courage made Englishmen adventurers in all things.

The charters here presented are among the world's great documents. The first which was drawn while Sir Edward Coke was Lord Chief Justice is replete with certain traditional and feudal principles, reverence for the English common law and the supreme authority of the King and his agents. The second, principally the work of the liberal Sir Edwin Sandys with the

approving participation of Sir Francis Bacon, great exponent of natural law, marks a transition from government by arbitrary royal authority to the concept that government rests on the consent of the governed and on the fundamental right of man to enjoy the fruits of his labor. Students may read in this charter the first principles of the American Constitution. The third charter is an attempt to refine principles enunciated in the second in the light of experience. In addition to its political significance, the second charter proved a tremendous stimulus to the Virginia enterprise.

Gondomar, the Spanish Ambassador, wrote to his King that "fourteen Counts and Barons have given 40,000 ducats, the merchants give much more and there is no poor little man or woman who is not willing to subscribe something." The landed aristocracy, gentry, merchants, and yeomen had joined in a company which they directed to provide capital and ability for a great enterprise.

The text of the three charters of the Virginia Company is taken from a contemporary copy recently discovered among the Chancery Rolls of the Public Record Office in London—contemporary enrollments "representing the official text of the charters kept in official custody," according to the Deputy Keeper, Mr. D. L. Evans. A photostatic copy of this manuscript is in possession of the Virginia State Library. Each charter was transcribed in England by Doctor Nellie J. M. Kerling for the editor's use.

Heretofore scholars have had access to the charters only through the text in William Stith's *The History of the First Discovery and Settlement of Virginia* (Williamsburg, Printed by William Parks, 1747), in sources based upon this, or in Alexander Brown's *The Genesis of the United States* (Boston, 1890).

No original of any of the charters is known to exist, although other copies of varying degrees of completeness have been located in England and on the continent. One copy, made with the authority of the Governor, Council, and House of Burgesses of the Colony, was used as evidence to support a petition against Lord Culpeper's land grants. This is included in the Henry Coventry papers in the library of the Marquess of Bath at Longleat, Wiltshire, England (Vol. LXXVI, *Papers relating to Virginia, Barbados, and other Colonies, 1606-1675*). These documents have been microfilmed by the American Council of Learned Societies, "British Manuscripts Project." Many of them will soon be published by the Virginia Historical Society under the editorship of Dr. W. E. Washburn.

Another copy of the charters is in the Public Record Office, "Entry books of letters, commissions, instructions, charters, warrants, patents, grants, etc." (formerly "Record book No. LXXIX"), an abstract of which appears in the *Calendar of State Papers, Colonial Series*, Vol. I. Microfilm copies of this text are in the Library of Congress and the Virginia State Library. Other copies have recently been discovered in France and Spain by Dr.

George Reese who has been employed by the Virginia 350th Anniversary Celebration Corporation to search foreign libraries for documentary material pertinent to the study of 17th century Virginia. Ultimately, microfilm copies of these records will be made available to research libraries in the United States.

The seven accompanying documents, included to illustrate the practical rather than theoretical basis of the administration of the Colony, have been taken from the best available manuscript or printed source. These official papers, together with the three charters of the Virginia Company, may be termed the constitutions and are the basic sources for the study of the Colony during the first fifteen years of its existence.

A few necessary liberties have been taken in transcribing these documents: abbreviations and contractions have been spelled out, capitalization and punctuation have been adjusted according to modern usage and, to prevent possible confusion, certain letters used interchangeably (such as "i" and "j", "v" and "u") are employed according to twentieth century practice. In the text of the three charters, omitted words or phrases have been supplied in brackets from the text in Stith. Brackets are also employed to supply the name of an adventurer if there is any deviation in spelling between Stith and the manuscript version: *e.g.*, "Sir Charles Willmott, Knight [Wilmot]."

This publication owes its issuance to the inspiration and leadership furnished by Dr. Earl G. Swem, Librarian Emeritus of the College of William and Mary. I should like also to

acknowledge the faithful transcription of the text by Dr. Nellie J. N. Kerling, and the deep interest and active support of Dr. Gertrude R. B. Richards, who most patiently assisted in the transcription; also to Mr. Francis L. Berkeley, Jr., Archivist of the Alderman Library, University of Virginia and to Mr. John M. Jennings, Director of the Virginia Historical Society. To Mr. James A. Servies, Reference Librarian of the Library of William and Mary College, has fallen the arduous and difficult task of a comparative, detailed study of all the texts in the different versions. The printed text in these pages is from a typed copy by Mr. Servies, prepared with the most painstaking application, as the result of the comparison of copies transcribed by Dr. Kerling and Dr. Richards, and of the printed pages in Stith. The merit of an accurate and readable text must be ascribed to the industry and scholarly perception of Mr. Servies.

Samuel M. Bemiss

THE THREE CHARTERS OF THE VIRGINIA COMPANY OF LONDON

April 10, 1606

James, by the grace of God [King of England, Scotland, France, and Ireland, Defender of the Faith], etc. Whereas our loving and weldisposed subjects, Sir Thomas Gates and Sir George Somers, Knights; Richarde Hackluit, Clarke, Prebendarie of Westminster; and Edwarde Maria Wingheilde,¹ Thomas Hannam and Raleighe Gilberde, Esquiers; William Parker and George Popham, Gentlemen; and divers others of our loving subjects, have been humble sutors unto us that wee woulde vouchsafe unto them our licence to make habitacion, plantacion and to deduce a colonie of sondrie of our people into that parte of America commonly called Virginia, and other parts and territories in America either appartaining unto us or which are not nowe actuallie possessed by anie Christian prince or people, scituate, lying and being all along the sea coastes between fower and thirtie degrees of northerly latitude from the equinoctiall line and five and fortie degrees of the same latitude

¹ Throughout, this and the following two names are spelled as "Wingfield," "Hanham," and "Gilbert" in Stith.

and in the maine lande betweene the same fower and thirtie and five and fourtie degrees, and the ilandes thereunto adjacente or within one hundred miles of the coaste thereof;

And to that ende, and for the more speedy accomlishement of their saide intended plantacion and habitacion there, are desirous to devide themselves into two severall colonies and companies, the one consisting of certaine Knightes, gentlemen, marchanntes and other adventurers of our cittie of London, and elsewhere, which are and from time to time shalbe joined unto them which doe desire to begin their plantacions and habitacions in some fitt and conveniente place between fower and thirtie and one and fortie degrees of the said latitude all alongst the coaste of Virginia and coastes of America aforesaide; and the other consisting of sondrie Knightes, gentlemen, merchanntes, and other adventurers of our citties of Bristoll and Exeter, and of our towne of Plymouthe, and of other places which doe joine themselves unto that colonie which doe desire to beginn their plantacions and habitacions in some fitt and convenient place betweene eighte and thirtie degrees and five and fortie degrees of the saide latitude all alongst the saide coaste of Virginia and America as that coaste lieth;

Wee, greatly commending and graciously accepting of their desires to the furtherance of soe noble a worke which may, by the providence of Almighty God, hereafter tende to the glorie of His Divine Majestie in propagating of Christian religion to suche people as yet live in darkenesse and miserable ignorance of the

true knoweledge and worshippe of God and may in tyme bring the infidels and salvages living in those parts to humane civilitie and to a setled and quiet govermente, doe by these our lettres patents graciously accepte of and agree to their humble and well intended desires;

And doe, therefore, for us, our heires and successors, grannte and agree that the saide Sir Thomas Gates, Sir George Summers, Richarde Hackluit and Edwarde Maria Winghfeilde, adventurers of and for our cittie of London, and all suche others as are or shalbe joined unto them of that Colonie, shalbe called the Firste Colonie, and they shall and may beginne their saide firste plantacion and seate of their firste aboade and habitacion at anie place upon the saide coaste of Virginia or America where they shall thincke fitt and conveniente betweene the saide fower and thirtie and one and fortie degrees of the saide latitude; and that they shall have all the landes, woods, soile, groundes, havens, ports, rivers, mines, mineralls, marshes, waters, fishinges, commodities and hereditamentes whatsoever, from the said first seate of their plantacion and habitacion by the space of fiftie miles of Englishe statute measure all alongest the saide coaste of Virginia and America towards the weste and southe weste as the coaste lieth, with all the islandes within one hundred miles directlie over againste the same sea coaste; and alsoe all the landes, soile, groundes, havens, ports, rivers, mines, mineralls, woods, marrishes [marshes], waters, fishinges, commodities and hereditamentes whatsoever, from the saide

place of their first plantation and habitation for the space of fiftie like English miles, all alongest the saide coaste of Virginia and America towards the east and northeast [or toward the north] as the coaste lieth, together with all the islandes within one hundred miles directlie over againste the same sea coaste; and alsoe all the landes, woodes, soile, groundes, havens, portes, rivers, mines, mineralls, marrishes, waters, fishinges, commodities and hereditamentes whatsoever, from the same fiftie miles everie waie on the sea coaste directly into the maine lande by the space of one hundred like English miles; and shall and may inhabit and remaine there; and shall and may alsoe bulde and fortifie within anie the same for their better safegarde and defence, according to their best discrecions and the direction of the Counsell of that Colonie; and that noe other of our subjectes shalbe permitted or suffered to plante or inhabit behinde or on the backside of them towards the maine lande, without the expresse licence or consente of the Counsell of that Colonie thereunto in writing firste had or obtained.

And wee doe likewise for us, our heires and successors, by these presentes grannte and agree that the saide Thomas Hannam and Raleighe Gilberde, William Parker and George Popham, and all others of the towne of Plymouthe in the countie of Devon, or elsewhere, which are or shalbe joined unto them of that Colonie, shalbe called the Seconde Colonie; and that they shall and may beginne their saide firste plantation and seate of their first abode and habitation at anie place upon

the saide coaste of Virginia and America, where they shall thincke fitt and conveniente, betweene eighte and thirtie degrees of the saide latitude and five and fortie degrees of the same latitude; and that they shall have all the landes, soile, groundes, havens, ports, rivers, mines, mineralls, woods, marishes, waters, fishinges, commodities and hereditaments whatsoever, from the firste seate of their plantacion and habitacion by the space of fiftie like Englishe miles, as is aforesaide, all alongeste the saide coaste of Virginia and America towards the weste and southwest, or towards the southe, as the coaste lieth, and all the islandes within one hundred miles directlie over againste the saide sea coaste; and alsoe all the landes, soile, groundes, havens, portes, rivers, mines, mineralls, woods, marishes, waters, fishinges, commodities and hereditamentes whatsoever, from the saide place of their firste plantacion and habitacion for the space of fiftie like miles all alongest the saide coaste of Virginia and America towards the easte and northeaste or towards the northe, as the coaste liethe, and all the islandes alsoe within one hundred miles directly over againste the same sea coaste; and alsoe all the landes, soile, groundes, havens, ports, rivers, woodes, mines, mineralls, marishes, waters, fishings, commodities and hereditaments whatsoever, from the same fiftie miles everie waie on the sea coaste, directlie into the maine lande by the space of one hundred like Englishe miles; and shall and may inhabit and remaine there; and shall and may alsoe bulde and fortifie within anie the same for their better saufegarde according to

theire beste discrecions and the direction of the Counsell of that Colonie; and that none of our subjectes shalbe permitted or suffered to plante or inhabit behinde or on the backe of them towards the maine lande without the expresse licence or consente of the Counsell of that Colonie, in writing thereunto, firste had and obtained.

Provided alwaies, and our will and pleasure herein is, that the plantacion and habitacion of suche of the saide Colonies as shall laste plante themselves, as aforesaid, shall not be made within one hundred like Englishe miles of the other of them that firste beganne to make theire plantacion, as aforesaide.

And wee doe alsoe ordaine, establishe and agree for [us], our heires and successors, that eache of the saide Colonies shall have a Counsell which shall governe and order all matters and causes which shall arise, growe, or happen to or within the same severall Colonies, according to such lawes, ordinannces and instructions as shalbe in that behalfe, given and signed with our hande or signe manuell and passe under the Privie Seale of our realme of Englande; eache of which Counsell shall consist of thirteene parsons² and to be ordained, made and removed from time to time according as shalbe directed and comprised in the same instructions; and shall have a severall seale for all matters that shall passe or concerne the same severall Counsell, eache of which seales shall have the Kinges armes engraven on the one side there of and his pourtraiture on the other; and that the seale

² *i.e.*, "persons"

for the Counsell of the saide Firste Colonie shall have engraven rounde about on the one side these wordes: Sigillum Regis Magne Britanie, Francie [et] Hibernie; on the other side this inscripture rounde about: Pro Consillio Prime Colonie Virginie. And the seale for the Counsell of the saide Seconde Colonie shall alsoe have engraven rounde about the one side thereof the foresaide wordes: Sigillum Regis Magne Britanie, Francie [et] Hibernie; and on the other side: Pro Consilio Secunde Colonie Virginie.

And that alsoe ther shalbe a Counsell established here in Englande which shall in like manner consist of thirteen parsons to be, for that purpose, appointed by us, our heires and successors, which shalbe called our Counsell of Virginia; and shall from time to time have the superior managing and direction onelie of and for all matters that shall or may concerne the govermente, as well of the said severall Colonies as of and for anie other parte or place within the aforesaide precinctes of fower and thirtie and five and fortie degrees abovementioned; which Counsell shal in like manner have a seale for matters concerning the Counsell [or Colonies] with the like armes and purtraiture as aforesaide, with this inscription engraven rounde about the one side: Sigillum Regis Magne Britanie, Francie [et] Hibernie; and rounde about the other side: Pro Consilio Suo Virginie.

And more over wee doe grannte and agree for us, our heires and successors, that the saide severall Counsell of and for the saide severall Colonies shall and lawfully may by vertue hereof,

from time to time, without interruption of us, our heires or successors, give and take order to digg, mine and searche for all manner of mines of goulde, silver and copper, as well within anie parte of their saide severall Colonies as of the saide maine landes on the backside of the same Colonies; and to have and enjoy the goulde, silver and copper to be gotten there of to the use and behoofe of the same Colonies and the plantacions thereof; yeilding therefore yerelie to us, our heires and successors, the fiftie parte onelie of all the same goulde and silver and the fifteenth parte of all the same copper soe to be gotten or had, as is aforesaid, and without anie other manner of profitt or accompte to be given or yeilded to us, our heires or successors, for or in respecte of the same.

And that they shall or lawfullie may establishe and cawse to be made a coine, to passe currant there betwene the people of those severall Colonies for the more ease of traffique and bargaining betweene and amongst them and the natives there, of such mettall and in such manner and forme as the same severall Counsells there shall limitt and appointe. And wee doe likewise for us, our heires and successors, by these presents give full power and auctoritie to the said Sir Thomas Gates, Sir George Summers, Richarde Hackluit, Edwarde Maria Wingham, Thomas Hannam, Raleigh Gilberde, William Parker and George Popham, and to everie of them, and to the saide severall Companies, plantacions and Colonies, that they and everie of them shall and may at all and everie time and

times hereafter have, take and leade in the saide voyage, and for and towards the saide severall plantacions and Colonies, and to travell thitherwarde and to abide and inhabit there in everie of the saide Colonies and plantacions, such and somanie of our subjectes as shall willinglie accompanie them, or anie of them, in the saide voyages and plantacions, with sufficiente shipping and furniture of armour, weapon, ordonnance, powder, victall, and all other thinges necessarie for the saide plantacions and for their use and defence there: provided alwaies that none of the said parsons be such as hereafter shalbe speciallie restrained by us, our heires or successors.

Moreover, wee doe by these presents, for us, our heires and successors, give and grannte licence unto the said Sir Thomas Gates, Sir George Summers, Richard Hackluite, Edward Maria Winghfeilde, Thomas Hannam, Raleigh Gilberde, William Parker and George Popham, and to everie of the said Colonies, that they and everie of them shall and may, from time to time and at all times for ever hereafter, for their severall defences, incounter or expulse, repell and resist, aswell by sea as by lande, by all waies and meanes whatsoever, all and everie suche parson and parsons as without espiciall licence of the said severall Colonies and plantacions shall attempte to inhabit within the saide severall precincts and limitts of the saide severall Colonies and plantacions, or anie of them, or that shall enterprise or attempt at anie time hereafter the hurte, detrimente or annoyance of the saide severall Colonies or plantacions.

Giving and granting by these presents unto the saide Sir Thomas Gates, Sir George Somers, Richard Hackluite, and Edward Maria Winghfeilde, and their associates of the said Firste Colonie, and unto the said Thomas Hannam, Raleigh Gilberde, William Parker and George Popham, and their associates of the saide Second Colonie, and to everie of them from time to time and at all times for ever hereafter, power and auctoritie to take and surprize by all waies and meanes whatsoever all and everie parson and parsons with their shippes, vessels, goods and other furniture, which shalbe founde traffiqueing into anie harbor or harbors, creeke, creekes or place within the limitts or precincts of the saide severall Colonies and plantacions, not being of the same Colonie, untill such time as they, being of anie realmes or dominions under our obedience, shall paie or agree to paie to the handes of the Tresorer of the Colonie, within whose limitts and precincts they shall soe traffique, twoe and a halfe upon anie hundred of anie thing soe by them traffiqued, boughte or sould; and being strangers and not subjects under our obeysance, untill they shall paie five upon everie hundred of suche wares and commoditie as they shall traffique, buy or sell within the precincts of the saide severall Colonies wherein they shall soe traffique, buy or sell, as aforesaide; which sommes of money or benefitt, as aforesaide, for and during the space of one and twentie yeres nexte ensuing the date hereof shalbe whollie imploied to the use, benefitt and behoofe of the saide severall plantacions where such trafficque

shalbe made; and after the saide one and twentie yeres ended the same shalbe taken to the use of us, our heires and successors by such officer and minister as by us, our heires and successors shalbe thereunto assigned or appointed.

And wee doe further, by these presentes, for us, our heires and successors, give and grannte unto the saide Sir Thomas Gates, Sir George Summers, Richarde Hachluit, and Edwarde Maria Wingheilde, and to their associates of the saide Firste Colonie and plantacion, and to the saide Thomas Hannam, Raleigh Gilberde, William Parker and George Popham, and their associates of the saide Seconde Colonie and plantacion, that they and everie of them by their deputies, ministers and factors may transport the goods, chattells, armor, munition and furniture, needfull to be used by them for their saide apparrell, defence or otherwise in respecte of the saide plantacions, out of our realmes of Englande and Irelande and all other our dominions from time to time, for and during the time of seaven yeres nexte ensuing the date hereof for the better releife of the said severall Colonies and plantacions, without anie custome, subsidie or other dutie unto us, our heires or successors to be yeilded or paide for the same.

Alsoe wee doe, for us, our heires and successors, declare by these presentes that all and everie the parsons being our subjects which shall dwell and inhabit within everie or anie of the saide severall Colonies and plantacions and everie of their children which shall happen to be borne within the limitts and precincts

of the said severall Colonies and plantacions shall have and enjoy all liberties, franchises and immunities within anie of our other dominions to all intents and purposes as if they had been abiding and borne within this our realme of Englande or anie other of our saide dominions.

Moreover our gracious will and pleasure is, and wee doe by these presents, for us, our heires and successors, declare and sett forthe, that if anie parson or parsons which shalbe of anie of the said Colonies and plantacions or anie other, which shall trafficque to the saide Colonies and plantacions or anie of them, shall at anie time or times hereafter transporte anie wares, marchandize or commodities out of [any] our dominions with a pretence and purpose to lande, sell or otherwise dispose the same within anie the limitts and precincts of anie of the saide Colonies and plantacions, and yet nevertheles being at the sea or after he hath landed the same within anie of the said Colonies and plantacions, shall carrie the same into any other forraine countrie with a purpose there to sell or dispose of the same without the licence of us, our heires or successors in that behalfe first had or obtained, that then all the goods and chattels of the saide parson or parsons soe offending and transporting, together with the said shippe or vessell wherein suche transportacion was made, shall be forfeited to us, our heires and successors.

Provided alwaies, and our will and pleasure is and wee doe hereby declare to all Christian kinges, princes and estates, that if anie parson or parsons which shall hereafter be of anie of

the said severall Colonies and plantacions, or anie other, by his, their, or anie of their licence or appointment, shall at anie time or times hereafter robb or spoile by sea or by lande or doe anie acte of unjust and unlawfull hostilitie to anie the subjects of us, our heires or successors, or anie of the subjects of anie king, prince, ruler, governor or state being then in league or amitie with us, our heires or successors, and that upon suche injurie or upon juste complainte of such prince, ruler, governor or state or their subjects, wee, our heires or successors, shall make open proclamation within anie the ports of our realme of Englande, commodious for that purpose, that the saide parson or parsons having committed anie such robberie or spoile shall, within the terme to be limited by suche proclamations, make full restitution or satisfaction of all suche injuries done, soe as the saide princes or others soe complained may houlde themselves fully satisfied and contented; and that if the saide parson or parsons having committed such robberie or spoile shall not make or cause to be made satisfaction accordingly with[in] such time soe to be limited, that then it shalbe lawfull to us, our heires and successors to put the saide parson or parsons having committed such robberie or spoile and their procurers, abettors or comfortors out of our allegeance and protection; and that it shalbe lawefull and free for all princes and others to pursue with hostilitie the saide offenders and everie of them and their and everie of their procurers, aiders, abettors and comfortors in that behalfe.

And finallie wee doe, for us, our heires and successors, grannte and agree, to and with the saide Sir Thomas Gates, Sir George Summers, Richard Hackluit and Edward Maria Wingfield, and all other of the saide Firste Colonie, that wee, our heires or successors, upon petition in that behalfe to be made, shall, by lettres patents under the Greate [Seale] of Englande, give and grannte unto such parsons, their heires and assignees, as the Counsell of that Colonie or the most part of them shall for that purpose nominate and assigne, all the landes, tenements and hereditaments which shalbe within the precincts limited for that Colonie, as is aforesaid, to be holden of us, our heires and successors as of our manor of Eastgreenwiche in the countie of Kente, in free and common soccage onelie and not in capite.

And doe, in like manner, grannte and agree, for us, our heires and successors, to and with the saide Thomas Hannam, Raleigh Gilbert, William Parker and George Popham, and all others of the saide Seconde Colonie, that wee, our heires [and] successors, upon petition in that behalfe to be made, shall, by lettres patentes under the Great Seale of Englande, give and grannte unto such parsons, their heires and assignees, as the Counsell of that Colonie or the most parte of them shall for that purpose nominate and assigne, all the landes, tenements and hereditaments which shalbe within the precinctes limited for that Colonie as is afore said, to be holden of us, our heires and successors as of our manor of Eastgreenwich in the countie of Kente, in free and common soccage onelie and not in capite.

All which landes, tenements and hereditaments soe to be passed by the saide severall lettres patents, shalbe, by sufficient assurances from the same patentees, soe distributed and devided amongst the undertakers for the plantacion of the said severall Colonies, and such as shall make theire plantacion in either of the said severall Colonies, in such manner and forme and for such estates as shall [be] ordered and sett [downe] by the Counsell of the same Colonie, or the most part of them, respectively, within which the same lands, tenements and hereditaments shall ly or be. Althoughe expresse mencion [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 our progenitors or predecessors, to the aforesaid Sir Thomas Gates, Knt. Sir George Somers, Knt. Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, or any of them, heretofore made, in these presents, is not made; or any statute, act, ordnance, or provision, proclamation, or restraint, to the contrary hereof had, made, ordained, or any other thing, cause, or matter whatsoever, in any wise notwithstanding.] In wnesse wherof [we have caused these our letters to be made patents;] wnesse our selfe at Westminster the xth day of Aprill [1606, in the fourth year of our reign of England, France, and Ireland, and of Scotland the nine and thirtieth.]

[Lukin]

Exactum per breve de private sigillo [etc.]

P. R. O. Chancery Patent Rolls (c. 66), 1709; Stith, Appendix, pp. 1-8; Hening's *Statutes*, Vol. I, pp. 57-66.

ARTICLES, INSTRUCTIONS AND ORDERS

November 20, 1606

Articles, instructions and orders made, sett down and established by us the twentieth day of November, in the year of our raigne of England, France and Ireland the fourth and of Scotland the fortieth, for the good order and government of the two severall Colonies and plantations to be made by our loving subjects in the country commonly called Virginia and America, between 34 and 45 degrees from the aequinoctial line.

Wheras wee, by our letters pattents under our Great Seale of England bearing date att Westminster the tenth day of Aprill in the year of our raigne of England, France and Ireland the fourth and of Scotland the 39th, have given lycence to sundry our loving subjects named in the said letters pattents, and to their associates, to deduce and conduct two severall Collonies or plantations of sundry our loving people willing to abide and inhabit in certaine parts of Virginia and America, with divers preheminences, priviledges, authorities and other things, as in and by the same letters pattents more particularly it appeareth;

wee, according to the effect and true meaning of the same letters pattents, doe by these presents, signed with our hand, signe manuel and sealed with our Privy Seale of our realme of England, establish and ordaine that our trusty and welbeloved Sir William Wade, Knight, our Lieutanant 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 the city of London; Sir William Rumney, Knight; John Dodderidge, Esq., Solliciter General; Thomas la Warr, Esq.; 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 or any the territories of America between 34 and 45 degrees from the aequinoctial line northward and the islands to the several Collonies limited and assigned; and that they shal be called the King's Council of Virginia, which Council or the most part of them shal have full power and authority att our pleasure, in our name and under us, our heires and successors, to give directions to the Councils of the several Colonies which shal be within any part of the said country of Virginia and America within the degrees first above mentioned, 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 the same (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 scale app[ointed]³ 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 [nomi]nation of us, our heires and successors and att our and their will and plea[sure]; and the same Council of Virginia or the more part of them, for the time bei[ng], shall nominate and appoint the first several Councillours of those several Councils which are to be appointed for those two several Colonies whi[ch are] to be made plantations in Virginia and America between the degrees [before] mentioned, according to our said letters pattents in that behalfe made; and that each of the same Councils of the same several Colonies shal, 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, unlesse he shall in the mean time dye or be removed from that office; and wee doe further hereby establish & ordaine that it shal be lawful for the major part of either of the said Councils, upon any just cause, either absence or otherwise, to remove the President or any other of that Council from being either President or any of that Council, and upon the deathes or removal of any of the Presidents or Council it shal be lawfull for the major part of that Council to elect another in the place of the party soe dying

³ The following words or letters missing from the manuscript have been supplied from the text in Hening.]

or removed, soo alwaies as they shal not be above thirteen of either of the said Councillours; and wee doe establish & ordaine that the President shal not continue in his office of Presidentship above the space of one year; and wee doe especially ordaine, charge and require the said Presidents and Councells and the ministers of the said several Colonies respectively, within their several limits and precincts, that they with all diligence, care and respect doe provide that the true word and service of God and Christian faith be preached, planted and used, not only within every of the said several Colonies and plantations but alsoe 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 realme 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 allegiance 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 persons 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 withall convenient speed be sent into our

realme of England, here to receive condigne punishment for his or their said offence or offences; and moreover wee doe hereby ordaine and establish for us, our heires and successors that all the lands, tenements and hereditaments to be had and enjoyed by any of our subjects with the precincts aforesaid shall be had and inherited and injoyed according as in the like estates they be had & enjoyed by the lawes within this realme of England; and that the offences of tumults, rebellion, conspiracies, mutiny and seditions in those parts which maybe dangerous to the estates there, together with murther, manslaughter, incest, rapes and adulteries committed in those parts within the precincts of any the degrees 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 Councells 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 offences 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 Evangelists, to be returned by such ministers and officers, as every of the said Presidents and Councells, or the most part of them respectively, shall assigne; and the twelve persons 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 & 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 be 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 of the offences before mentioned, the said Presidents or Councillors, 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 offended [offender] without the benefit of the clergy, except only in cause of manslaughter, and noe person soe adjudged, attainted or condemned shall be repriv'd 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 shal 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 the Great Seale 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 before mentioned, within any part between the degrees aforesaid, out of the precincts of his or their Collony, that then every such offender or offenders shall be tried and punished as aforesaid within his or their proper Colony, and that every the said Presidents and Councells, 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 prooffe thereof made by sufficient witness upon oath; and that in all those cases the said President and Council, 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 & 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 alsoe the said President & Council shall have power and authority by virtue of these presents to punish all manner of excesse, through drunkennesse or otherwaies, and all idle, loytering 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 [is], 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, neverthesse, our will and pleasure is that every judgment and sentence hereafter to be given in any of 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 breifely and summarily registred 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 soe registred 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 devideably but in two or three stocks att 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 storehouses for that purpose to be made and erected there, and that in such order, manner and form as the Council 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 three, elected yearely by the President and Councill 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 mannageinge 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 reasonalbe cause; and that thereupon the same President and Councill 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 Council of the same Collony 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 registred 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 storehouses of that Collony, which clarks shall continue in their said places but att the will of the President and Council of that Colony whereof he is, or of the major part of them; and that every person of 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 clerks 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 consisting of three persons att the least who shall be resident att or neer London, or such other place and places as the Council 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 and accompt of all such goods, wares, 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

affaires and profits concerning the adventurers 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 adventurers 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 Council 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 & accompt of all such goods, wares, merchandizes and other things which shall be sent from thence to 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 affaires and profits of the adventurers of that Company; alsoe our will and pleasure is that noe 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 managed to and from such ports & 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 Council of each of the said Colonies, and the more part of them respectively, shall and may lawfully from time to time constitute, make and ordaine such constitutions, ordinances and officers for the better order, government and peace of the people of their severall Collonies, soe alwaies as the same ordinances and constitutions doe not touch any party in life or member, which constitutions & ordinances shall stand and continue in full force untill 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 alterations be such as may stand with and be in substance consonant 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 being our subjects of every the said Collonies 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 same severall 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 conforme themselves to any good and sociable traffique 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 shal

be inflicted by the same several Presidents and Councillors of the said several Colonies, or the most part of them, within their several limits and precincts, on such as shall offend therein 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, constitutions and ordinances for the better rule, order 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 & convenient, which alwaies shall be such as may stand with or be in substance consonant unto the lawes of England or the equity thereof; and lastly wee doe ordaine and establish for us, our heires and successors that such oath shall be taken by each of our Councillors here for Virginia, concerning their place and office of Councillor, as by the Privy Councillor of us, our heires and successors of this our realme of England shall be in that behalf limited & appointed; and that each Councillor of the said Colonies shall take such oath for the execution of their place and office of Council as by the Council of us, our heires and successors here in England, for Virginia, shall in that behalfe be limited and appointed; and aswell 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 Council here for Virginia be transcribed over unto the said

several Councells of the said several Colonies under the seale to be ordained for our said Councell here for Virginia; In witnesses &c.

Virginia State Library, "Patents, No. 2, 1643-1651";
Hening, Vol. I, pp. 67-75.

ORDINANCE AND CONSTITUTION

March 9, 1607

An ordinance and constitution enlarging the number of our Councel for the two severall Colonies and plantations in Virginia and America between 34 and 45 degrees of northerly latitude, and augmenting their authority for the better directing and ordering of such things as shall concerne the said Colonies.

James, by the grace of God, &c. Whereas wee, by our letters patents under our Great Seale 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 severall Colonies or plantations of sundry our loving people willing to abide and inhabit in certaine parts of Virginia and America with 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 welbeloved 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 citty of London; Sir William Rumney, Knight; John Dodderidge, Esqr., our Solicitor General; Thomas Warr, Esq.; John Eldred, of our city of London, merchant; Thomas James, of our citty of Bristol, merchant; and James Bagge, of Plymouth in our county of Devon, merchant; should be our Council for all matters which should happen in Virginia or any the territories of America aforesaid, or any actions, businesse or causes for and concerning the same, which Council is from time to time to be encreased, altered or changed att the nomination of us, our heires and successors, and att our and their will and pleasure; & whereas our said Council 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 citty of London where, if need require, they may receive directions from us and our Privy Council 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 there cannot be any competent number of them by any meanes 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 to our Royal consideration the names of certaine sage and discreet persons, & having with like humility entreated us that the said persons, 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, orderring 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 hand and signe manuel and sealed with our Privy Seale of our realme of England, establish and ordaine that our trusty and welbeloved Sir Thomas Challonor, Knight; Sir Henry Nevil, Knight; Sir Fulks Grevil, Knight; Sir John Scot, Knight; Sir Robert Mansfield, Knight; Sir Oliver Cromwel, Knight; Sir Morrice Berkeley, Knight; Sir Edward Michelbourne, Knight; Sir Thomas Holcroft, Knight; Sir Thomas Smith, Knight, Clerk of our Privy Council; Sir Robert Kelligrew, Knight; Sir Robert Croft, Knight; Sir George Copping, Knight; Sir Edwyn Sandys, Knight; Sir Thomas Row, Knight; and Sir Anthony Palmer, Knight; nominated unto us by and on the behalfe of the said First Colony; Sir Edward Hungerford, Knight; Sir John Mallet, Knight; Sir John Gilbert, Knight; Sir Thomas Freale, Knight; Sir Richard Hawkings, Knight; Sir Bartholomew Mitchel, Knight; Edward Seamour, Esq.; Bernard Greenville, Esq.; Edward Rogers, 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 formerly named, be our Council for all matters which shall or may conduct to the aforesaid plantations or which shall happen in Virginia or any the territories of America between 34 & 45 degrees of northerly latitude from the aequinoctial line and the islands to the several Colonies limited and assigned, that is to say, the First Colony from 34 to 41 degrees of the said latitude, and the Second Colony between 38 and 45 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 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 ordaine, nominate, elect and choose any other person or persons att their discretion to be and to serve as officer or officers to all offices and places that shall by them be thought fitt and requisite for the businesse and affaires 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 adventurors or others which shall passe on 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 Council aforesaid. [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 roomes 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 (1607) in the year of our reign of England, France and Ireland the fourth, and of Scotland the fortieth, &c.]⁴

Virginia State Library, "Patents, No. 2, 1643-1651";
Hening, Vol. I, pp. 76-79.

⁴ Bracketed passage supplied from text in Hening.

THE SECOND CHARTER

May 23, 1609

James, by the grace of God [King of England, Scotland, France and Ireland, defender of the faith, etc.] To all [to whom these presents shall come, greeting.]

Конец ознакомительного фрагмента.

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