“The Virginia House of Burgesses’ Struggle for Power from 1619-1689”

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A Thesis Submitted To

The Faculty of the History Department and Graduate School

At Liberty University

In Partial Fulfillment of the Requirements for a

Masters of Arts in History

December 2013

Acknowledgements

The finishing of my Master's Thesis could not have been possible without the extraordinary assistance of the faculty of Liberty University's History Department. Dr. Michael A. Davis, Dr. Samuel C. Smith, Dr. Christopher J. Smith, and Dr. Steven Woodworth have helped me to hone my writing skills through the graduate history course that I have taken at Liberty University. I would like to especially thank Dr. David L. Snead for being my thesis director. He has done an exceptional job in assisting me to write, edit, and trim down my thesis. Thank you.

Table of Contents

Introduction

After experiencing the freedom to choose representatives for the House of Burgesses in 1619, Virginian freemen and freeholders would resist living under a political system that did not allow them to participate in choosing their leaders.[1] In 1619, the Virginia Company set up a new kind of governmental legislature in Virginia where every freeman and freeholder held the right to vote for their representative. Over time, the representatives came to see their legislature as equal with the British Parliament and believed it held the right to make its own laws and choose its own leaders. By Bacon's Rebellion in 1675-1676, Virginians were willing to fight, whether by legislative action or war, to jealously protect this power from anyone wanting to take it away.

The thesis will begin with a look at what led to the creation of the Virginia General Assembly, then focus on the House of Burgesses, which started in Jamestown in July of 1619.[2] Next, the thesis will explore how the Burgesses in the new legislature, who were all freemen in the colony, went about deciding legislation. The General Assembly at that time was unicameral, and the Burgesses met with the Governor's Council and the Governor-General. From 1607 until 1625, the Virginia Company ran the colony of Virginia, but then the king took over the colony and ran it until 1776.

During the early period of colonial settlement in the seventh century, all the freemen and freeholders of the colony could still vote for their representatives, and, much of the time, the Burgesses were able to preserve their power. The freemen of the colony were those who were not indentured servants. Slavery, at this point in the colony's history, was virtually nonexistent, so this

[1]Freemen were males who were not indentured servants, but did not own land. Freeholders were males that did own land.

[2]Warren M. Billings, *A Little Parliament: The Virginia General Assembly in the Seventeenth Century* (Richmond, VA: Library of Virginia, 2004), 8. The General Assembly consisted of the House of Burgesses and the governor's council as one legislature. The House of Burgesses consisted of representatives of the freemen and freeholders from each plantation voted in. The governor's Council consisted of Councillors that the governor chose from among the leading men of the colony.

did not factor into the thinking of the colony. A Dutch ship brought black slaves in 1619. However, colonial government made them into indentured servants who eventually gained their freedom and owned their own land.[3] The plantation owners who brought over the indentured servants basically owned them until they paid off their debt. Then, they too could become freemen and freeholders.[4]

Freeholders were those who owned land. The idea that any freeman could vote, as in Virginia, was unheard of before. Not even in Great Britain could all freemen vote, as only landowners had suffrage.[5] This made the Virginia colony's government something new and different. Here they were a colony of Great Britain, but they did not have the same exact government style as their mother country. The members of the House of Burgesses may have been similar to Parliament, but quickly they made themselves a different entity. The colonists enjoyed this new style of government; they enjoyed their freedom; and they became wary of any governor or the Crown trying to change the government. They would even defy the crown in the proceeding decades to keep their form of government.[6]

Before the Crown took over the colony in 1625, certain problems led to the creation of the Virginia General Assembly. From 1607-1619, the governing body of the colony consisted of the governor and his council. However, after hearing allegations against Governor Samuel Argall, the Virginia Company began an investigation. Argall had Pocahontas kidnapped in 1613, almost instigating a war between the colonists and the Indians. Then, in 1618, Argall decided to repair the company warehouse and build a new frame for the church. The governor, however, wanted the

[3]Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: Norton, 1975), 105, 154-157.

[4]Ronald L. Heinemann, *Old Dominion, New Commonwealth: A History of Virginia*, 1607-2007 (Charlottesville: University of Virginia Press, 2007), 28.

[5]Billings, *A Little Parliament*, 18.

[6]Samuel Mathews, "The Mutiny in Virginia," *The Virginia Magazine of History and Biography* 1:4 (1894): 416-424.

work finished quickly, and so set the workmen on a backbreaking schedule. Argall's schedule was the last straw for the colonists. The colonists decided the best way of dealing with the governor was to complain to the company.[7]

The company heard the complaint and decided that it was time to do something for the betterment of the colony. The Company's new treasurer, Sir Ediwn Sandys, thought that the government of the colony needed a change. Since the start of the colony in 1607, the Virginia Company believed that a strong governor-general needed to rule the colony with an iron fist. This proved true during the Starving Time when the majority of the colony had died. If John Smith had not forced the colonists to work hard and feed themselves, they would probably never have survived. Through the 1610s, the company continued with this policy of having governor-generals.[8]

In 1619, Sandys believed that the colonists were ready to rule themselves. The Company reserved the right to choose the governor, and the governor would choose the members of his council, but the colonists would choose their own representatives in the House of Burgesses. Sandys sent the new orders, *The Greate Charter*, with the new governor, George Yeardley.[9] Yeardley helped to set up the new House of Burgesses, which met for six days at the end of July and beginning of August in 1619. In those six days, the new Burgesses codified the law that Sandys gave them and set up a way for ruling themselves.[10]

The House of Burgesses continued to meet diligently each year until 1625 when the colony reverted to Crown control. In 1621, the Virginia Company had placed a new governor, Sir Francis

[7]Warren M. Billings, *Sir William Berkeley and the Forging of Colonial Virginia* (Baton Rouge: Louisiana State University Press, 2010), 42.

[8]James P. Horn, *A Land as God Made It: Jamestown and the Birth of America* (New York: Basic Books, 2005), 60.

[9]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 5.

[10]Charles E. Hatch, "Oldest Legislative Assembly and Its Jamestown *Statehouses"* (Rev. 956. ed. Washington: U.S. Dept. of the Interior, National Park Service, 1956).

Wyatt, over the colony. During his term, Indians massacred several hundred colonists at plantations all across the colony in March 1622.[11] The colonists were stunned when the massacre took place and believed that the Company had failed protect them. The colonists sent a contingent to complain to the king. The crown dealt with problems by sending over investigators to look into the complaints. The investigators found the governor and the Virginia Company at fault for the problems and, gave the colonists a choice: they could stay with the Virginia Company or become a royal colony. The people liked the fact that they could have a say in their government, but, more importantly to them, they wanted protection from Indian attacks. They chose to go with the king, and so, in 1625, Virginia became a royal colony.[12]

The crown then chose who would be governor. Through this entire time, free elections of all freemen continued to take place. In 1642, however, a new governor came to Jamestown, Sir William Berkeley.[13] He noticed the power of the House of Burgesses, and instead of trying to gain power over the Burgesses, he chose instead to try to work with them. In 1643, he extended an olive branch to them by separating the House of Burgesses from him and his council, effectively making the Virginia legislature into a bicameral body.[14] Berkeley continued to try to work with them until 1652. In that year, Oliver Cromwell came to power in England and called upon the colony to swear allegiance to the new government. Rather than go against his royalist stance, Berkeley stepped down. Three governors served during the period of the Commonwealth and Protectorate, and each of them attempted to reduce the power of the House of Burgesses without success.[15]

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[11]Billings, *A Little Parliament,* 11.

[12]*Journals of the House of Burgesses of Virginia, 1619-1776* California: University of California Libraries, 1915, http://babel.hathitrust.org/cgi/pt?id=uc2.ark:/13960/t4th8sj3p, xxix. See also Ivor Noël Hume, *Martin's Hundred* (New York: Knopf, 1982), xxix.

[13]Billings, *Sir William Berkeley and the Forging of Colonial Virginia,* 38.

[14]Ibid., 92-93.

[15]Warren M. Billings, *A Little Parliament,* 32-33.

In 1660, the third governor of the Commonwealth period died, and the English government reappointed Berkeley as governor.[16] The same year, Charles II gained power from Cromwell's incompetent son, Robert Cromwell, and kept Berkeley on as the crown governor of Virginia. The Long Assembly began the same year, and Berkeley did not call another election until 1676. Good relations between the House of Burgesses and the governor resumed.

In 1676, though, Berkeley and the House of Burgesses were no longer having great relations. Berkeley had to deal with Nathaniel Bacon, whom he had placed on his council in 1675 when Bacon arrived in Virginia. Many of the Burgesses in the House in 1675 had started to listen to Bacon over Berkeley, which Berkeley did not like. Berkeley hoped that a new crop of Burgesses would agree with him instead of Bacon. Berkeley held elections for the House of Burgesses for the first time since 1660, but did not receive more receptive representatives. The newly elected representatives chose to continue in their predecessors' footsteps, and favor Bacon over Berkeley.[17]

In 1676, Indians attacked some of the outlying plantations, including Bacon's plantation. Bacon wanted help from the government in Virginia to go after the Indians. After Berkeley refused, Bacon took matters into his own hands and went after the Indians without Berkeley's help. Bacon's defiance of Berkeley by attacking the Indians when he forbade him, led to Berkeley's wrath coming down upon Bacon. Bacon, however, upon bended knee, asked for forgiveness, and Berkeley forgave him. Bacon, though, was still angry at Berkeley for not supporting him originally; so, Bacon came back to Jamestown and burned down the town. Within in three days, Bacon died, and Berkeley came back into Jamestown. Berkeley ended up punishing

[16] Ibid., 177-179.

[17] Ibid., 47. See also "Election writ" in William Berkeley, *The Papers of Sir William Berkeley, 1605-1677*, Edited by Warren M. Billings, and Maria E. Kimberly (Richmond, VA: Library of Virginia, 2007), 520-521; and William Hening *"The Statutes at Large; Being a Collection of all the Laws of Virginia from the First Session of the Legislature, in the Year 1619* vol. 1," VAGENWEB, www.vagenweb.org/hening/vol02-17.htm (accessed November 12, 2012), 40.

many of Bacon's men. Charles II decided that there had to be tougher governors in the colony to keep the peace, and make sure another rebellion did not happen again.[18] Bacon's Rebellion crumpled fairly quickly, but the damage had been done. The crown heard about the trouble and undertook an investigation.[19] The investigators found Berkeley too old to serve as governor, and so, in 1677, they sent him back to Great Britain, where he soon died.

After the trouble with Berkeley, the crown decided to keep a closer watch on the Virginia colony and to try to curtail the power of the House of Burgesses.[20] Each time one of the governors tried to curtail the Burgesses' freedom, they would work to stop him. By 1689, the Burgesses' persistence paid off. A new king, William III, took over the throne, and did not pay much attention to the colony, allowing the Burgesses to regain their power.[21]

The study of the growth of power in the House of Burgesses, and the fact that freeman could vote for almost seventy years, had not really been studied before, especially in the years between 1619 and 1689.[22] Much of the material on the House of Burgesses in 1619 simply states that either it happened, how it led to the modern day House of Delegates in Virginia today, or how the Virginia House of Burgesses stemmed from Parliament.[23] The best secondary source is *A Little Parliament* by Warren Billings. He states that the House of Burgesses, and by extension the whole of the General Assembly, was really a smaller version of Great Britain's Parliament.[24] While this

[18]Webb, *1676,* 410.

[19]Billings, *A Little Parliament,* 102, 119, and 160. See also "*Minutes of the Council and General Court of Colonial Virginia, 1622-1632, 1670-1676, with Notes and Excerpts from Original Council and General Court Records, into 1683, Now Lost,"* Internet Archive: Digital Library of Free Books, Movies, Music & Wayback Machine. http://archive.org/stream/minutesofcouncil00virg#page/104/mode/2up/search/1626 (accessed November 5, 2012), 454-461; and list of executed rebels, ca. February 1677, Colonial Office Papers 1/40, fols. 241-243, British Public Records Office.

[20]Billings, *A Little Parliament,* 49-50. See also Stephen Saunders Webb, *1676, The End of American Independence* (New York: Knopf, 1984), 106-108.

[21]Billings, *A Little Parliament,* 174-175. See also Thomas Jefferson Wertenbaker, *Virginia Under the Stuarts, 1607-1688* (New York: Russell & Russell, 1914), 256-257.

[22]Billings, *A Little Parliament,* xvii.

[23]Ibid.

[24] Ibid., 8-9.

may have been true in 1619, it did not last. However, even at the beginning, the Virginia government showed itself to be going in a different direction than Parliament, and Billings even notes some of these in his book. For example, in Parliament, only landowners could vote for representatives. In the House of Burgesses, any freeman could vote for the representatives.[25]

Second, in Parliament, only nobility and clergy could be in the House of Lords.[26] The councilors in the Governor's Council in Virginia were not nobility. It was by the pleasure of the governor one served on the Council. A Councillor might only serve a couple of years, or he could serve for a couple of decades. Only if they were of good behavior and stayed in good regard with the Crown and colony would they continue to serve.[27] Many of the Councillors had served in House of Burgesses before the governor chose them to serve him.

Third, each of the representatives in Parliament represented all of Great Britain. It did not matter if the representative came from London, as he still would serve East Anglia as well. This was common practice for representative governments. The House of Burgesses made a radical change from this practice. The Burgesses represented the area they came from and only that area. If the Burgess came from Henrico County, he served only Henrico County and not James County.[28]

The fourth way the General Assembly was different from Parliament was that the House of Burgesses did not always obey the laws that Parliament made. There is evidence that by the 1670s that the House of Burgesses saw itself sufficiently strong to reject Parliament's laws if it chose to do so. In one case, the House of Burgesses passed "*An act for suppressing of vagabonds and*

[25]Ibid., 29-30.
[26]David Lindsay Keir, *The Constitutional History of Modern Britain since 1485,* 9th ed. (London: Black, 1969), 40- 41.
[27]Billings, *A Little Parliament*, 89.
[28]Ibid., 33.

disposeing of poore children to trades."[29] This law stated that when an orphan reached the age of twenty-one, he no longer could be treated as an indentured servant and made to work for a master. The orphan was now free to work for pay. This law modified the parliamentary Poor Law of 1601, which stated that an orphan only became free at the age of twenty-four. The law did not really seem to make a difference until a court case in 1684. In this case, *Orthwood* v *Warren*, a young man of twenty-one, John Orthwood, sued his master for his freedom and won.[30]

This case, and the previous examples, show that the House of Burgesses no longer saw itself as "a little parliament." The members saw it as a full-fledged legislature which could choose to make its own laws and not just follow all of those made by Parliament.[31] They still saw themselves, however, as under the king and would obey his rulings. They did not follow English law to the letter, but made their own changes, and became their own legislature under the crown, not under Parliament.

Warren Billings' *Sir William Berkeley and the Forging of Colonial Virginia* explores how Berkeley helped make the colony of Virginia. By the time Berkeley finished his second term as governor, he had spent more than twenty-five years as governor, leaving a deep mark upon the colony. Billings explains just how profound Berkeley's influence was upon the colony in that he made the colony what it had become in 1676. Billings argues that Berkeley helped to give the House of Burgesses, and by that, the colony, more freedoms.[32] Billings offers a very convincing argument in his work and is able to prove just how much Berkeley influenced and forged the colony of Virginia.[33]

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[29]Hening, "*The Statutes at Large*, vol. 2", 298-299.
[30]John Ruston Pagan, *Anne Orthwood's Bastard: Sex and Law in Early Virginia* (New York: Oxford University Press, 2003), 141-142.
[31]Ibid., 143-144.
[32]Ibid., 91.
[33]Ibid., 270.

1676, The End of American Independence, written by Stephen Saunders Webb, focuses on the year 1676, and why that year helped to change life for the colonists, helped to end the independence that the colonists had from the English government, and at the same time changed life for two Indian tribes, the Algonquin and Iroquois.[34] In New England, King Phillip's War took place from 1675-1678. During the war, Webb says, the colonists were able to defeat King Phillip and his Indian allies, but at a high cost for themselves. For many years afterwards, they had to pay taxes to cover the war. Effectively, the colonists lost much of their autonomy because Great Britain forced them to pay the taxes. The British, Webb states, also signed a treaty to help end the war with the Algonquin and Iroquois tribes, making them give up land, and thereby growing the English Empire in America. This meant the English government would have a larger presence in America building and growing upon these new lands.[35]

Webb then explains Bacon's Rebellion, and how it led to the crown placing harsher governors in the colony. The new governors over the next decade came into Virginia, and started trying to systematically strip away the rights of the House of Burgesses. Webb explains that these events led to the loss of independence in America a hundred years before the American Revolution.[36]

In looking at this topic, I take a different approach to see how the General Assembly looked more towards the future than the past, and how in 1676, it was not the end of its freedom. Using primary sources from the 17th century, this study shows that the Virginia House of Burgesses was not just "a little parliament," but that it grew into its own entity with its own powers, laws, and privileges. The representative legislature that had started as a corporate appendage grew into something more. Through its interactions and confrontations with governors

[34]Webb, *1676*, 3-6.
[35]Ibid., 252.
[36]Ibid., 410.

and the Crown, the House of Burgesses was able to grow. It grew to the point where it became a legislature that believed that its laws were equal to Parliament's, and that only it could decide the best laws for Virginia. By 1689, the House of Burgesses had gained independence within the English Empire to represent the people of the colony with minimal influence from the English government.[37]

[37]Billings, *A Little Parliament,* 174-175. See also Wertenbaker, *Virginia Under the Stuarts,* 256-257.

Chapter 1: The Beginning of the Virginia House of Burgesses

On April 26, 1607, the one hundred forty-four men and boys sent from England by the Virginia Company sighted land in the New World for the first time. These individuals were to establish the first permanent English settlement in America. Soon after they landed, they began the construction of the fort that became the new settlement of Jamestown, named for the king of England, King James I. The next twelve years were a very harrowing time for these new settlers, and most would not survive.[1] The settlers of Jamestown would be under semi-military rulers who would keep the settlers in line to keep them alive. In 1618, however, the Virginia Company decided that the colony was ready for self-rule. It set up the Virginia House of Burgesses in the Virginia colony, which became the first representative assembly in America. The House of Burgesses did not want to continue to be just a nominal governmental body, the Burgesses ultimately wanted to gain more power and govern Virginia for themselves.[2] The Virginia Company failed, however, and King James I made Virginia a royal colony, leaving the House of Burgesses' ability to govern in doubt.

Before the Virginia House of Burgesses, the colony generally used strong, military-like leaders to run the colony. John Smith was one of the early leaders who helped the colony to survive. He was a young man at the start of this great endeavor, and he took on the day-to-day management of the colony in 1608, putting men to work building houses to replace their tattered tents, "cabins worse than nought," and preparing the grounds for crops.[3] Smith was a tough leader who expected much out of the new settlers of Jamestown. When the settlers finally started producing crops for themselves, the colony decided to place all of the food in a communal area.

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[1]Horn, *A Land as God Made It*, 39-46.

[2]*Colonial Records of Virginia*, "The Project Gutenberg eBook of *Colonial Records of Virginia*, by Various," Project Gutenberg - free ebooks, http://www.gutenberg.org/files/22594/22594-h/22594-h.htm#Footnote_D_4 (accessed November 5, 2012), 81.

[3]Ibid., 60.

This way, those who were hungry could take what they needed. There was a problem, however. Some men realized that they could still eat even if they were not adding to the communal preserve. Soon, more men started avoiding any of the work to help the colony. Smith became very angry with these men, and stated, "You see now that power resteth wholly in my selfe: you must obey this now for a Law, that he that will not worke shall not eate (except by sicknesse he be disabled) for the labours of thirtie or fortie honest and industrious men shall not be consumed to maintaine an hundred and fiftie idle loyterers."[4]

Over the next ten years after John Smith left in 1609, there were other semi-military leaders, culminating in the unhappy regime of Samuel Argall.[5] Argall was a deputy-governor, and he made some decisions that upset the settlers in Jamestown.[6] Two such decisions that caused much anguish were the kidnapping of Pocahontas in 1613 and the labor intensive repairs of the storehouses he made the settlers undertake. Argall kidnapped Pocahontas in hopes of bringing her father, the chief of the Powhatan tribe, to the bargaining table, and so end the fighting between the colonists and the Indians. Her father, however, left Pocahontas with the inhabitants for many months. In that time, the colonists did not mistreat her. On the contrary, the provincials were very kind to Pocahontas. While she was with them, she learned English, became a Christian, and fell in love with John Rolfe, one of the inhabitants. Pocahontas decided

[4]John, Smith, "*The Generall Historie of Virginia, New England & the Summer Isles, Together with the True Travels, Adventures and Observations, and a Sea Grammar - Volume 1Chapter XII. The Arrivall of the third Supply*" American Memory from the Library of Congress - Home Page. http://memory.loc.gov/cgi-bin/query/r?ammem/lhbcb:@field(DOCID+@lit(lhbcb0262adiv23)), 174-175: (accessed November 5, 2012).

[5]Edmund S. Morgan, *American Slavery, American Freedom*, 96. Samuel Argall was born in England, in 1580, the son of a gentleman. Until 1606, he was a fisherman, but the English government tasked him with finding a shorter route to Virginia. He left in July of 1609 and arrived in July. This was his first time in colony. He left, but returned in 1610 with Thomas West, baron De laWarr to stop the Jamestown colonists from leaving. Argall then spent the next several years surveying the American continent and assisting the colonists with the Indians. From 1617-1617, he served as the deputy governor. Frederick Fausz, "Samuel Argall (bap. 1580–1626)," Encyclopedia Virginia, http://www.encyclopediavirginia.org/Argall_Samuel_bap_1580-1626#start_entry (accessed October 26, 2013).

[6]Seymour V. Connor, "Sir Samuel Argall: A Biographical Sketch" *The Virginia Magazine of History and Biography* 59: 2 (1951), 162.

that she wanted to stay with the English, marry John Rolfe, and take on the name Rebecca. By 1614, the provincials no longer held her captive, and she was married to John Rolfe.[7] Ultimately, the inhabitants asked the Virginia Company for a new leader.

In late 1613, war almost broke out between the settlers and the Indians, but, in 1614, John Rolfe's marriage to Pocahontas had ended the war before it started. The tension diminished with the new idea that intermarrying between the two groups could lead to a better working relationship. The marriage between John Rolfe and Pocahontas did lead to a short time of peace between the colonists and the Indians, but very soon after the marriage, Rolfe took Pocahontas to England. While in England, Pocahontas became very ill in 1617 and died. The death of Pocahontas in 1617 led to the end the working relationship.[8]

A second example of how Argall ruled ineffectively occurred near the end of his time as governor. He started a reconstruction effort to repair the company storehouse and to build a new frame for the church. Argall's determination to complete the building effort so angered people that they complained to the company. "Those protests," Warren Billings states "provided one in a series of justifications that prodded company leaders to revamp their operation, and the changes, enacted in 1618, moved Virginia from a quasi-military outpost toward a more traditional agriculturally bound society."[9] This change led to revamping of the government as well, bringing in a representative government.

When the Virginia Company implemented these new changes, the company directors decided that they needed a new governor as well. The company sent Argall home to England,

[7]Horn, *A Land as God Made It*, 215-218.
[8]Ibid., 230.
[9]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 42.

and brought in George Yeardley.[10] When Yeardley came to Virginia, he brought with him the *Instructions to George Yeardley* and *The Greate Charter*, both written by Sandys, the treasurer of the Virginia Company. Sandys proposed changing the colony from martial law to a system more like English law.[11]

The *Greate Charter* called for two very important changes in the Virginia colony: the headright system and the Great Assembly. Under this new headright system, the company privatized land, allowing proprietors to hold their own title to the land. In this system, the company gave each new colonist fifty acres, while each colonist could obtain fifty additional acres by paying for another colonist's passage. Often, this new immigrant became an indentured servant to those who paid for his passage and worked off an indenture for generally seven years. The indentured servant could then, when his time of service was up, potentially obtain his own fifty acres of land and in turn pay for others to come to Virginia. The company also gave one hundred acres to each stockholder in the Virginia Company and to each of the colonists who had already been in the colony for at least two years.[12]

The second part of the *Greate Charter* called for the General Assembly, which encompassed both the House of Burgesses and the Governor's Council.[13] In the *Instructions to*

[10]George Yeardley was born about 1580 to a merchant-tailor in London. He joined the military and served in the Low Countries. He sailed for Virginia in 1609, was ship wrecked in Bermuda, and finally made it to Virginia in 1610. In 1616, the governor, Thomas Dale, appointed Yeardley the deputy governor. In 1618, Argall became the deputy governor, and Yeardley went to England. In late 1618, Yeardley was appointed governor for a three year term. In 1619, Yeardley served over the first meeting of the General Assembly. Sidney Lee, *Dictionary of National Biography*, 63 (London: Smith, Elder, & co., 1990), 308-309.

[11]Billings, *Sir William Berkeley and the Forging of Colonial Virginia,* 5.

[12]Ronald L. Heinemann, *Old Dominion, New Commonwealth: A History of Virginia*, 1607-2007 (Charlottesville: University of Virginia Press, 2007), 28.

[13]Billings, *A Little Parliament*, 6. See also Samuel Merrifield Bemiss, ed., *The Three Charters of the Virginia Company of London, with Seven Related Documents: 1606-1621* (Williamsburg: Virginia 350th Anniversary Celebration Corp., 1957), vi, 95-108.

George Yeardley, Sandys told Yeardley that he was to start the General Assembly when he came to Virginia:[14]

> And that they might have a hande in the governinge of themselves," such are the words of the Planters, "yt was graunted that a generall Assemblie shoulde be helde yearly once, whereat were to be present the Gov^{r} and Counsell wth two Burgesses from each Plantation, freely to be elected by the Inhabitants thereof, this Assemblie to have power to make and ordaine whatsoever lawes and orders should by them be thought good and proffitable for our subsistance.[15]

The new General Assembly became part of the new government and was based upon the English government. For the previous twelve years, the provincials in Virginia were under a semi-military dictatorship, but Sandys now believed the colonists were ready to make some of their own decisions. The inhabitants could now possess their own land. They could now produce crops for themselves. The starvation time was behind them, and the settlers were asking for more say in their own lives. "In a word, the *Great Charter* and its companion papers," Warren Billings says, "empowered the settlers to bear a greater responsibility for decisions that affected them on a day-to-day basis or in emergencies."[16]

Billings claims that Sandys was not trying to set up a new representative government or one based upon Parliament, but that he was just trying to make a government that resembled the structure of the Virginia Company corporate structure. Billings argues that, "his [Sandys] rationale sprang from his twin desires to improve the management of a distant plantation and to avoid the missteps of the past."[17] The missteps referred to the giving of too much power to one man and ending up with the problematic regime of Samuel Argall. Billings adds that most of the

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[14]Virginia Company, "The Thomas Jefferson Papers Series 8. Virginia Records Manuscripts 1606-1737," The Library of Congress, memory.loc.gov/cgi-bin/ampage?collId=mtj8&fileName=mtj8pagevc03.db&recNum=121.gif (accessed October 31, 2012).

[15]*Colonial Records of Virginia*, 81.

[16] Sigmund Diamond, *From Organization to Society: Virginia in the Seventeenth Century* in Paul Goodman, editor, *Essays in American Colonial History* (New York: Holt, Rinehart and Winston, 1967), 127-128. See also Billings, *A Little Parliament*, 6.

[17]Ibid.

officials and stockholders never actually visited the Virginia colony, and so they did not know about the idiosyncrasies of the colony. Even so, they set up a government, sent leaders, and gave the colony laws that the provincials had to abide by. According to Billings, the Company, not knowing Virginia well, would then set up laws that sounded fine in London but would be problematic in the colony. Two separate times before 1619 (in 1609 and 1613) the Virginia Company attempted to set up regimes, but both proved to not work well, and the governor and his council chose to obey the Virginia Company less and less. Billings says that tensions became worse until the Company decided that a new style of government would lessen the tension, and hopefully, bring many more settlers.[18]

Billings makes an interesting case for Sandys' organization of the new government. He claims that Sandys only set up the new government to resemble the Virginia Company, and did not particularly think of it like a representative government like what Great Britain had in Parliament. While Sandys may have made the Virginia Assembly to resemble the corporate structure of the Company, his own writings indicate that he was looking for something more than that. He stated that he created the General Assembly so that "they might have a hande in the governinge of themselves."[19] This statement implies that Sandys was looking for a type of government that would suit the people of the colony, as Billings stated, but it also conveys more. He set up the government so that every freeman could have a say, including those who did not own land.[20]

[18]Ibid., 6-7. See also Wesley Frank Craven, *Dissolution of the Virginia Company: The Failure of a Colonial Experiment* (Gloucester, Mass.: P. Smith, 1932), 77.

[19]*Colonial Records of Virginia*, 81.

[20]Freemen in the Virginia colony did not own land, but were not indentured servants. Freeholders in the Virginia colony were not indentured servants and owned land.

Sandys also said the General Assembly had the power to make any law that it deemed to be good and would be profitable.[21] If Sandys was just looking for a government that would make them profitable, why would he give them so much power? Did he just do it so that there would less tension, and so the colonists would work harder, or did Sandys actually want the inhabitants to have a say in their government? In another statement, he implies that he was very much for the latter. At the end of the ruling documents that he sent with Yeardley, he said that he hoped one day, in the future, the General Assembly would make rules for the Virginia Company.[22] That is astonishing and goes above and beyond the need for less tension and more profit. Billings does not give Sandys enough credit for wanting to help the people have a say along with helping the Company. The people wanted to have a say, and Sandys was willing to give them that say, as along as the Virginia Company could gain something from the new government too.

The company believed that a representative government would attract more settlers. New settlers would see that they would have a say in their government, maybe even more of a say than in England.[23] According to the *Colonial Records of Virginia:*

> And that they might have a hande in the governinge of themselves, it was granted that a general assemblie should be helde yearly once, wherat were to be present the Gov^{r} and Counsell with two Burgesses from each Plantation freely to be elected by the inhabitants thereof; this assembly to have power to make and ordaine whatsoever lawes and orders should by them be thought good and proffittable for our subsistance. The effect of which proceedinge gave such incouragement to every person heere that all of them followed their perticular labours with singular alacrity and industry, soe that, through the blessinge of God uppon our willinge labors, within the space of three yeares, our countrye flourished with many new erected Plantations.[24]

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[21]*Colonial Records of Virginia*, 81.

[22]Ibid.

[23]Diamond, *From Organization to Society*, 128.

[24]*A Breife Declaration of the Plantation of Virginia duringe the first Twelve Yeares, when Sir Thomas Smith was Governor of the Companie, & downe to this present tyme. By the Ancient Planters nowe remaining alive in Virginia.*in *Colonial Records of Virginia*, 81. The *Colonial Records of Virginia* contain no explanation as to who wrote this declaration, but do state that it was read before the General Assembly. Much of the declaration, however, seems to be taken from the *Greate Charter* by Sandys.

The General Assembly was the first representative government in the New World, and for many years all freeman of the colony were able to vote and thus participate in the running of their own government.[25] This was a major incentive in the settlement of new provincials who were able to vote for a representative in the House of Burgesses part of the Great Assembly.[26]

Two important new ideas came out of the *Greate Charter* and the *Instructions to George Yeardley*: that all freemen could vote and that the representatives actually represented their constituency. In England, each member of the House of Commons represented every English citizen.[27] The idea that all freemen could vote was really a revolutionary idea. Sandys may have only used it as an incentive to bring over new colonists, but it became something more. In Great Britain, as in almost every country of the world that had a representative government, only freeholders, or land owners, could vote in any of the elections. In Virginia, any freemen could vote. In saying this, however, neither indentured servants nor women could vote for representatives. Indentured servitude, though, only lasted for around seven years. Once the male indentured servants gained their freedom, they too could vote for the members of the House of Burgesses. Most of the males, when they completed their indenture, would gain fifty acres of land. Some, however, did not receive land. They chose instead to continue to work for their old masters for payment as an alternative to receiving land. Even in working for money instead of for land, those freemen could still vote for their representatives in the House of Burgesses.[28]

Besides having the right to vote, freemen also had the right to run for office and represent their county or plantation in Virginia. In the early years of the colony and the House of

[25]While there were probably not many freemen in the colony, most likely only a couple hundred, for many of the men who came over as indentured servants received land after their indenture, the freemen that were in the colony could vote for the members of the House of Burgesses.

[26]Ibid., vi-vii.

[27]Louis B Wright, *The First Gentlemen of Virginia* (Charlottesville: University Press of Virginia, 1970), 19.

[28]*Colonial Records of Virginia*., vi-vii and 81.

Burgesses, some of the smaller landowners, those who came over as poor indentured servants, did rise up to become important men in the House of Burgesses.[29] Freemen who did not own land, however, did not run very often for office, and certainly by the 1630s no landless freeman ran for a position in the House of Burgesses. They did not have the funds to support themselves and were not members of the elite families of each county or plantation. The reason that funds became a problem was that members of the House of Burgesses did not get paid much.[30] The colony paid them one hundred fifty pounds of tobacco for serving, only enough to cover their expenses to and from Jamestown, and the cost of room and board. If a freeman was a Burgess, he would not be able to make much money, especially if he had a family and had to pay rent on a home or farm. A freeholder, on the other hand, had a farm that would support himself and his family while he served as a Burgess in Jamestown. To add to those issues, a Burgess could not leave Jamestown while the General Assembly was in session. To do so would bring a punishment of a fine. Many Burgesses traveled a great distance to Jamestown and being told they could not leave, they would then need available funds to support themselves and their families. A poor freeman could not afford to support his family and serve as a Burgess.[31]

In the early colonial era, when the British and Virginia governments were splitting land into counties, usually a majority of the land of each county would be owned a few families. Members of these families would then subsequently become the leaders and the richest members of each county. The families would then mostly choose affiliates out of their own ranks to serve in the county governments.[32] After a couple of generations, it became a custom for certain families to run for office in a certain county. It was not illegal, and actually highly encouraged,

[29]Wright, *The First Gentlemen of Virginia*, 48.
[30]Ibid., 104-105.
[31]Ibid., 181-183.
[32]Ibid., 19.

for county officials to also serve in the General Assembly. They would then have the income from their county job and would not have to rely only on the income from the House of Burgesses.[33]

Even if only wealthy freeholders or those who owned lots of land served in the House of Burgesses, landless freemen remained important. They could vote, and that is where the true power lay. The freeholders realized that they could not get elected without the support of the freemen; so, they did not ignore them but actually set out to get their vote. The candidates for the House of Burgesses knew that that the position of Burgesses was the only elected position in the Virginia, so they had to work to get votes.[34] This meant that the freeholders could not just vote and write laws for themselves, but they that had to vote and write bills that would help and support their constituents.

In comparing the General Assembly with Parliament in Great Britain, the idea that representatives would represent the area from which they came was a new concept. Members of Parliament represented all of Great Britain, not just their immediate county or town. For example, a member of Parliament would represent London and Straford-upon-Avon, not just London. In Virginia, a Burgess would just represent Isle of Wight County instead of the Isle of Wight and York County. One of the General Assembly's early laws actually referenced the fact that the Burgesses represented the counties that they came from. The law stated that, "the inhabitants of the several counties and precincts shall be assessed in the defraying of the Burgesses charges expended in their imployment."[35] The counties that employed the Burgesses

[33]Ibid., 18.

[34]Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, VA., by University of North Carolina Press, 1982), 111.

[35]Billings, *A Little Parliament,* 33. See also William Hening, "*The Statutes at Large* vol. 1," 129-130; and House of Burgesses of Virginia, xxix.

[35]Ivor Noël Hume, *Martin's Hundred* (New York: Knopf, 1982), 22. See also House of Burgesses of Virginia, 267.

had to pay them for the Burgesses' service. The Virginian style of representation was a new way of government and really gave the people more say in how their government functioned.[36]

Besides the freemen of Virginia having suffrage and having a say in their government, the General Assembly's ability to grow in status and power was also an incentive for potential new settlers. When the General Assembly first started in 1619, they did not have much power, but the longer they served, the more their power grew. Edmund Morgan states, "the company declared its intention ultimately to make its own regulations depend on approval by the assembly."[37] For a potential settler, this meant that they would have more of a say through their representative, something a poor, landless man in England would not be able to do. In the early stages of the General Assembly, the representatives would not be able to impose laws, but over time, they would gain the power to decide the regulations of the parent company.[38] The General Assembly, at least on paper in the *Greate Charter*, did not have much power, but like Parliament, the General Assembly would slowly be able to levy more authority behind the laws they made.[39] The General Assembly did not have much of a chance to gain power under the Virginia Company, but they were able to gain more under the crown.[40]

The General Assembly consisted of the Governor, the Governor's Council and the House of Burgesses. One of the major differences between Parliament and of the General Assembly at the beginning was that the governor had not separated the General Assembly into an upper and lower house. The Assembly would stay as one house for twenty years. The governor chose the members of his Council, and the people of the colony chose the men going to the House of Burgesses. The governor's role was to be the head of the government. In most cases, he had the

[36]Billings, *A Little Parliament,* 19.
[37]Morgan, *American Slavery, American Freedom*, 56.
[38]*Colonial Records of Virginia*, 81.
[39]Ibid., 56.
[40]*Journals of the House of Burgesses of Virginia,* 52.

final say, as he served first as the Virginia Company's representative in the colony. He also had veto power over laws that the Council and House of Burgesses passed.[41] The Council consisted of a group of important men in the colony chosen by the governor. Some of them had served in the House of Burgesses while others were lower nobility from England. Their role was to advise the governor and to vote on laws. They would consider laws passed the House of Burgesses and decide if they wanted to reject, pass, and/or rewrite them.[42] The House of Burgesses' role was to serve as representatives for its respective plantations. They would hear from their constituents on what bills they should support. They would then send the laws to the Council and the governor.[43] Each part of the General Assembly had an important role to play, but the House of Burgesses made the General Assembly a representative government.

The voters of the colony came from each of the plantations and hundreds that made up the Virginia colony. There is no mention in the sources of how each planation or hundred voted for their representatives, but there is information on a polling place in later sessions. In some sessions, the laws state that the voters could not act in a "tumultous manner" when they voted, which means they had a central polling location, and in another session it states that the voting took place at the court house.[44] In 1619, there would not have been a court house on each plantation or hundred. They probably met a central location, possibly the leader of the plantation or hundred's house, or maybe even the church for the plantation. Each plantation or hundred

[41]Billings, *A Little Parliament,* 16, 53-54, and 66-67. See also Bemiss, ed., *The Three Charters of the Virginia Company of London, with Seven Related Documents, 5;* Sir Thomas Elyot, *The Boke Named the Governour, Devised By Sr. Thomas Elyot, Knight* (London, 1531), fols. 15, 83-98, 102-106; and Philip Alexander Bruce, *Institutional History of Virginia in the Seventeenth Century; An Inquiry into the Religious, Moral, Educational, Legal, Military, and Political Condition of the People Based on Original and Contemporaneous Records*, vol. 2 (Gloucester, Mass.: P. Smith, 1910), 316-331.

[42]Billings, *A Little Parliament*, 89-90. See also Hening, "*The Statutes at Large* vol. 2", 511-512; and Henry Hartwell, James Blair, Edward Chilton, Edited by Hunter Dickinson Farish, *The Present State of Virginia, and the College* (Williamsburg, Va.: Colonial Williamsburg, 1940), 39.

[43]Billings, *A Little Parliament,* 173-174. See also "Treasurer and Company, An Ordinance and Constitution for Council and Assembly in Virginia," 24 July 1621, in Bemiss, ed., *The Three Charters of the Virginia Company of London, with Seven Related Documents,* 127-128.

[44]Hening, "*The Statutes at Large* vol. 1," 475. See also Hening, "*The Statutes at Large* vol. 2", 280

consisted of a group of settlers, and each voted for two representatives to the House of Burgesses.

These representatives would alert the governor and the other representatives to the needs of their plantations and hundreds. The inhabitants liked having the new General Assembly, since they enjoyed the idea of having a say in the way that government ran and affected their lives.[45] The colonists showed that they enjoyed their new say in government through their voting. The day that the governor asked the Burgesses to show up, each plantation sent delegates to serve in the new House of Burgesses. There was no delay in representatives coming to Jamestown. Every plantation sent them.[46] Representatives in 1619 came from: Argall's Gift, Charles City, Flowerdieu Hundred, Henricus, James City, Kiccowtan, Lawne's Plantation, Martin's Brandon, Martin's Hundred, Captain Warde's Plantation, and Smythe's Hundred.[47]

While the settlers were voting for their representatives, which took place sometime after June 19, 1619, the Virginia Company and Yeardley chose the Councillors. According to John Smith's, "Sir George Yearly to beginne his government, added to be of his councell…Master John Pory, Master John Rolfe," a total of six men, many of them Captains and important men in the colony.[48] When the company first thought of having a council, they wanted military men to serve as advisors to the governor-general.[49] The title governor-general meant that this individual was not just in charge of the civilian side of the colony, but the military as well. In the *Greate Charter*, Sandys revised the role of the Councillor and expanded the job description. The Councillor was no longer just a military advisor.[50]

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[45]House of Burgesses of Virginia, xxix.
[46]*Colonial Records of Virginia*, 10.
[47]Hume, *Martin's Hundred*, 22. See also House of Burgesses of Virginia, vii.
[48]Smith, *The Generall Historie of Virginia*, 245. See also Hatch, "Oldest Legislative Assembly and Its Jamestown *Statehouses.*"
[49]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 51.
[50]Ibid.

When the governor could not to perform his duty or was on a trip, the senior Councillor would take over temporarily. The authority of the senior Councillor stemmed from his age.[51] Age in choosing the Councillors may not have been a huge factor, but the rank of each Councillor depended upon age. When the Virginia Company selected a Councillor, the Councillor served for life. The governor and the Company could only remove him for bad behavior. He could also choose whom he wished to serve as his Councillor, but could not replace his predecessors' Councillors. The company chose the first set of the members of the Governor's Council, and a few of the first governors were able to name new Councillors.[52]

The Councillors loved their jobs and would not let anyone or anything interfere, including the governor. Billings asserts that they had "aggressive pursuit of preferment mixed with modest experience of ruling to make such men acutely sensitive to their newfound dignity, which they guarded with a zeal that approached ferocity."[53] One example of this came fifteen years after the General Assembly began. In 1635, several Councillors had had enough of one of the governors, John Harvey, and decided to remove him. Harvey had spent much of his time as governor disagreeing with the House of Burgesses and the Council.[54] By the beginning of the session in 1635, the Burgesses and the Councillors held a meeting with many of the other colonists to discuss what to do. Ultimately, after Harvey confronted the group, two Councillors grabbed Harvey and held him prisoner until they could send him to England for trial.[55] One of the two Councillors that arrested Harvey, Samuel Mathews later wrote "the Governor usurped the whole power, in all causes without any respect to the votes of the councell, whereby justice

[51] Ibid.
[52] Ibid., 51-52.
[53] Ibid.
[54] Billings, *A Little Parliament*, 15, 20. See also Richard Ernest Jenkins, "The First Administration of Sir John Harvey, Royal Governor of Virginia, 1630–1635" (M.A. thesis, University of Virginia, 1967), 20-71.
[55] Billings, *A Little Parliament*, 20-21. See also Jenkins, "The First Administration of Sir John Harvey, Royal Governor of Virginia," 71-89.

was now done."[56] In this instance, the Councillors showed that they would even go after the governor to have their say.

Along with the members of the House of Burgesses and the Governor's Council, the General Assembly also had a Speaker of the House, a clerk, and a sergeant-at-arms. Yeardley chose John Twine as clerk and Thomas Pierse as sergeant-at-arms in 1619.[57] Yeardley chose John Pory, who was also the secretary of the colony, as the first Speaker of the House because he was the only member who had experience in Parliament. The Virginia Company had chosen Pory as secretary about the same time as Yeardley had come to the Virginia colony. Pory had served in the House of Commons and knew the rules and procedures of Parliament.[58] Usually the General Assembly had a say in who the Speaker would be, but Yeardley chose Pory before the first meeting. Pory also sat with the Governor's Council instead of with the House of Burgesses.

On July 30, 1619, the first meeting of the General Assembly commenced at the only suitable building at this time in Jamestown, the church. There were twenty-two representatives, six Councillors, and Governor Yeardley.[59] Before the first session could begin, though, a few things had to take place officially to begin the General Assembly. The governor swore in the representatives, and there was prayer.[60] The Burgesses refused to begin until a pastor came to pray over the new General Assembly. The Reverend Richard Buck prayed, and "the burgesses then withdrew into the church and on receiving the oathe of Supremacy, administered individually, entered the assembly."[61]

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[56]Mathews, "The Mutiny in Virginia," 416.

[57]Billings, *A Little Parliament*, 8. See also John Pory, *Proceedings of the General Assembly of Virginia, July 30-August 4, 1619* eds. William Van Schreeven and George Reese (Jamestown, VA: Jamestown Foundation, 1969), 15-17.

[58]Billings, *A Little Parliament*, 8. See also Pory, *Proceedings of the General Assembly*, eds. Van Schreeven and Reese, 15-17.

[59]Billings, *A Little Parliament*, 7. See also Smith, *The Generall Historie of Virginia*, 245.

[60]*Colonial Records of Virginia*, 11.

[61]Hatch, *Oldest Legislative Assembly and Its Jamestown Statehouses*.

The first issue, or problem of the session, came through Captain John Ward, who was leader of Martin's Brandon. He "planted [himself] here in Virginia without any authority or comission from the Tresurer, Counsell, and Company in Englande."[62] The General Assembly allowed Captain Ward to sit for two reasons: one, he contributed to trade as a productive member of society, and more importantly, "the Comission (the *Greate Charter*) for authorising the General Assembly admitteth of two Burgesses out of every plantation wthout restrainte or exception."[63] The *Greate Charter*, with no exceptions, told the General Assembly that each of the plantations could elect whom they wanted, and the rest of the Assembly had to accept their choice. The General Assembly, though, did tell Captain Ward that he had to go through the necessary steps to become a full member of the colony. He had to get a commission from the treasurer of the Virginia Company, to set himself up lawfully in the colony.[64]

After the General Assembly resolved the issue of Captain Ward, they moved on to the second issue of the day, the sitting of the representatives from Martin's Brandon.[65] The founder of Martin's Brandon, Captain John Martin, had said that "he hath a clause in his Patente w^{ch} doth not onely exempte him from that equality and uniformity of lawes and orders w^{er} the great charter faith are to extende over the whole Colony, but also from diverse such lawes as we must be enforced to make in the General Assembly."[66] Captain Martin, in essence, claimed that he did not have to obey all of the laws of the whole colony or the laws of the General Assembly, for the

[62]*Colonial Records of Virginia*, 11.
[63]Ibid,. 11.
[64]Ibid.
[65]Ibid. Billings, *A Little Parliament*, 9, states that the disputed representatives were from the plantation of Martin's Hundred. According to the Virginia State Papers and the Journals of the *House of Burgesses of Virginia*, the disputed representatives were from Martin's Brandon. Captain Martin founded Martin's Brandon, not Martin's Hundred. Billing's confusion may have come in because Captain Martin's father's name was Richard Martin, the same name of which Martin's Hundred had been named after. The Richard Martin's of Martin's Hundred never came to Virginia. He had earlier been one of the original sponsors of the Virginia Company. For more information, read the National Parks Service page on Martin's Brandon: http://www.cr.nps.gov/nr/travel/jamesriver/bra.htm. (accessed November 12, 2012).
[66]*Colonial Records of Virginia*, 12.

patent he wrote exempted him from the laws.[67] Governor Yeardley objected to this clause in Captain Martin's patent and asked him to change it. Martin refused; so, the General Assembly refused to seat his representatives. The General Assembly then asked Speaker Pory to send a letter to the Virginia Company stating their issues with Captain Martin.[68]

In not allowing the representatives to take their seats, the General Assembly was not trying to impinge on the rights of Captain Martin and his plantation. On the contrary, it wanted to preserve the rights of the inhabitants. If the Assembly allowed Captain Martin's representatives to sit, even with Martin's refusing to obey the laws of the Company and of the General Assembly, it would be saying the Assembly did not matter and the start of self-government in the colony would then have failed before it had even began.

In making the decisions in these two cases, the General Assembly did not have any law or precedent to follow. Speaker Pory helped the representatives decide how to proceed, using the skills he acquired from his time in Parliament.[69] After Pory helped the new representatives complete the work of who should sit in the General Assembly, the Speaker led the representatives in their actual duty, legislating.[70] Speaker Pory began the first official meeting with reading the laws from the *Greate Charter*. He then divided the laws, orders, and commissions of privileges of the *Greate Charter* in a set of four books, and set a committee over each part. Each of the committees studied the document so as to better understand their laws. Two other groups, made up of eight Burgesses each, set to work on improving their laws.

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[67]Ibid., 147. In the papers of the General Assembly, the General Assembly never explains how Martin could write up at a patent that exempted him from the laws of the colony. Maybe, Martin believed, as the founder of his planation, he could write up any law he chose, even if the laws went against the laws of the Virginia Company.

[68]Billings, *A Little Parliament*, 9. See also Pory, *Proceedings of the General Assembly*, eds. Van Schreeven and Reese, 22-24.

[69]Billings, *A Little Parliament*,10. See also *Colonial Records of Virginia*, 8.

[70]Ibid., 8. Billings, *A Little Parliament*, 10.

As Speaker Pory said, "that we did it not to the ende to correcte or controll anything therein contained, but onely in case we should finde ought not perfectly squaring wth the state of this Colony or any lawe w^{ch} did presse or binde too harde, that we might by waye of humble petition, seeke to have it redressed."[71] Pory explained that his reasons for having the Burgesses scour the document were to better clarify the laws, and to see if any of the laws were too harsh, and so ask, by petition, the Virginia Company to make the laws less cumbersome.[72]

The two committees began their work in perusing the *Greate Charter*, and the rest of the representatives started looking at new laws they could write to bring more order to their plantations. Ronald L. Heinemann notes that they discussed company rules and enacted, "laws of governance that prohibited gambling, drunkenness, swearing, and idleness."[73] Within three hours, the two committees had finished their jobs.[74]

The next day the General Assembly decided to send six petitions to the Treasurer and Council of the Virginia Company. The committees reported what they had decided about the *Great Charter*, and the General Assembly then approved the report. The General Assembly then placed the reports in the different petitions, which consisted of slight changes and declarations, along with one major issue of the rights and confirmations of land titles.[75] After finishing the last petition with "no farther scruple in the mindes of the Assembly [about the] great Charter…the general assent …of the whole assembly…they commaunded the Speaker to returne…their due and humble thankes to the…company for so many priviledges and favours …in the names of…whom they represented."[76] The Burgesses, once they had finished looking through the

[71]*Colonial Records of Virginia*, 14.
[72]Ibid.
[73]Heinemann, *Old Dominion, New Commonwealth*, 29-30.
[74]*Colonial Records of Virginia*, 14.
[75]Hatch, *Oldest Legislative Assembly and Its Jamestown Statehouses*.
[76]*Colonial Records of Virginia*,17.

Greate Charter and realizing how truly great the document was, wanted Speaker Pory to show their thanks to the Virginia Company for allowing them to have the privilege of self-government. They were very grateful for the *Greate Charter* and wanted to express their feelings through a letter that went with the petitions. Through all of the thanks, though, the members of the General Assembly still remembered that they were representatives for their plantations, and so they were thanking the Company, on behalf of their constituents, for self-government.[77]

The General Assembly then moved to looking through the old instructions that the Virginia Company had given the previous governors. It decided on what parts of the instructions were good to keep as laws for the good of the colony and which parts they should not use.[78] The General Assembly then ended its meeting for the day.

On Monday, August 3, the General Assembly began by bringing John Martin before them to ask him once more if he would amend his patent to officially join the colony and help them in time of need. He refused to change his patent, and so the General Assembly, again, refused him admittance to their ranks. He said that if he happened to be in the bay trading, he would come to the defense and aid of the colony if needed. The General Assembly then sent a second letter to the Virginia Company to see if there could be anything done about Captain Martin refusing to obey the laws of the colony, especially dealing with taxes. Evidence is scarce suggesting why they sent a second letter so soon after the first. The General Assembly still did not like having representatives in their midst that did not abide by the rules, and so sought help from the Virginia Company.[79]

The committees in charge of looking at the old instruction reported on what they found, and the General Assembly went to business making laws for the colony. They "adopted

[77]Ibid.
[78]Hatch, *Oldest Legislative Assembly and Its Jamestown Statehouses*.
[79]*Colonial Records of Virginia*, 18-19.

measures against idleness, gambling, drunkenness, and excess in apparel," and worked on issues such as protection from Indian attacks; planting corn, hemp, vines, and mulberry trees; Christianizing the Indians; working on the guidelines of the magazine; the execution of contracts; and the workings of tradesmen and their trades.[80]

The next day, August 4, the General Assembly dealt with a third set of laws, such as what might proceed "out of every man's private conceipt."[81] The General Assembly gave these laws to the committees to handle. The committees also reported the third set of laws in the afternoon.[82] The General Assembly then added a new job to its toil, the judiciary power of the colony. As the only governing body in the land at the time, they too had power over the judicial system. They took on the role of court, and they tried Captain William Powell's servant. Powell brought his servant, and requested that the man be put to death. Captain Powell's case against his servant, Thomas Garnett, was "for irregular living and for giving false information to the Governor regarding Captain Powell."[83] The General Assembly tried Garnett, and sentenced him to four days with his ears nailed to a pillory, and whippings all four days.[84]

The next day, the General Assembly met for the last time in 1619. The *Colonial Records of Virginia* note that it ended the session because, "the intemperature of the weather and falling sick of the Burgesses."[85] Even with all of the problems, the General Assembly did pass their first tax law. The tax would pay for the Burgesses during their time of service in the General

[80]Hatch, *Oldest Legislative Assembly and Its Jamestown Statehouses*.
[81]*Colonial Records of Virginia*, 25.
[82]Ibid.
[83]Hatch, *Oldest Legislative Assembly and Its Jamestown Statehouses*.
[84]*Colonial Records of Virginia*, 24.
[85]Ibid., 25-26.

Assembly.[86] That afternoon the last session ended, and the Burgesses returned to their homes. The governor set the next meeting for March 1620. [87]

In a total of six days, the General Assembly accomplished much work. They passed three sets of comprehensive laws, a tax law, tried a man as a court of law, and broke apart, probably at their own consent. The Burgesses probably never knew that they had set precedent for all future self-governments in the colonies. They probably only knew that they wanted to be like Parliament and have their own say, an important factor in future colonial generations.[88]

The second most important factor of the General Assembly was the power they had. They slowly stretched, ever so slightly, the amount of power that the Virginia Company had first given them. At the end of the last session, "they said, according Counsell and Company, would be pleased, … to make good their promise sett downe at the conclusion of their commission [of] the Counsel of Estate and 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."[89] In this statement sent to the Virginia Company, the Virginia House of Burgesses was asking the Company to give it more power. The Burgesses had met less than a week, and already they were asking the Company for more authority in the dealing with the colony. The House of Burgesses wanted the Company to give the Burgesses the right to have more say in making laws. They were not just asking for say over the laws they write themselves, but for say over the laws that the Virginia Company gave them to obey.[90] In the *Greate Charter,* Sandys

[86]Hatch, *Oldest Legislative Assembly and Its Jamestown Statehouses*.
[87]*Colonial Records of Virginia*, 32.
[88]Ibid.
[89]Ibid.
[90]Ibid., 17.

stated that one day the House of Burgesses would make laws for the Virginia Company to follow, but the Company probably never thought that they would be ready so soon.[91]

The information on the next several years for the General Assembly is very spotty. However, they probably met in March of 1620, since the General Assembly and Governor Yeardley said they would, but there is no information to say whether they met.[92] In 1621, the information on the General Assembly picks up again. Governor Yeardley left in 1621 and was replaced by Sir Francis Wyatt.[93] Wyatt replaced Yeardley because of problems that Yeardley had with Sandys.[94] The problems stemmed from Sandys' plan of using the new government as a way to entice new settlers. More settlers, including women, children, and whole families came to the colony, and the sale of crops also increased.[95] With these improvements, "The General Assembly gained in favor with leading inhabitants as other familiar legal, social, and political usages were imported and began a gradual flowering in their new environment."[96]

The events taking place made the Virginia Company think that things were looking up, but the revenue was not coming in as they had hoped, and the Company continued to flounder. The Virginia Company refused to see tobacco as a source of revenue, even though the colonists saw the plant as a cash crop.[97] Many people in England used tobacco, but the Virginia Company still wanted to have diversity in the crops, such as grapes, wine, and other exotic produce. The

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[91]Ibid.. 81. Hatch, *Oldest Legislative Assembly and Its Jamestown Statehouses*.

[92]Hatch, *Oldest Legislative Assembly and Its Jamestown Statehouses*.

[93]Francis Wyatt was born about 1575. In 1619, through relatives, Wyatt became interested in the Virginia colony. In 1620, leading colonists sent a letter to London asking for a nobleman like Lord De la Warr to become the next governor. Friends of Wyatt told the Virginia Company that he would make a good governor. The Company then voted Wyatt in as the next governor, and he began his first term in 1621. Sidney Lee, *Dictionary of National Biography*, vol. 63 (London: Smith, Elder, & co., 1990), 177-178.

[94]Billings, *A Little Parliament*, 69. See also Susan M. Kingsburg, ed., *The Records of the Virginia Company of London*, vol. 3 (Washington: G.P.O., 1906), 440.

[95]Billings, *A Little Parliament*, 10-11. See also Thomas Jefferson Wertenbaker, *Virginia under the Stuarts, 1607-1688* (New York: Russell & Russell, 1914), 44-45.

[96]Ibid., 10.

[97]Ibid., 10-11, and 45.

Company continued along this path, even with protests coming in from the colony, and even Sandys' removal from treasurer did not end the controversy.[98]

In 1621, the bickering between Sandys and Governor Yeardley came to a head. Sandys' scheme to grow the colony meant more people, but the Virginia Company did not send more food. It expected their agricultural ideas to work out. When the plans did not, Yeardley ended up with a larger population and little food. Yeardley's relationship with Sandys and the Virginia Company soured, and he asked to be relieved. In June 1621, the Company gave him his wish, and Sir Francis Wyatt became the new governor. The problems never went away, and soon would affect the standing of the Virginia Company.[99]

During that time, Governor Wyatt did what he could, and he met with the General Assembly in November/December of 1621. The only record of this meeting is in a letter sent in January 1622 by the General Assembly to the Virginia Company outlining what they discussed.[100] The General Assembly first addressed a previous letter sent by the Virginia Company telling them to plant vines and mulberry trees, in an effort to diversify their crops. The General Assembly responded by saying that they did have those plants, and they asked the Company to send them corn, grain, and peas to grow as well. The letter then went into the issue of tobacco, a contentious issue for the colony.[101] The letter stated: "For the drawinge of the People from the exceffiue plantinge of Tobacco, wee haue by the confent of the generall Affemblie reftrayned them to one hundred plants... By w^"" meanes as alfo by the courfe that we haue taken for the keepinge of euery man … we doubt nott butt very much to preuent the

[98]Ibid., 54-56. See also Billings, *A Little Parliament,* 10-11. There are no records to show how they felt about this argument.

[99]Billings, *A Little Parliament,* 68-70. See also Kingsburg, ed., *The Records of the Virginia Company of London*, vol. 3, 440.

[100]House of Burgesses of Virginia, 17.

[101]Ibid.

Imoderate plantinge of Tobacco."[102] The General Assembly stated that it, as the Company ordered, had stopped provincials from planting more than one hundred tobacco plants, and do so using the courts. The Company did not allow them to grow tobacco. This tension helped lead to the ending of the Company in a few years.[103]

A second important factor in the letter was that the General Assembly restrained the planters, meaning that they were gaining power in the colony, and the people were listening to the General Assembly. Many of the planters did not like the laws that refrained them from planting tobacco. Many of these planters were the wealthy freeholders; they could have tried to ignore the decree or asked for help from friends in England. They chose, instead, to obey the law and the Virginia Company. Self-government in the colony had become a very important aspect of their lives. After the issue with the planters, the letter ended with a plea for builders and brickmakers so the General Assembly could construct more buildings.[104] The General Assembly did not have their own buildings, they had been meeting in the church for the last five years, and they felt they needed more buildings in Jamestown to house their meetings. For many more years, however, they still met in rented buildings around the town.

The next known meeting of the General Assembly took place from February 16-March 5 of 1624. The General Assembly probably held sessions in 1622 and 1623, but there are no known records of meetings. During the 1624 session, there was a failing economy in Virginia. Indians in the area had also made a surprise raid two years before killing over three hundred people, and the Company was doing nothing to help. The provincials' outrage resulted in

[102]Ibid.
[103]Ibid.
[104]Ibid.

commissioners from the king coming to Virginia.[105] Even with all the problems, though, the inhabitants still wanted to stay with the Company because they had self-government. The problems finally did drive the Burgesses and the Councillors to choose to become a royal colony. By 1625, the Crown had dissolved the Company, and was working on making the colony a royal one, but on March 27, 1625, James I suddenly died. His son Charles I came in, and made the colony a royal dominion.[106]

Charles I made no provision for the General Assembly. He did this out of ignorance and not for want of getting rid of it, leaving an opening for the continuation of the General Assembly.[107] The governor and council wanted to allow the colonists to have representatives. This would mean that Governor Wyatt and his council would lose some of their power over governmental affairs in Virginia, but they decided that giving the colonists a say in government was more important than for them to hold all the power.[108] They called together a group of representatives, and they told each plantation to elect two freemen to go to James City for "a Convention" for three or four days.[109]

The convention took place, and Governor Wyatt set up the new General Assembly under the Crown. The Crown, however, had not given provision for the General Assembly; so, the legality of such an institution was in doubt for many years, resulting in future problems. For the time being, however, the colonists had their General Assembly, their self-government.[110]

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[105]Ibid., xxix. See also Billings, *A Little Parliament*, 11; Warren Billings, John E. Selby, and Thad W. Tate, *Colonial Virginia: A History*, (White Plains, N.Y.: KTO Press, 1986), 45 and 60-62; and Jon L. Wakelyn, *America's Founding Charters: Primary Documents of Colonial and Revolutionary Era Governance*, vol. 1 (Westport, Conn.: Greenwood Press, 2006), 60-62.

[106]Billings, Selby, and Tate, *Colonial Virginia*, 60-62.

[107]Ibid.

[108]Billings, *A Little Parliament*, 12-13.

[109]*Ink folio 109* and *Ink folio 110* in "Minutes of the Council and General Court 1622-1629," *The Virginia Magazine of History and Biography* 23:1 (1915): 13-14. See also House of Burgesses of Virginia, xxx.

[110]Billings, *A Little Parliament*, 12-15. See also House of Burgesses of Virginia, xxx.

The General Assembly's creation and activities proved representative government could work. Initially there was doubt the colony would succeed. However, through a succession of tough governors, the colony survived. After the introduction of the *Greate Charter*, George Yeardley became the new governor, and set up a General Assembly. The people could vote in their own representatives and have a say in their own government. In July 1619, the first session met, and they accomplished much in the six days.

The greatest accomplishment was that the representatives told the Virginia Company they wanted more power and say over the Company itself. Sandys said that this would happen, but he meant it as a future event, not for the first session. The Burgesses were grateful for their new self-government and wanted to take more control over their own lives. Self-government had become a central part of the colony's political life.

Chapter 2 The Royal Colony and the Growth of the House of Burgesses' Power

Sir Francis Wyatt had previously worked under the Virginia Company from 1621 to 1625, and the crown retained him as governor through 1626. As governor under the Virginia Company, he served with the Virginia House of Burgesses as part of the Virginia General Assembly and governor during the Indian massacre of March 22, 1622.[1] As a result of the 1622 massacre and also the failure of the Virginia Company, the crown intervened directly into Virginia's affairs. In 1625, when the crown took over the colony, the king asked Wyatt to temporarily remain as governor. Wyatt agreed to stay on as governor until George Yeardley returned to replace him in late 1626.[2]

Charles I did not take note of what Governor Wyatt and his Assembly were doing in Virginia. The king was too preoccupied with events in the British Isles to worry about a distant colony.[3] He had just gained the throne and was having problems with Ireland. Governor Wyatt, therefore, exercised a free hand in organizing the colony's government. The decision to continue the House of Burgesses was an interesting choice for Wyatt and his Council to make. First, having the Burgesses around would certainly take away some of the Governor's and his Council's power. He would not be able to make laws without the Burgesses seeking involvement in writing and passing them. Second, in conjunction with the first, the Burgesses would not acquiesce to every wish of the Governor. If the past was any indication, from the very beginning the House of Burgesses liked exercising power. Wyatt's first term as governor under the crown was a trying period. The Governor had issues not only with the House of Burgesses but also with his council. His council was filled with many men who disagreed with him. This was

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[1]Sir Francis Wyatt and the Council of State, 3"The Outbreak of the Anglo-Indian War of 1622-1632," in *The Old Dominion in the Seventeenth Century*, Billings, ed., 274-275.

[2]Billings, Selby, and. Tate, *Colonial Virginia*, 48.

[3]Ibid., 47-48.

problematic because they were some of the leading gentlemen in the colony. In addition to troubles with his council, Wyatt also had trouble handling the House of Burgesses. On April 25, 1625, the governor called for each county to elect and send two representatives to Jamestown to sit for the General Assembly on May 10, 1625.[4] As soon as the Assembly began, problems ensued. There were rumors that there would be changes in the government with the colony becoming a royal colony, and that there was a monopoly on tobacco that would ruin the colony. On top of the tension in the assembly, papers sent by the General Assembly to London in 1624 were lost at sea; so Sir George Yeardley has to be sent to deliver new ones.[5] He brought the documents to the crown along with a petition and propositions that asked to confirm ""the liberty of Generall Assemblyes" so that the colonists might "have a voice in election of officers, as in other Corporations.""[6]

It is very interesting that the Burgesses and the Council were so worried about their standing in the eyes of the crown. They did not seem to trust that, since the governor had called them, they would continue to meet. They wanted to make sure that the crown accepted them as a legitimate part of the Virginia colonial government. Besides calling for the ability to have the General Assembly, they said they wanted to have a voice in the election of their officials, essentially those who represented them in the General Assembly. This indicates how important representative government was for the colonists. The colonists were willing to send a petition to the king to make sure the General Assembly was an official governmental body, and not a body that the governor could end without notice. The Virginians wanted to hold the power they had

[4]"Documents Sir Francis Wyatt, Governor, 1621-1626," *The William and Mary Quarterly* 7 (1927), 131.
[5]Billings, *A Little Parliament,* 14. See also "Council and General Court of Virginia," *Minutes of the Council and General Court of Colonial Virginia*, 55-56;
[6]*A Little Parliament,* 15. See also Minnie G. Cook, ed., "Sir Thomas Wyatt, Governor: Documents, 1624-1626" *The William and Mary Quarterly* 8 (1928), 157-163; and "Petition to James I, May 1625" in House of Burgesses of Virginia, 43-44.

gained. They worked very hard to codify and pass laws for themselves, and they did not want all that work undone. [7]

While Yeardley was waiting, Wyatt wanted to leave because his father had recently died, and he needed to get to England to deal with the affairs of the will and the estate.[8] Just before James I died, the king commissioned Yeardley to take over the governorship a second time on September 18, 1625, but the king died before Yeardley could actually leave. Yeardley, however, still wanted the position and knew that Wyatt wanted to leave the governorship. The king gave both men their wishes. He gave Yeardley the commission that James I had originally planned and allowed Wyatt to return to England.[9]

As he made Yeardley the governor, Charles I handed him the *Commission to Governor Yeardley and Council, March 14, 1625-26* and expressly stated what he wanted to see happen in the Virginia colony. In addition to appointing Yeardley the governor, he made John Harvey the second in command. If anything happened to Harvey, Francis West would take over and the Council would help him.[10] The crown also reappointed the thirteen current members, including Harvey and West, to continue to serve on the Governor's Council. Finally, the crown granted to the Governor and the Council "full power & authority to perform & execute the places power and authorities incident to a Governor & Councel of Virginia…& direct affairs touching or concerning that colony or plantation…& perform all & every Other matters & things concerning that plantation as fully & apply as any Governor and Councel."[11]

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[7]House of Burgesses of Virginia, 43-44.

[8]Lee, *Dictionary of National Biography*, vol. 63, 177.

[9]"Commission to Governor Yeardley and Council, March 14, 1625-6," *The Virginia Magazine of History and Biography* 13: 3 (1906): 298.

[10]Ibid., 298-302.

[11]Ibid., 300.

The *Commission* expressly noted that the governor and the Council were not only the authority of affairs that affected them directly, but they were in charge of anything involving the colony, including "Other matters and things." In that phrase, the king implicitly gave the governor and Council power to handle matters not explicitly enumerated.[12] The king did not want Virginia run by a corporation again, but he also did not want to run affairs himself. He wanted the Governor and the Council in control, and made sure the *Commission* said this so that no one would look to him for answers about the colony. Charles I became active at moment because he wanted to finish what his father had started, and he decided that he wanted something set up that would run on its own. He wanted the governors to be in charge of the colony so that he could concentrate on the affairs of England. [13]

One important note about the *Commission* is that nowhere in the document did the crown mention the House of Burgesses or even the General Assembly. While the House of Burgesses sent a letter to the crown almost begging for his confirmation, he did not even note it in the *Commission.* There is also no mention in *the Journals of the House of Burgesses* from the session 1627-1628 or in *Hening's Statutes* that there was a complete overhaul of the law. Yeardley kept the same laws that stood since he put them in place in 1619.[14]

When Yeardley became governor in 1626, there is no mention in the *Journals of the House of Burgesses* that a session was held that year. Perhaps the session from 1625 under Wyatt carried over, or, since there was a new governor, no session would have been held. There are, however, *Minutes of the Council and General Court of Colonial Virginia* that explain some of the legislation that the Governor's Council and the General Court dealt with that year. The General Assembly passed several acts that set up laws where the Church had to follow the

[12]Ibid.
[13]Billings, Selby, and Tate, *Colonial Virginia*, 48.
[14]William Hening, *"The Statutes at Large* vol. 1, 129-130. See also House of Burgesses of Virginia, 45-51.

Church of England, and then passed laws where courts had to meet to deal with "petty civil and criminal matters." Though these laws are not in the *Journals of the House of Burgesses,* the House of Burgesses probably helped pass the laws. Usually, to get a law passed, the House of Burgesses first passed it, then the Council, and the governor signed it. However, under the *Commission,* Yeardley and the Council could have passed laws without the House of Burgesses.[15]

The *Journals* started up again in the session of 1627/1628 with a letter to the king. The Burgesses had asked for the crown to buy all of the tobacco they grew in the colony. They pleaded with him saying that they would be willing to have a set price, pay a shipping toll in the harbors in England, and if the crown were to buy a large part of the crop at their price, they would throw in the rest for a smaller price, and sell it all in shipment. The Burgesses and the Councillors asked that the king just buy from them and stop buying from Spain. The members of the General Assembly explained that growing tobacco was really all that they could do. They tried to build ships out of pine, but that did not go well. They tried growing potatoes and grapes, but no one there knew how to grow those plants. They even tried to search for gold, silver, and copper, but to no avail. They said that the best crop they knew was tobacco, and if the crown did not buy it all, they would not be able to sell the entire crop, and what the colonists did not sell would probably go bad. Only if the crown bought everything could they survive.[16]

The governor and the General Assembly wrote a total of four letters to the crown. The content of the second communication indicates the king responded affirmatively to the previous letter asking that all of the tobacco be purchased. The note thanked the crown for permitting the tobacco to be shipped to England. The letter added though, that the Virginians still wished the

[15]Billings, *A Little Parliament,* 15. See also "Council and General Court of Virginia," *Minutes of the Council and General Court of Colonial Virginia,* 104-107.

[16]*House of Burgesses of Virginia,* 45-49.

king would stop taking Spain's tobacco and just take Virginia's tobacco. They also asked the king if he would take away the oppression of some of the London merchants who tried to gouge the colonists on the prices of tobacco.[17] The governor and the General Assembly sent a third note to the Privy Council.[18] In this letter, the General Assembly and the governor thanked the Privy Council for convincing the crown to buy their tobacco, but that the Virginians were having trouble with their crop. They pleaded with the Privy Council to still support them and help to get the king to continue to buy their tobacco.[19] They sent the fourth letter to Edward Bennett and Michaell Marshart. In this note, the General Assembly asked Bennett and Marshart to speak to Francis Wyatt, the former governor. According to the letter, the colonists were still having trouble getting the king to agree to all of their terms regarding the tobacco. They did have trouble with their harvest, but they wanted to sell what they could and still gain a monopoly in London. The king was still buying from Spain, and the General Assembly was still asking that the king stop buying from it.

There are two interesting points regarding these letters. One, the General Assembly was so persistent, and, two, the General Assembly sent no letters to by Parliament. The only way that a Member of Parliament would have seen a letter was if they served on the Privy Council. The General Assembly wrote to the king, the king's Privy Council, and to Francis Wyatt, but never Parliament.[20] Would Parliament not help them, or did the colonists not know anyone in Parliament who could speak to the king on their behalf? Also, perhaps the General Assembly

[17]Ibid., 49.

[18]The Privy Council was the king's personal council, just like the governor had a council. The Privy Council consisted of the Lord Privy Seal, who was keeper of the king's seal, the Lord Cardinal, Chancellor of England, along with various other lords, treasurers, lawyers, and bishops. Each king chose who would sit upon his council, and could change the members when he so chose. Nicolas, Sir Nicholas Harris. *Proceedings and Ordinances of the Privy Council of England*. London: The Commissioners on the public records of the kingdom, 1837, iv-viii

[19]Ibid., 49-50.

[20]Ibid., 46-51.

saw themselves as a legislative body similar to Parliament, and that going to such a body would not help. The king and Parliament at this time were just starting to have problems that would lead to the English Civil War, and possibly the General Assembly had sided with the king over Parliament.[21] Regardless of the reason, the colonists were clearly desperate for help. Their only cash crop was tobacco. They had tried previous attempts at diversification under the Virginia Company and had failed miserably.[22] The Virginians only hope to stave off financial ruin was to sell their entire tobacco crop to the crown and profit. They had tried many avenues to sell their crop beyond the crown, but they hoped to sell more tobacco to England.

Even before all of these letters were written or sent to London, Governor Yeardley died. His second term only lasted fifteen months, and there is no indication from surviving notes that he ever called the House of Burgesses to meet. Billings believes that the House of Burgesses was never called because there are no notes from his second term as governor. Billings states that this may have been because Yeardley did not receive confirmation from the crown that the General Assembly was a legitimate government.[23]

The king, however, seems to have started to legitimize the General Assembly with a letter sent to the governor and the General Assembly in 1627. The letter actually arrived after Yeardley died, and Francis West was the acting-governor. Charles wanted a tobacco monopoly from Virginia, and he told the General Assembly to write up the bargain.[24] West then sent out election notices to the counties in February 1628 so they could send in Burgesses for the new session. Two weeks later, the Burgesses came to Jamestown, and from then on, there were annual meeting for the House of Burgesses, except in 1636. Charles, however, seemed to

[21]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 26-27.
[22]Ibid., 66-69. See also *House of Burgesses of Virginia*, 17.
[23]Billings, *A Little Parliament,* 15. See also *House of Burgesses of Virginia* , xxx.
[24]Billings, *A Little Parliament,* 15-16.

reconsider his own plan for the Virginia colony, the tobacco monopoly, and the General Assembly. He reexamined the possibility of forming a new company to run the colony, but he knew that the same problems leading to the crown's takeover of the Virginia Company could happen again.[25] This must have been when the General Assembly wrote the letters to the king, the Privy Council, and Francis Wyatt to try to get the tobacco monopoly plan to continue, and so recognize the General Assembly. For several more years the House of Burgesses would continue to fight to be recognized by the crown.[26]

In the meantime, though, the House of Burgesses still met, waiting for the time when the crown would accept them as a legitimate part of the government in Virginia. In October 1629, the House of Burgesses met for their next session. The same year, Virginia's new governor arrived. West, as noted before, was only an acting-governor, and in 1628 the crown appointed John Harvey as the new governor to the colony.[27]

From almost the very moment that Harvey arrived in the colony, he began having problems.[28] He set out to have the General Assembly meet in October of that year, probably hoping that the House of Burgesses would work with him, but, alas, this did not happen. The session began on October 16, 1629. The Burgesses started the meeting with six points to cover. The first point addressed protection. The different plantations in the area were having trouble

[25]Ibid. See also *House of Burgesses of Virginia* , 44-51, 121-124; *Minutes of the Council and General Court*, 168.

[26]Ibid., 15-16. See also *Journals of the House of Burgesses of Virginia of Virginia*, 45-49.

[27]"Commission to Governor Yeardley and Council, March 14, 1625-6," 298. John Harvey was born in England between 1581 and 1582. He might have been a member of the prominent Harvey family in Dorsetshire. In 1622, he had brought many people to Virginia for the Virginia Company, who in return gave him a tract of land. In 1623, the crown appointed Harvey as the chair of the commission to investigate the issues of the colony and the Virginia Company. In 1624, James I appointed Harvey as a Councillor, and in 1625 Charles I reappointed him as a Councillor. In 1628, the king then appointed Harvey as governor. Brent Tarter, "Sir John Harvey (ca. 1581 or 1582-by 1650)," Encyclopedia Virginia, http://www.encyclopediavirginia.org/Harvey_Sir_John_ca_1581_or_1582-by_1650#start_entry (accessed October 26, 2013).

[28]Billings, *A Little Parliament*, 20.

with Indian attacks.[29] The governor decided that the best way to handle this was for the plantations to band together and to help each other out. Harvey told each Burgess to go back to the plantations that they represented, and get one out of every five men to help protect against attacks. The governor then told them to divide the colony into four quadrants, and the plantations in each quadrant would join together to protect that quadrant.[30]

The Burgesses next discussed whether immigrants would be charged a tax on their tobacco, and it was decided that only adult male immigrants would be taxed. The Burgesses then set up an expense report on how much the Virginia government owed members who had sold things to the government. The House of Burgesses decided on what fortifications were needed for protection of the colony and set up fines for not attending church on the Sabbath.[31] The sixth issue dealt with the taxes. The House of Burgesses was the taxing agency for the Virginia government. The Burgesses set up what would be taxed, who would be taxed, and how much would be taxed.[32] The king may not have said that the House of Burgesses was a legitimate legislature, but it still had the duty of writing tax laws.[33] The governor only signed the law and sent out the tax collectors. It is interesting that the House of Burgesses would have the say in the handling of the money. Many of the previous governors had problems with the Burgesses, and to allow them to handle taxes would be an interesting issue. Later on, the issue of money would come between the governor and the House of Burgesses, but in 1629, they were still working together.[34]

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[29]Billings, ed., *The Old Dominion in the Seventeenth Century*, 278-279.

[30] House of Burgesses of Virginia, 52.

[31]Ibid., 53-54.

[32]Ibid., 53-54.

[33]Even with this implication of being a legitimate legislature, the Burgesses still wanted official recognition from the king stating that the House of Burgesses was recognized as a governmental body by the Crown.

[34]Ibid., 54.

At the next session of the General Assembly occurring in March of 1630, they continued to discuss some of the same issues. The House of Burgesses deliberated about tobacco and how any misconduct committed, such as not going to church, would be paid in tobacco.[35] The Burgesses also spoke about going after the Indians in that year too who attacked colonists. In looking at the three past years, the Burgesses were focused on two things: tobacco and attacking the Indians.[36]

Both tobacco and attacking the Indians were under the Burgesses control. The Burgesses decided how much the Virginia colonists paid in taxes, how much to pay the minister, and how much a crop of tobacco was worth. From the *Journals* and *Hening's Statutes*, it seems that all the governor did was sign off on the laws that the representatives wrote.[37] If the representatives were determining the taxes, then they were in control of the purse strings of the colony. In the future, this would cause problems for the governor. Even though this was not a problem at the time, it is interesting that a governor who had control over the colony would allow others to handle the colony's finances. When it came to funding the colony, the Burgesses held the power, and they knew it.[38]

In dealing with the Indians, the House was also partially in control. The governor had ordered them to set up groups to attack the Indian tribes in the vicinity, including the Pamunkey tribe, told them how many men they needed, and gave money to the commanders of each group on each plantation, but he left the rest of the planting to the House of Burgesses. The House of Burgesses decided what men to put in each group, who would direct the groups, and when to

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[35]Hening, *"The Statutes at Large* vol. 1," 144. See also "Minutes of the Council and General Court, 1622-1629 (Continued)," *The Virginia Magazine of History and Biography* 28: 1 (1920), 6.

[36]Ibid., 6-9.

[37]Ibid., 138-153. See also *House of Burgesses of Virginia* , 52.

[38]Billings, *A Little Parliament*, 20-21. See also Samuel Mathews, "The Mutiny in Virginia," *The Virginia Magazine of History and Biography* 1:4 (1894), 417-418, and 425-430. See also J. Mills Thornton, III, "The Thrusting out of Governor Harvey: A Seventeenth-Century Rebellion." *The Virginia Magazine of History and Biography* 76:1 (1968): 11-26.

attack. They were, essentially, in charge of small, standing armies. This really shows the power of the House of Burgesses. In 1631, the Burgesses, elected by freeman and freeholders of the colony, controlled the purse strings and a fighting force in the colony of Virginia.[39]

The next session of the General Assembly was the term of 1631-1632. This session proved to be a very important one for the House of Burgesses, for it was a turning point that would decide the fate for whether the crown would recognize its legitimacy or whether the king would try to stop it from meeting.[40] The problems with that, of course, were that the freemen and freeholders enjoyed having a say in their own government, and the House of Burgesses, full of the freemen and freeholders representatives, held the purse string for the colony. If the king tried to remove the House Burgesses, problems could have ensued. They had met and served now for the better part of the twelve years. Whatever could have happened is only speculation, but what did happen is the House of Burgesses grew tired of waiting.[41]

By 1631, Charles I had spent four years still debating on whether or not to start a new company that could run the colony for him.[42] Even though he had given the power of running the colony to the governor, he still was not able to ensure the colony ran smoothly to his liking. In addition, he still felt he had to do something about the General Assembly.[43] That same year, Charles I put the issue into someone else's hands, the Earl of Dorset. The king placed Dorset over a commission, aptly named the Dorset Commission, to discuss what the king should do about the Virginia colony. The commission was comprised of twenty-three men, including Francis Wyatt the old governor of Virginia, and each of the men brought considerable colonial or

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[39] House of Burgesses of Virginia, 52. See also Hening, *"The Statutes at Large"*, 142.
[40]Billings, *A Little Parliament,* 16.
[41]Ibid. See also *House of Burgesses of Virginia* , 55; and *Petition to the Privy Council*, 6 Mar. 631/32, Virginia Papers, Sacville Manuscripts 712/2, Cambridge.
[42]Billings, *A Little Parliament,* 15-16.
[43]Ibid.

political experience to the group. After several months of meeting, the commission came up with a plan that seemingly suited the king. The king, though, was still vacillating over what to do, and the king threw out the plan. Charles I then tried to start another group to come up with another answer that would suit him. This time, he set up a subcommittee of the Privy Council to develop a plan.[44]

While the king was trying to figure out a solution, the colonists were becoming more and more frustrated. They did not like having to wait so long for an answer. Everything they tried to do since 1625 could be undone with a stroke of a pen if the king decided not to recognize the House of Burgesses as a legitimate governmental body. The burgesses had worked so hard in the last six years to gain the power that they currently held. They did not want to release the power they had and go back to being private citizens under the governor-general. Many of them remembered Governor Samuel Argall and did not want to repeat that experience again.[45]

Just that year, 1632, an Indian war that lasted for ten years ended. All parts of the government worked to end the war. However, Harvey's way of ending the war did not suit the Council, and they tried to oppose his plan. Ultimately, the governor's plan helped to end the war with the Indians.[46] The Anglo-Powhatan War of 1622-1632 many headaches for the Burgesses, and a number of times the House of Burgesses undertook measures to bring the war to the Indians. The war had started back in 1622 when Powhatan Indians had attacked several plantations, and massacred more than three hundred colonists. The war continued on for more than next decade. Over the years, the English and the Indians, led by Opechancanough, would continue to fight. In 1623, after the colonists recovered after the shock of the massacre, they

[44]Ibid.

[45]Ibid., 20. *Petition to the Privy Council*, 6 Mar. 631/32, Virginia Papers, Sacville Manuscripts 712/2, Cambridge.

[46]Billings, *A Little Parliament,* 17, 20. Hening, *"The Statutes at Large* vol. 1*"*, 139-146.

started their retaliation. The English spent the years of 1623 and 1624 burning the crops and villages of the Powhatans for what they had done in 1622. For the next several years, both the Indians and the colonists continued to attack the other through a war of attrition.[47] The incident where the House of Burgesses took charge of groups of men who fought the Indian tribes near their plantations occurred during this war. These groups of men continued to attack the Indians nearest their homes until the point the Indians could no longer attack the colonists' farms for the Powhatans did not have any resources left with which to fight. By 1632, both sides did not want to continue the war, and through delegations, were able to work towards peace. In September, the war finally ended, with a peace treaty, and the Burgesses decided they wanted to avoid any further tensions with the Indians.[48]

A second issue that came up during the 1632 session involved the legitimacy of the General Assembly. The Burgesses determined to get Charles I to move a little faster in making his decision. In the February 1632 session, they sent him a petition. It pleaded that the king would have a "confirmation of all our lands and dividends," and that he would give the General Assembly the royal sanction.[49] The General Assembly made a lot of changes to the Virginia laws, especially during the 1632 session. The Burgesses decided to do an overhaul of the laws that the General Assembly had written during previous sessions.[50] If the crown forced the Assembly to disband, all of their actions would come to naught, and they would no longer have representation in their government. The Burgesses did not want that to happen. They became desperate, evidenced by sending the petition, and so pled their cause in front of the king.[51] In

[47]Billings, Tate, and Selby, *Colonial Virginia,* 44. See also Billings, *A Little Parliament,* 96-97.
[48]Billings, *A Little Parliament,* 96-97. See also Hening, *"The Statutes at Large* vol. 1*",* 139-146.
[49]Billings, *A Little Parliament,* 16. See also House of Burgesses of Virginia, 55.
[50]Hening, *"The Statutes at Large",* 179-180.
[51] House of Burgesses of Virginia, 55.

several years' time, the king would realize just how serious and desperate the Burgesses were when they asked to be royally recognized.

A third issue that came up for the House of Burgesses, and the whole General Assembly, was taxes. They were now, officially by the law, in charge of taxes. The law stated that, "*IT is ordered*, That the Governor and Counsell shall not lay any taxes or impositions uppon this colony, theire lands or commodities otherwise than by the authoritie of the Grand Assembly, to be levyed and imployed as by the Assembly shall be appoynted."[52] If the governor or the Council wanted to set up a tax, they could not do so on their own. The law required them to go before the House of Burgesses to ask for a tax to be enacted. Several years before, the Burgesses were essentially in charge of taxes, but now they were fully in control of them. They were steadily gaining power.

The House of Burgesses put further restraints on the governor that session as well. According to *Hening's Statutes*, a new law stated that, "THE Governor shall not withdrawe the inhabitants from theire privat laboures to any service of his owne…and in case the publique service require imployments…before the holdinge of a Grand Assembly…the levying of men shall be done by the Governor and the whole Counsell,…suddaine incursions of the Indians, and such like cases excepted."[53] In this law, the Burgesses required that the governor could not call anyone away from their own work for a personal job that he required for public service. They even put restraints upon him stating that if they were out of session, and he needed people for public service, he had to gain the approval of the whole Council. The only exemption was if there was an Indian attack.

[52]Ibid., 196.
[53]Ibid., 197.

Besides the Virginia colonists having to deal with Indians in 1632, they also had to deal with a new colony that was founded above them, a Catholic colony. The main religion of Virginia was Anglicanism. The Virginias who followed the Church of England did like the Catholics. In Virginia, Anglicans and the Catholics had fought off and on during the second half of the sixteenth century. Depending on the religion of the reigning monarch in England, one religious group would be in power, and the other group would become the heretics. These tensions, in the whole of the English empire, between the two religious groups caused the Catholics, under Cecilius Calvert, the 2nd Baron of Baltimore, to claim land that Charles I had given to Calvert's father, George Calvert, the 1st Baron of Baltimore.[54]

The Calverts wanted a place where Catholics could worship the way they saw fit. In England, this was not really an option. In America, a new colony for the Catholics could do so. However; the land that the Calverts claimed was also land that many in Virginia also wanted to claim, because it was the top of the Chesapeake Bay. Many planters in Virginia saw the whole of the Chesapeake Bay as belonging to Virginia. Virginia's Governor Harvey, however, did not see the Chesapeake this way. He started giving supplies to the Catholics coming to the upper reaches of the Chesapeake Bay. Harvey's reason for helping was that, one, he was asked by the king to assist them, and, second, he knew Lord Baltimore.[55] He then went as far as to support the Calverts' claim to this land, which they called Maryland after Charles I's Catholic wife Henrietta Maria. This went against the wishes of many Virginia colonists. They wanted the land and did not support a Catholic's claim to it. Harvey's support of the Catholics taking the land caused much suspicion among the Anglican Virginians, adding to their suspicions of him giving the

[54]Billings, *A Little Parliament*, 20.
[55]Ibid.

Catholic colonists supplies. Harvey's support undercut the Virginians' claims, including men on his very own council. This alienated Harvey's council and led to desires to replace him.[56]

The House of Burgesses journals are very sparse for the 1630s. There are no notes for the House of Burgesses from 1633-1636. *Hening's Statutes*, however, list the laws that were passed in 1633. The majority of the laws passed that year dealt with tobacco: the planting, the shipping, and the selling of it. The Burgesses made it against the law to sell it for less than the current sale price, that it had be shipped from Jamestown, and that all imports, not just tobacco, had to come in through the Jamestown port, and no more paying in tobacco. Tobacco was a very important commodity in Virginia. What is most interesting about the laws is not the number of tobacco laws, but how much power the General Assembly had over the laws. They wrote and passed all of these new tobacco laws, and then canceled out the tobacco laws from the previous session.[57]

In 1634, the General Assembly met again; however, there is no mention in the *Journals* about what they did. There is, though, mention in the *Colonial Records* about one important event they had discussed in the 1632 and 1633 sessions. Before 1634, the colony basically consisted of plantations that had existed since the 1610s. The population had grown to the point that plantations did not suffice anymore for representation purposes. The colony had then consisted of 5,119 inhabitants. This was an increase of 3,471 in eleven years.[58] This would probably mean that there would be more voters for the Burgesses, and two, with the new

[56]James McSherry, *A History of Maryland from Its Settlement in 1634, to the Year 1848, with an Account of Its First Discovery, and the Various Explorations of the Chesapeake Bay, Anterior to Its Settlement; to Which is Added, a Copious Appendix, Containing the Names of the Officers of the Old Maryland Line; the Lords Proprietary of the Province, and the Governors of Maryland, from Its Settlement to the Present Time. For the Use of Schools* (Baltimore: J. Murphy & Co., 1849), 23-25.

[57]Hening, *"The Statutes at Large*, vol. 1*"*, 210.

[58]*Colonial Records of Virginia*, 89.

counties that would change districting, that they would need to fix the voting blocks.[59] The Virginia government, however, did not fix the voting blocks. The same number of Burgesses from the same plantations and previous districts were voted into the House of Burgesses.[60] Probably accustomed to the way they had voted for fifteen years, the Virginia voters did not want to change. The change in the colony of having counties did not take away or cause the Burgesses to forget the tension that ensued between the crown and the General Assembly.

The next year, in 1635 more problems occurred. There is clear evidence in the *Journals* that the House of Burgesses was becoming more upset with Harvey. The Burgesses' clerk wrote, ""An Assembly to be called to receive complaints against *Sr. John Harvey,* on the petition of many inhabitants, to meet 7th of May.""[61] The Burgesses were very upset with how Harvey handled the war with the Indians. They felt that he would rekindle the war.[62] There is no evidence the governor attempted to dissolve the House before they could raise their complaints. The meeting began, and more than the Burgesses attended. The statement by the clerk also speaks of the "many inhabitants."[63] This clearly indicates that not only did the Burgesses have a problem with Harvey, but so did many other colonists. This would make sense that those who voted, the freemen and the freeholders, had a problem if the Burgesses had a problem.

As the meeting started, the governor heard about the meeting, and he immediately went to arrest those in attendance, saying that they would stand trial. Several of the Councillors, however, stood up, and stopped him from arresting anyone.[64] Enraged, Harvey stated that the

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[59]"An Excerpt from the Census of 1642/5" in Billings, ed., *The Old Dominion in the Seventeenth Century,* 131-132.

[60]Billings, *A Little Parliament,* 19. See also Hening, *"The Statutes at Large* vol. 1*",* 221.

[61]Ibid., 223.

[62]Billings, *A Little Parliament,* 21. See also Mathews, "The Mutiny in Virginia," 416-422.

[63]Hening, *"The Statutes at Large* vol. 1*",* 223.

[64]Mathews, "The Mutiny in Virginia," 417-418. See also Thornton, "The Thrusting out of Governor Harvey," 11.

Councillors had to tell him what they thought of his policies. They hesitated, and after a heated exchange, both parties left, and things unsettled. At the next meeting, tensions did not lessen. The Councillors spoke about their dissatisfaction with the way Harvey ran the government. They were not happy that he refused to send letters written by the House of Burgesses to London. Harvey responded by attempting to jail a Councillor for treason. Two others, however, stood up, grabbed Harvey out of his chair and held him prisoner.[65] The Councillors placed Councillor John West in the governor's seat. The clerk wrote, "On the 28th of April 1635, *Sr. John Harvey* thrust out of his government; and Capt. *John West* acts as Governor, till the King's pleasure known."[66]

Days passed with anxious deliberations between the Councillors and the governor. Finally, the Councillors were able to send the governor to London. There, he stood trial before the Privy Council. However, he persuaded them that the three Councillors who went against him did so out of personal reasons, not because of issues with him as governor. The king then sent Harvey back to Virginia as the governor, with notices to arrest the treasonous Councillors. Vindicated, Harvey returned, and arrested the men, intending to send them to stand trial in England. His plan, however, did not work out. The Councillors used their connections back in England to maintain their freedom, and ultimately to undermine the governor.[67]

The people of Virginia, through their representatives and through the Councillors, decided that they did not like their governor; so, they removed him from office. Besides throwing out the governor, they did not do anything else against the king. The king, too, did not

[65] Mathews, "The Mutiny in Virginia," 416.
[66] Hening, *"The Statutes at Large* vol. 1", 223.
[67] Billings, *A Little Parliament,* 21. See also Thornton, "The Thrusting Out of Governor Harvey," 11.

act out of haste against the colonists. He wanted to work with them, but, at the same time, he was the king, and did not officially remove Harvey immediately.[68]

Starting in 1637, the king began working to find a new governor.[69] The subcommittee of the Privy Council, which the crown had tasked with the duty of helping Charles I figure out what to do with House of Burgesses, immediately started working. The crown needed to quickly find a way to placate the House of Burgesses and the Governor's Council. Charles I did not want them to throw out the governors that he placed over them. When the General Assembly threw out the governor, the king needed time to figure out who he wanted to serve next. He recalled Harvey to England in 1637. On leaving, Harvey then placed the Acting Secretary of the Virginia colony, Colonel George Reade, in his place. Colonel Reade then served in the position of Acting Governor until 1639.[70]

There was no session of the General Assembly in 1636. In 1637, under Acting Governor Reade, the General Assembly session resumed. During the session of 1637-1638, the crown sent a proposition to the General Assembly, asking it to send shipments of tobacco to London. In sending this proposition to the General Assembly, Charles I was recognizing it by defacto, but not by official law. Charles I probably realized that the General Assembly had power in the colony, a reality he had to respect. In England, he was working to send another official governor to Virginia, but in the meantime, he would rely upon an acting governor, who had to work with a powerful legislature.[71]

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[68]Billings, *A Little Parliament*, 21. See also Great Britain Public Record Office, *Calendar of State Papers, Colonial Series, 1574-1660*, Edited by W. Noël Sainsbury and Sir John William Fortescue, and Cecil Headlam, (London, United Kingdom, 1860), 176; Thornton, "The Thrusting Out of Governor Harvey," 11-12.

[69] Mathews, "The Mutiny in Virginia," 422-424.

[70]Grace McLean Moses, *The Welsh Lineage of John Lewis (1592-1657), Emigrant to Gloucester, Virginia* (Rev. ed. Baltimore: Clearfield Co., 1992), 44. See also Peyton Neale Clarke, *Old King William Homes and Families: An Account of Some of the Old Homesteads and Families of King William County, Virginia, from Its Earliest Settlement* (Baltimore: Regional Pub. Co., 1964), 74.

[71]House of Burgesses of Virginia, 57.

The Burgesses sent a reply, thanking the king, "upon bended knee," for the communication. The Burgesses were content with the crown recognizing them in the proposition, and they answered in kind, gratified that he, their king, would take their tobacco.[72] Both sides probably knew that the session of 1637 was a very precarious one. Here the king had yet to officially recognize the General Assembly, but, at the same time, the General Assembly had thrown out the king's governor. Tobacco, being the main commodity of the colony, and highly used in Great Britain, was an important bridge between the two. The colony, however, started to have trouble with their tobacco crop, so they wrote to the governor for help. They told him that they could never know the size of the crop; they did not have enough ships to transport the tobacco; and the warehouses for the tobacco were badly placed.[73]

The governor sent back a reply, and said that Burgesses should be thinking about what was good for the king, but that, instead, they were thinking about what was good for themselves. He told them they were just making excuses; they were being selfish; and the Burgesses should be thanking the king for accepting their tobacco.[74] The House of Burgesses sent two responses to the governor. The first response was a reiteration of the previous one, saying they had not planted as much tobacco as they had wanted, and they were having problems with shipping.[75] In the second one, the House of Burgesses asked the governor to send the reply to the king. The Burgesses told the king that they were very grateful that he took their crops but told him the same issues that they told the governor. They told him the crops were bad that year, and they had trouble with shipping and warehouses. There was no reply from the king; so, possibly, he just accepted the tobacco as they sent it to him.

[72]Ibid., 57-58.
[73]Ibid., 59-61.
[74]Ibid., 61.
[75]Ibid., 62.

In 1639, Virginians officially got rid of Harvey when Charles I sent Francis Wyatt back as the governor of the Virginia colony. Wyatt was an interesting choice. He had previously served as governor for the Virginia Company from 1621-1625, and then for the crown from 1625-1626.[76] At the time, the General Assembly had not been enthusiastic about him as governor. He especially had disagreements with several of his council members, but, unlike Governor Harvey, the General Assembly had not thrown him out. Wyatt had left to take care of family affairs. While governor, he had also brought the House of Burgesses into the Virginia government, even when Charles I, in his *Proclamation,* never stated that the governor needed to have the House of Burgesses. The Burgesses had been very thankful when Wyatt brought them into the government, and he was willing to share his power with them.[77]

Then, when he was in London on his family matters, the General Assembly asked Wyatt for help in getting the crown to recognize them. He remained Virginia's advocate when the king placed him on a commission to decide if the House of Burgesses should stay in the Virginia government. Then, during the late 1630s, Wyatt was pressing the king to allow him to serve as governor in Virginia again. In allowing him to return, the king probably hoped that Wyatt as governor would appease the General Assembly, but, at the same time, he would get the work that the king wanted done in Virginia.[78]

The king also decided that a second way to placate the colonists was to give them what they really wanted, official recognition. When Wyatt headed to Virginia in 1639, he carried the instructions from Charles I to call the House of Burgesses into session.[79] Further, they

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[76]Billings, Selby, and Tate, *Colonial Virginia,* 48.

[77]"Documents Sir Francis Wyatt, Governor, 1621-1626," 131.

[78]Billings, *A Little Parliament,* 15-16.

[79]Ibid., 15, 28-29. See also Instructions to Sir Francis Wyatt, 11 Jan. 1638-39. According to Billings, the Instructions that Charles I gave to Wyatt were the same ones that Charles I gave to William Berkeley when Charles I tasked Berkeley as governor. Billings, *A Little Parliament,* 230.

recommended Wyatt to "as formerly once a year or oftener if urgent occasion shall require, Do Summon the Burgesses of all and Singular the Plantations there which together with the Governor and Councill makes the Grand Assembly, and shall have Power to make Acts and laws for the Government of that Plantation, correspondent as near as may be to the laws of England."[80]

The instructions that Charles I sent with Wyatt were a huge step forward for the General Assembly, and the House of Burgesses in particular. After fourteen years the king finally recognized a representative government in Virginia that freeman as well as freeholders elected. This was a new style of government in the British Empire, and now it had the crown's official sanction. Charles I gave them a right to exist, but he could interfere anytime he thought necessary. Even with that clause, he still gave them what the Burgesses wanted, and even required that the governor call them at least once a year. [81] Not only did the governor have to call the Burgesses to session every year, the Burgesses also had the right to make laws with crown approval.[82]

When Wyatt arrived in the Virginia colony, much had changed since he last served. The General Assembly, and particularly the House of Burgesses, had become an integral part of the Virginia government.[83] It was no longer just a corporate appendage as it had been in the days of the Virginia Company. The General Assembly was a true legislature that made many laws and had extensive powers. During the session of 1639-1640, the General Assembly added to the repository of laws it had worked on since 1619. Many of the laws they passed that session dealt with the same issues of 1637, tobacco. The laws regulated the price of tobacco, the shipping of

[80]*Instructions from Charles I* in William Berkeley, *The Papers of Sir William Berkeley, 1605-1677*, ed. by Warren M. Billings, and Maria E. Kimberly, (Richmond, VA: Library of Virginia, 2007), 29-30.
[81]Ibid., 16. *Instructions from Charles I*, in *The Papers of Sir William Berkeley*, 29-30.
[82]Ibid.
[83]Ibid., 16.

tobacco, and debtors who had trouble from a bad crop.[84] The laws also spoke about boundaries between counties, where colonists could place graves, arming of colonists, and vineyards among other things. One important thing stands out; the General Assembly made all of these laws legally. The Burgesses no longer had to fear all of their hard work disappearing. They were a formal part of the government.[85]

The 1639-1640 session was the last session with Wyatt as governor. The next year the king replaced Wyatt as the governor. On March 8, 1641, his replacement arrived, and Wyatt went into retirement. Wyatt had not done anything in Virginia to require the king to replace him. The Burgesses, the Councillors, and all of the colonists were happy with Wyatt as governor. However, other events were brewing in London that would change everything. A lowly noble official had set his eyes upon the governorship of Virginia, and he pulled strings that got him the placement.[86] In August of 1640, the crown gave the new governor his commission, and six months later, he arrived in Virginia.[87] This new governor, William Berkeley, would influence events in Virginia for the next forty years.

[84]Hening, *"The Statutes at Large* vol. 1*"*, 224-225.

[85]Ibid., 226-229.

[86]Billings, *A Little Parliament,* 22-23. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 36-37.

[87]*Commission from Charles I* in *The Papers of Sir William Berkeley*, edited Billings, and Kimberly, 24-29.

Chapter 3: Governor William Berkeley's First Term and The Commonwealth of England

Sir William Berkeley arrived in Virginia to take over from Wyatt as governor in March 1641.[1] Berkeley made a great impact upon Virginia during his two terms as governor. Berkeley, unlike his predecessors, knew the true art of negotiation. He knew when it was appropriate to give the House of Burgesses something it wanted in return for receiving something he wanted. He knew when to give in, and when to fight for what he wanted. In understanding the art of give and take, he gained the devotion of the Virginian colonists, grew in power, and, at the same time, helped the House of Burgesses grow in power.[2]

The reason that Berkeley knew how to compromise was that he had to do so in his own life to get into positions of high status. Berkeley came from wealth, but since he was the younger son, he did not inherit the family wealth. Berkeley, however, made the most of his situation. He used his station as a noble to gain favor with the king, and through this gained a position as the governor of Virginia.[3]

Besides being a younger son, Berkeley was also a younger son of a younger son. In England, there was the younger son myth. This myth was that all of the classes above the landless peasants consisted of younger sons. The belief was that "the majority of the male population was composed of younger sons- younger sons of younger sons, extending back for

[1]William Berkeley was born in 1605 to Sir Maurice Berkeley. In 1623, he went to Oxford, and gained several degrees. After finishing school, he traveled Europe for two years. When he returned, he asked several relatives to help him gain a position at the king's court. In 1632, he began serving Charles I, and continued to do so for the next ten years. During his time at court, Berkeley became interested in Virginia, and wanted to serve as the governor of the colony. In 1641, Charles I gave Berkeley the appointment, and he went on to serve two terms as the governor of Virginia. Warren Billings, "Encyclopedia Virginia: Sir William Berkeley (1605-1677)," Encyclopedia Virginia, http://www.encyclopediavirginia.org/Berkeley_Sir_William_1605-1677 (accessed October 21, 2013).

[2]Billings, *A Little Parliament, 26.* See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 212; and Nicholas Spencer to [?] Spencer, 13, June 1673, Sloane Manuscripts 3511, British Library, London.

[3]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 95-96.

generations beyond recollection or record."[4] Berkeley's younger son line, branching off from the Berkeley's of Berkeley Castle, came back into prominence by his father's time. His father, also named William, was knighted, and Berkeley's older brother became a lord. Berkeley, however, did not rise as his older brother did. He had to make a way for himself. A relative was able to get Berkeley a position in Court, which he held for ten years. After ten years, Berkeley decided that he wanted something different, and he convinced King Charles I to make him the next governor of Virginia.[5]

When Berkeley came to Virginia, he saw that many local men held positions in government, including positions on the governor's council. He believed that the council should consist of nobility. The House of Burgesses would stay in the hands of freemen and landowners, but Berkeley would lead this group as well. Together Berkley, the governor's council, and the House of Burgesses would run the government for the crown of England. Berkeley decided that he would try to bring over younger male siblings of noble birth, or younger sons of younger sons. His plan was to tell them they could acquire land and stature in the colony, two things they could not achieve in England.[6] Many of these cavaliers accepted Berkeley's offer, and became great men in the colony.[7] One visitor to the colony stated, "The gentlemen called Cavaliers are greatly esteemed and respected, and are very courteous and honorable. They hold most of the offices in the country, consisting of twelve seats in Parliament [the Council], six collectors, the

[4]Clifford Dowdey, *The Virginia Dynasties: The Emergence of "King" Carter and the Golden Age* 1st ed. (Boston: Little, Brown, 1969), 9.

[5]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 31-32.

[6]Dowdey, *The Virginia Dynasties*, 29-30.

[7]Ibid., 9, 17, 27-32, 59, and 84. See also Louis B Wright, *The First Gentlemen of Virginia* (Charlottesville: University Press of Virginia, 1970), 347-349. Many of the cavaliers that Berkeley brought to Virginia ended up owning large plantations, and served on the Council. They became very rich, and helped to run the colony. They became known as the First Families of Virginia, and their descendants continued to serve on the Council, run the colony, and own large plantations. Omohundro Institute of Early American History and Culture, "The F. F. V.'s of Virginia." *The William and Mary Quarterly* 23:4 (1915): 277.

rank of Colonel in each country, and Captains of each colony."[8] These cavaliers ultimately held most of the spots on the Council, served in the House of Burgesses, had very large plantations, and would become very important families in the course of history in Virginia.[9]

What Berkeley did do before he even held his first session speaks volumes. As a new governor, it was his right to call a new election. However, Berkeley did not. Rather, he kept the same General Assembly that was in place when he arrived. He probably did this for a twofold reason. One, Berkeley was new and did not want to change things too quickly, and, second, he did not really know anyone in Virginia when he arrived. Many of the wealthier planters, who served on the Council did not trust this new governor. Berkeley would have wanted to gain their trust, and that would mean not stepping on anyone's toes at the beginning.[10] Over the next several years, Berkeley showed that he was willing to give a little to achieve his ultimate objectives. At the same time, he was a very smart, conniving governor who got what he wanted and used this to shape the colony to his standards.

The records for the 1641/1642 session are quite sparse, but they indicate that the General Assembly was dealing with the subject of a company for a second time. According to Billings, the matter of whether a company should be placed over the colony "remained a lively issue long after the Virginia Company bankrupted."[11] George Sandys, the brother of Sir Edwin Sandys, the old treasurer of the Virginia Company, brought the issue of reviving the company to the crown just as Berkeley was leaving for Virginia. George Sandys tried to petition Parliament to revive a

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[8]Durand (of Dauphiné) and Nicholas Hayward, Edited by Gilbert Chinard, *A Hugenot Exile in Virginia: Or, Voyages of a Frenchman Exiled for His Religion, with a Description of Virginia & Maryland; from the Hague Edition of 1687* (Ann Arbor: Press of the Pioneers, 1934), 110.

[9]Louis B Wright. *The First Gentlemen of Virginia* (Charlottesville: University Press of Virginia, 1970) 347-349. Some of the cavaliers that came over were Richard Lee I, Thomas Stegg, Jr., John Carter I, Thomas and Philip Ludwell, Ralph Wormley, and Nicholas Spencer. All of the men came from England, and ended up serving in the Virginia government under Berkeley. Dowdey, *The Virginia Dynasties*, 17, 27-28, 32, 59, 84.

[10]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 39.

[11]"Commission from Charles I" in *The Papers of Sir William Berkeley*, 24-25.

company, saying that that the colony wanted it, and that he had information to prove it.[12] When the House of Burgesses heard about what Sandys did, it exploded in anger, and said that Sandys had surpassed what it told him to do. The General Assembly then came together to write the *Declaration against the Virginia Company*, in which it stated that Sandys telling Parliament that the Assembly wanted the Virginia Company revived was "neither the meaning nor Intent of the said Assembly or Inhabitants here for to give way for the Introducing of the said Company or any other."[13]

The *Declaration* went on to explain the reasons why the Virginia Company should not be restarted. While most members of the General Assembly had begun to serve since 1625, the original problems that led to the end of the Company less than twenty years before were still well-known. The only one still serving from the time of the Virginia Company was William Claiborne. In 1624, he had served as the Surveyor General on the Council, and in 1642 he was the Treauser.[14] Claiborne and others described those very problems, explaining that the Burgesses and Councillors believed that any of the land titles made after 1624 under the crown could possibly be revoked. Many did not want to see this happen, and so they rejected resurrecting the Virginia Company. Billings points out that Berkeley probably sided with the General Assembly to ally himself with the wealthy planters. For Berkeley to get along well with the Burgesses and the Councillors, he had to give them some of the things they would have wanted, so that he could get what he wanted.[15]

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[12]Richard Beale Davis, *George Sandys, Poet-Adventurer: A Study in Anglo-American Culture in the Seventeenth Century (*London: The Bodley Head, 1955), 259-260.

[13]"Declaration against the Virginia Company" in *The Papers of Sir William Berkeley*, 40. See House of Burgesses of Virginia, 66-69.

[14]William Glover Stanard, ed., *The Colonial Virginia Register: A List of Governors, Councillors and Other Higher Officials, and also of Members of the House of Burgess and Revolutionary Conventions of the Colony of Virginia* (Baltimore: Genealogical Pub. Co., 1965), 24, 26, 31.

[15] Ibid., 40-45. Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 86-89.

On July 5, 1642, the king replied to the *Declaration.* He told the General Assembly that he had received its petition and that he had no intention of placing it under the Virginia Company. He said, "your so earnest desire to continue under our immediate Protection is very acceptable to us; And that as Wee had not before the least intention to consent to the introduction of any Company over that our Colony So Wee are by it munch confirmed in our former resolucons."[16] To finish out the session that year, Berkeley and the rest of the General Assembly wrote the "Remonstrance of the General Assembly" which set in place new laws.[17] Berkeley had the General Assembly revamp all of the laws in the colony. Partly, he did this to clean up laws that had not been changed since the Company ceased to exist. One law that Berkeley told the House of Burgesses to repeal gave the governor four pounds of tobacco every year. It was an unpopular tax and the Burgesses were grateful that Berkeley asked to have it repealed.[18] Then on June 2, 1642, the General Assembly gave Berkeley a gift of two houses and an orchard, "in consideration of many worthy favors manifested towards the colony."[19] This example really shows Berkeley's shrewd, scheming side. He knew that the Burgesses would be pleased if he ended the tax, and they would be so grateful to him that they would give him something in return. In the end, both were happy, and he had the General Assembly as his allies. [20]

In the 1643 session, Berkeley continued to work on getting the General Assembly on his side. This time, he focused solely on the House of Burgesses. Berkeley encouraged it to do a full reform of laws and advised it to sit apart from the Council, thus making the General Assembly a bicameral legislature.[21] The House of Burgesses then officially became its own house, something

[16]House of Burgesses of Virginia, 70. See also Billings, *A Little Parliament,* 11.
[17]"Remonstrance of the General Assembly" in *The Papers of Sir William Berkeley,* 46.
[18] House of Burgesses of Virginia, 69.
[19]"Gift from the General Assembly" in *The Papers of Sir William Berkeley,* 46. See also Hening, "*The Statutes at Large* vol. 1," 267.
[20]Billings, *A Little Parliament, 26.*
[21]Hening, "*The Statutes at Large* vo1. 1, 267-282.

that had never happened in the colony before. The House of Burgesses was happy about this separation.[22] The governor, the Council, and the House of Burgesses had always met together. This meant that the House of Burgesses could never have a debate without the governor and the Council listening. Now it could, and from then on, it met in its own building. It had more freedom as bicameral legislature, and with more freedom came more power. It could now speak and write as it wished without the governor stopping it. When the representative body gained power, the electorate did too. [23]

Berkeley then decided he would call an election that year. Included in this new crop of Burgesses was a man who had served on the Council. At first, it seems confusing that a Councillor, Thomas Stegge, would drop out of the Council to become a Burgess. Stegge became the Speaker of the House, the first one since John Pory in 1619.[24] Billings explains that Berkeley could have opposed this, but he did not. Berkeley knew that a strong faction on the Council had encouraged Stegge to resign and become the Speaker of the House. In allowing the election to take place, Berkeley was showing that he was willing to work with the faction in the Council and to allow them some mobility.[25] In the past, governors, like John Harvey, had used a very strong hand with the Council and the House of Burgesses.[26] Berkeley, knowing about these past events, and only in his second year, decided that he did not want this to happen to him. He recognized how strong the two groups were. Berkeley also realized that for him to get what he wanted, he had to work with them.[27]

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[22]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 91. See also Kukla, *Political Institutions in Virginia*, 110-113.

[23]Billings, *A Little Parliament*, 27-28. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 91-92.

[24]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 93.

[25]Billings, *A Little Parliament*, 27.

[26]Samuel Mathews, "The Mutiny in Virginia," 416.

[27]Billings, *A Little Parliament*, 27.

In 1644, the session began because of an Indian attack. More people had been moving into the colony, and the Indians felt threatened. On Holy Thursday in April, they killed five hundred Virginians. However, unlike in 1622, twenty-two years before when the Indians attacked, the deaths did not put the colony at risk of failure.[28] Berkeley, however, saw his chance of proving himself as a warrior to the General Assembly and Virginians as a whole. He quickly made Richard Kemp, the secretary of the colony, acting governor, and placed William Claiborne, a Councillor, as general over the militia. He then went to London, with an authorization from the General Assembly, to ask for help from the crown and Parliament.[29] This is another example of Berkeley using his abilities to get what he wanted. Berkeley wanted to go to London to request help, proving that he was a strong leader of the colony, and he went but with the order of the General Assembly.[30]

When Berkeley arrived in London, he realized that he had made a mistake. Neither the king nor Parliament could spare weapons for the war with the Indians, since they were at war with each other. Berkeley planned to leave quickly to get back to Virginia but was pulled into a campaign with the king. He did not return to Virginia until June 1645.[31] In his absence, one session was held under Acting Governor Kemp. During the session, the General Assembly worked on building up its power through new laws. In these new laws, the Assembly made county sheriffs more accountable to itself, raised taxes, dealt with county courts, set up coin as currency, and levied money to pay for the war and for Berkeley's trip to England.[32]

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[28]*Colonial Records of Virginia*, xxix.

[29]"Authorization to Return to England" in *The Papers of Sir William Berkeley*, 60-61. See House of Burgesses of Virginia, 71.

[30] Ibid.

[31]Billings, *A Little Parliament*, 27.

[32]House of Burgesses of Virginia, 72. See also Hening, "*The Statutes at Large* vol. 1," 282-308.

When Berkeley returned from his trip, the war with the Indians was not going well. According to Billings, "Claiborne was an indifferent general, more interested in settling a personal vendetta with the Maryland government than in defeating the Indians."[33] Berkeley ended up taking the field himself, and, using a three-pronged attack strategy, he dealt a heavy blow to the Indians. Part of it included burning fields, villages, and capturing the leaders. Indian leader, Opechancanough, however, avoided capture at this point.[34] In the 1646 session of the General Assembly, Berkeley met with it and as part of the session they wrote a plan to end the war. They set up a special militia for capturing Opechanough. Rangers tracked him down and sent a message to Berkeley who came and caught the chief. Berkeley brought him to Jamestown, wanting to send him to England, but one of the militiamen stabbed and killed Opechanough in prison. The new chief, Necotowance, sued for peace. Berkeley presented a peace treaty to the General Assembly for ratification in October 1646.[35]

In the 1647 session, the most important issue was trade. The colonists shipped goods to the Dutch along with the English. In the 1643 session, the General Assembly had passed a law that declared that "any merchant, factors or others of the Dutch nation [could] import wares and merchandizes and [could] trade or traffique for the commoditys of the colony in any shipps of their owne or belonging to the Netherlands."[36] This meant that any Dutch ship could come into Jamestown's port to trade with the colony, and that any Dutch, meaning the Netherlands and their colonies, could import colonial goods.

[33]Billings, *A Little Parliament*, 28-29.

[34]William L Shea, ""Virginia At War, 1644-1646," *Military Affairs* 41:3 (1977): 142-147.

[35]"Treaty of peace with Necotowance" in *The Papers of Sir William Berkeley*, 71-73.

[36]Hening, "*Statutes at Large* vol. 1," *258*-259. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 101.

In 1647, however, several on the Governor's Council did not like the colonists shipping goods to the Dutch, and they informed Parliament about the shipments.[37] The English government, as well, did not like the colonists shipping anything to the Dutch. Parliament decided to put a stop to it and wrote a bill called "*Adventurers to the several Plantations…of America,"* telling the colonists they could no longer ship to the Dutch.[38] The Virginia General Assembly sent back a rebuke to the new Parliamentary law. This *Declaration concerning the Dutch trade* is a very important document because it shows how the General Assembly thought of itself in relation to Parliament. In the *Declaration,* the General Assembly declared "that noe lawe should bee established within the kingdome of England concerning us, without the consent of a grand Assembly here."[39]

This was a stunning declaration for the General Assembly to make. It was stating here that it was equal to Parliament at least in Virginia. There was no reference to anything prior to this *Declaration* that the members of the Assembly even believed such a thing.[40] One part of the General Assembly, the House of Burgesses, was elected servants of the people, which meant that the constituents had as much say in the British Empire as anyone born in England. For colonists to claim equality as one from the Mother Country is a very interesting statement, and one that would have repercussions later. At that moment in 1647, though, the Assembly was stating that it could ship goods to the Dutch if it chose, and Parliament had no say in the matter. For two years, London did not try to stop the shipping, and the colonists continued to trade with the Dutch.[41]

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[37]Ibid.
[38]Ibid.
[39]"Declaration concerning the Dutch trade" in *The Papers of Sir William Berkeley,* 75-76.
[40]"Declaration concerning the Dutch trade" in Ibid., 77.
[41]"Letter of introduction from Peter Stuyvesant" and "Due bill to Peter Stuyvesant" in ibid., 87-88. Billings, *Sir William Berkeley and the Forging of Colonial Virginia,* 102.

Shipping was not the only problem that Berkeley was having with Parliament. The matter of religion in Virginia almost ruined Berkeley's governorship.[42] Berkeley was a member of the Church of England while many in Parliament, including the leaders in Parliament, were Puritans. In Virginia, while Anglicanism was the official religion, many did not hold to it. There were staunch members of the Church of England; there were Puritans; and there were many who were Dissenters. Many Virginians did not worry about their neighbors differing in religion. They did not want to see the Anglican vs. Puritan problems in England to leak over to the Virginia colony.[43] Berkeley was not a staunch member of the Church of England, but he knew that the official religion of the colony was Anglicanism. When he first came in 1641, he had no idea what the religious atmosphere would be in the colony and had just assumed that everyone was Anglican. Even when he found this not to be true, he did not let this deter him. Berkeley did not see a problem with Dissenters. He had seen what the fighting in the Bishop Wars in England had done to tear the country apart over religion.[44] He did not want the wars to be repeated in Virginia.

In England, however, the problems continued. Parliament and Charles I continued to be at odds with each other and, in 1642, Charles I made a move against Parliament. For Charles I to get money, Parliament, who held the purse, had to pass a law to provide it. Charles I thought he could force Parliament to give him the money he had requested, and so he took several members hostage. This event sent reverberations throughout the English empire as Parliament responded to the outrage, and the English Civil War began. In Virginia, the colonists certainly felt this

[42]Ibid.

[43] Edward L. Bond, *Damned Souls in a Tobacco Colony: Religion in Seventeenth-Century Virginia*. (Macon, Ga.: Mercer University Press, 2000), 133-144. See also Rachel Love, "An Inward Retreat: From Puritan to Quaker on the Chesapeake Bay" (Master's thesis, Liberty University, 2010), 43-47, and 59.

[44]Billings, *A Little Parliament,* 29.

proverbial earthquake, but it did not really affect daily life.[45] The General Assembly continued to meet, continued to pass laws, and the freeholders continued to grow tobacco. Only one unusual experience took place, and that was that immigration was down from 1642-1648.[46] By 1649, Parliament was in control; Charles I was dead; and the English Civil War had ended.

In 1642, while Charles I was still fully in control of the throne, he told Berkeley to make statutes that required Anglicanism to be law in the colony. Charles I wanted to try to eradicate Catholicism in Virginia as well as in England. In 1643, these statutes passed through the General Assembly.[47] When Berkeley pushed through this law, he did not consider the consequences. He just knew that Charles I, his king and benefactor, had asked him to do so the year before. The consequences turned out to be a dire one for him, and he almost lost his support in the colony.[48] The only thing holding Berkeley in place, for the most part, was Charles I. People were angry with the new law, and even more so when he put into place the oath of allegiance, requiring that all must pledge to the Church of England.[49] Virginians were angry with Berkeley's new law and worked hard to get it repealed. In 1647, Berkeley and the General Assembly finally repealed the law, but the damage was done, five years of the oath was not something that Berkeley could really get away from in the colony.[50] His Dissenters still fought against him.

One of his Dissenters was Reverend Thomas Harrison, a clergyman who did not hold to the Common Book of Prayer.[51] Harrison preached in one of the local parishes in Lower Norfolk County and nearly toppled Governor Berkeley. Harrison refused to the use the Book, causing

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[45]"Acts of the Assembly, 1642/3- 1661/2" and "Thomas Willowby II Apprenticed as a Merchant Tailor, 1644" in *The Old Dominion in the Seventeenth Century*, 100-102, 139. Marken, Karissa, "Autonomy Imposed: Virginia During the English Civil War," Paper presented at Liberty University, Lynchburg, Virginia, Fall 2012.

[46]Clifford Lewis, ed., "Some Recently Discovered Extracts from the List Minutes of the Virginia Council and General Court, 1642-1645," *The William and Mary Quarterly* 20 (Jan. 1940): 63-64.

[47]Hening, "*The Statutes at Large* vol. 1", 241-243, and 277.

[48]*Sir William Berkeley and the Forging of Colonial Virginia*, 104.

[49]Ibid., 104-105.

[50]Hening, "*The Statues at Large* vol. 1", 341-342.

[51]*Sir William Berkeley and the Forging of Colonial Virginia*, 104

problems with his congregation and vestry. Finally, word of him not using the Book made it to Jamestown. Berkeley and the Council brought him before them, and asked him to denounce his ways. According to Billings, nothing survives of the meeting, but Harrison must have relented, for he was soon preaching again.[52] Not long afterwards, however, Harrison stopped using the Common Book of Prayer again, and Berkeley banished him.

Harrison moved to Boston where he ended up marrying the cousin of Governor John Winthrop. Parliament did not miss these proceedings, though, in the colonies. It watched with a keen eye the events dealing with Harrison, and, in the future, the events would play into the temporary removal of Governor Berkeley.[53] In 1649, the Council of State even told Berkeley that the Common Book of Prayer had been outlawed and commanded Berkeley to place Harrison back at his church in Lower Norfolk County.[54]

The year after the *Declaration* in 1646, with the problems between Parliament and the crown were still ongoing, the Assembly dealt with other important legal issues, one of them was the county of Northumberland. In 1648, Northumberland first became a county. One of the first laws that the General Assembly made in regards to Northumberland concerned elections. The law stated that "the inhabitants…from henceforth they have power of electing Burgesses for the said county to serve att Assemblies vpon lawful sumons from the Governour, which they are authorized to doe by vertue of this act to the next sessions of this Assembly."[55] The law does not state that landholders had the right to elect Burgesses, but that the inhabitants could elect Burgesses. In the seventeenth century, "inhabitants" meant anyone who lived in the designated area, and were not slaves or indentured servants. In the colony, this meant anyone who lived in

[52]Ibid., 105.
[53]Ibid.
[54]"From the Council of State" in *The Papers of Sir William Berkeley*, 85.
[55]Hening, "The Statutes at Large, 352-353.

the previously named county. All male inhabitants of each county could then vote. This is interesting because this shows that, even by official law, freemen could still vote. Over twenty years had passed since 1619 when Edwin Sandys had declared that all freemen in the colony could vote.

In 1649, one event overshadowed the General Assembly session. Parliament had won the war with the crown and had Charles I beheaded in June. The parliamentary Council of State, in the *Circular letter from the Council of State* informed Berkeley in October of 1649 of the event, along with the abolishment of the monarchy.[56] It also told Berkeley that he must obey it and wait on future instructions. It hinted that if he did obey it and change his allegiance, he might stay on as the governor of Virginia. Berkeley, however, did not accept the offer and quickly rejected it. He did not like Charles I and did not shed a tear when Parliament beheaded him, but he believed that a monarchy was the true form of government. Berkeley saw the current leaders as murderers who had usurped the rightful ruler.[57] He told them so in a cutting reply, telling them that they had wrongly taken the kingdom, and that Charles II was the rightful ruler. Berkeley then quickly sent a letter to Charles II, son of Charles I and the would-be king, who was in exile in Belgium, and returned his commission. Berkeley also made contacts with other royalists in exile.

Charles II quickly contacted Berkeley, and, in June of 1650, gave him a new commission.[58] In the new commission, Charles II told Berkeley that he would help royalists in Virginia. Charles II also said he would keep Berkeley as the current governor in the colony, and keep the current members of the Council. Charles II went to tell the governor and the Council that they had full power in the colony, and they should build better defenses in case an enemy

[56]"Circular letter from the Council of State" in *The Papers of Sir William Berkeley,* 84. Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 106.

[57]Ibid.

[58]Ibid., 106-107. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 107.

came. This is probably in reference to Parliamentary forces that might come to remove Berkeley from power. Charles II then ended the letter by telling the governor and the Council to take the Oath of Allegiance to him, and that until a new commission arrived, this commission stood as law.[59]

After the governor and his Council received the order from Parliament, and swore their allegiance to Charles II, Berkeley called the House of Burgesses into session in March 1651. Berkeley asked it to swear allegiance to Charles II and to oppose Parliament.[60] In his speech, Berkeley argued, "But Gentlemen by the Grace of God we will not so tamely part with our King, and all these blessings we enjoy under him; and if they oppose us, do but follow me, I will either lead you to victory, or loose a life which I cannot more gloriously sacrifice then for my loyalty, and your security."[61]

The Burgesses listened to Berkeley's speech, agreed, and sent their own letter to the would-be king.[62] They stated, "We are resolv'd to Continue our Allegeance to our most Gracious KING."[63] The General Assembly declared it was loyal to its king, had settled the colony under the laws of England, and would continue to obey the laws of England. They were not rebels and traitors, as Parliament had called them, but they were free from the accusations, for they obeyed the laws that had been given to them. They stated that they would not take the oath of allegiance to Oliver Cromwell, the Lord Protector and leader of Parliament. The General Assembly ended by saying it would stay loyal to the king and hoped for his return.[64] Parliament, of course, did not like the response they received from the governor, the Council, or the House of

[59]"Commission from Charles II" in, *The Papers of Sir William Berkeley,* 91-94.
[60]Ibid., 95-97.
[61]Ibid., 97.
[62]House of Burgesses of Virginia, 75- 78.
[63]"Declaration of the General Assembly" in *The Papers of Sir William Berkeley,* 99.
[64]Ibid., 98-100.

Burgesses. For the time being, however, it could do nothing to the Virginia government. In the future, however, Parliament planned to take over the colony.[65]

Before Parliament could go after Governor Berkeley and his government, Parliament had to deal with a much more pressing matter, Charles II's attempt to regain his throne. Cromwell, the Lord Protector and leader of Parliament, stopped Charles II in his tracks when Parliament defeated the would-be king on September 3, 1650 at the battle of Worchester. After the victory, Parliament then turned its attention to Berkeley and Virginia.[66] Before Parliament actually sent troops to deal with Berkeley, it wanted to try a different tactic. Three men who served on the Governor's Council, William Claiborne, Richard Bennett, and Thomas Stegge, were in London, and Parliament considered them the best sources on what was going on in Virginia. They told Parliament that stopping the colony from trading with the Dutch would hurt them considerably. The three men were also willing to accept the fact that Parliament now ran the government and not the king. Politically, this would help the men later. In the meantime, Parliament used them for their knowledge of Virginia. Many in Parliament liked the idea that they could hurt Virginia by outlawing trade with the Dutch and forcing the colonists to only trade with England. In October of 1651, Parliament passed the Navigation Act of 1651, outlawing trade with the Netherlands.[67]

Soon after passing the Navigation Act of 1651, Parliament prepared ships with soldiers to take over Virginia. Parliament sent Bennett, Claiborne, and Stegge with the soldiers to act as commissioners to force Virginia to obey Parliament.[68] In January 1652, they landed in Newport News, Virginia and sent messengers to see Berkeley, who refused to surrender. Instead, he

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[65]Ibid., 103.

[66]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 107.

[67]Ibid., 101. "Declaration concerning the Dutch trade," in *The Papers of Sir William Berkeley*, 75-76. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 108.

[68] Ibid.

brought one thousand militiamen into Jamestown in a show of strength. In early March, the commissioners started to sail to Jamestown, and it looked like war would start. At the last moment, Berkeley gave in, as he probably planned to do. However, he gained three important things. First, he protected the capital and the citizens; second, he showed his, and his allies, loyalty to Charles II; and, third, he protected the colonists', who opposed Parliament, properties from being taken by the Parliamentary force.[69]

Berkeley and the commissioners, along with the General Assembly, who the governor called into session, then discussed terms of two treaties of surrender. The first protected the current governmental style of Virginia. Parliament, in *Articles of surrender of Virginia*, allowed the people to "have and Enjoy such freedom and Privileges as belong to free-born people of England."[70] The General Assembly was allowed to continue legislating, as long as it obeyed the laws that Parliament made and it did not write any laws contrary to Parliament. The old laws would stay in effect; the people could keep their guns; but only Parliament could raise an army, and the people had to pledge allegiance to Parliament.[71] The second treaty involved only the governor, his Council, and the House of Burgesses. It was titled *Articles of surrender of the General Assembly.* This treaty stated that Berkeley could stay in Virginia, but not as governor, or he could leave and go anywhere of his choosing. Further, Berkeley could send notice to Charles II of surrender, but Berkeley had to pay for it.[72] The governor and the General Assembly agreed to the *Articles* on March 12, 1652. The General Assembly then started work on rewriting the law

[69] Ibid. See also "Surrender of Virginia to the Parliamentary Commissioners, March 1651-2," The Virginia Magazine of History and Biography 11 (Jan. 1903): 37.

[70]"Articles of surrender of Virginia" in *The Papers of Sir William Berkeley*, Edited Billings, and Kimberly, 102- 103.

[71] Ibid., 102-103. See also Hening, "*The Statutes at Large* vol. 1", 365-367; and Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 110-111.

[72]Ibid., 111.

for the political state of affairs.[73] Berkeley then sent a notice to Charles II telling him of the surrender, explaining to the would-be king what had happened.[74]

In April 1652, a provisional session of the House of Burgesses was held until Parliament knew what to do. At this session, the General Assembly passed new laws that gave the Burgesses new power. The House of Burgesses elected the governor, the colony's Secretary, and the Council, something it would continue to do as long as it was under Parliament.[75] The House of Burgesses was then in control of the government. It was no longer the branch elected by the people that had to be answerable to the governor for some things. Now it had power over the governor. That first session, however, the commissioners and the governor that Parliament put in place were to choose the governor, but every other session after, the Burgesses would choose the governor. For that year, Richard Bennett would be the governor, and William Claiborne would be the Secretary of the colony just as the commissioners had stated by the will of Parliament.[76] The new law stating that the House of Burgesses would choose the governor, the Council, and the colony's Secretary, read,

> IT is agreed and thought best for the government of this county by the Governor, Council and Burgesses that the right of election of all officers of this colony be and appertain to the Burgesses the representive of the people, and it is further agreed for the present by the Burgesses in remonstrance of the confidence that they have in the said com'rs. that the present election of all officers not already

[73]Ibid. "Articles of surrender of the General Assembly" in *The Papers of Sir William Berkeley,* 104- 105. See also Hening, "The Statutes at Large vol. 1", 363-365.

[74]"To Charles II" *The Papers of Sir William Berkeley,* 106.

[75]Emily J. Salmon, ed., *A Hornbook of Virginia History* Third ed. (Richmond: Virginia State Library, 1983), 73.

[76]Hening, "*The Statutes at Large* vol. 1", 371. Bennett was baptized in 1609, and came a prominent merchant family in England. In 1628, he came to Virginia to run his uncle's plantation, and began acquiring his own land. In 1629, Bennett was appointed to the House of Burgesses. In 1646, he helped exiled Puritans return to Maryland. Then, in 1652, he helped negotiate the surrender of Virginia to Parliament. It then appointed him governor of Virginia, and the General Assembly reelected him in 1653 to serve until 1655. J. Frederick Fausz, and Dictionary of Virginia, "Richard Bennett (bap. 1609- ca. 1675)," Encyclopedia Virginia, http://www.encyclopediavirginia.org/Bennett_Richard_bap_1609-ca_1675 (accessed October 26, 2013).

> constituted be referred to the said Governor and commissioners and that this their election be not precidental to any succeeding Assembly. [77]

In July 1653, the General Assembly met again, this time with the new laws in place. The House of Burgesses officially controlled the government of Virginia. In this session, the Burgesses just went about their normal business but with added power. They set up taxes, defined boundaries for counties, allowed travel to the mountains, and gave Berkeley extra time to prepare to leave the colony. Berkeley wanted to travel to them, but England was at war with the Netherlands, the First Anglo-Dutch War (1652-1654). In the past some of these laws, like the traveling to mountains and the extra time given to Berkeley, would have been handled by the governor. Now, the decisions were made by the House of Burgesses.[78] The House of Burgesses still, even with the reelection after the takeover by Parliament, favored Berkeley over Bennett.[79]

Bennett had started to do a few things that really caused the Burgesses to be upset with him. First, as one of his first acts as governor, he approved the Navigation Act of 1651. Even though Parliament had forced the law upon the colony, the colony still wanted to fight it. Bennett officially accepted it, meaning that the colony could no longer ship products to the Dutch. The act itself actually started the Anglo-Dutch War and stopped shipments to Holland for a while.[80]

Bennett's second problem for the House of Burgesses was his involvement in the election of the Speaker of the House of Burgesses. In that session of 1653, the Burgesses were working on electing their Speaker, Water Chiles, who happened to be a Berkeley ally. The governor wrote them a letter telling them that he opposed their choice. He stated that, "it is not so proper nor so convenient att this time to make choice of him for that there is something to be agitated in this

[77]Ibid., 372.
[78]Ibid., 379-385. See also House of Burgesses of Virginia, 91-92.
[79]Billings, *A Little Parliament, 35.*
[80]Ibid.

Assembly concerning a shipp lately arrived, in which Left. Coll. Chiles hath some interest."[81] The letter did not quite state what the ship was carrying, but it could have been a last shipment from the Dutch. Whatever the ship brought it did not really matter. Bennett just wrote his letter to go against Berkeley. In the end, the House of Burgesses elected Chiles anyway.[82]

The session of 1654 is important because it shows that freemen could still rise to a place in government. Freemen, even those who did not have much and who had come to the colony with nothing, could still rise to become members of the House of Burgesses. One such man was Abraham Wood. Wood came over in 1620 as an indentured servant at the age of ten. He rose to become a major in the militia, and in 1654, became a Burgess. The same could also be said for John Trussell and William Worlich, who arrived as indentured servants and rose to become Burgesses. As Edward D. Neill states, "it only shows what poor immigrant boys like those…may by perseverance, accomplish."[83] Even in the 1650s, there was still a chance to climb up the rungs of class and for members of the lower classes to end up in the House of Burgesses. If a man worked hard enough, he still had a chance to do very well for himself in the colony.[84]

The session of 1655 began with the election of a new governor. By 1655, Bennett had served as governor for three years, and the House of Burgesses was not happy with him. The events of the previous sessions, the meddling with the election of the Speaker of the House, and the approval of the Navigation Acts of 1651 had been too much for the House of Burgesses. It

[81]Hening, "*The Statutes at Large* vol. 1", 377.

[82]Jon Kukla, *Speakers and Clerks of the Virginia House of Burgesses, 1643-1776* (Richmond: Virginia State Library, 1981), 49-52.

[83]Edward D. Neill, *Virginia Carolorum The Colony Under the Rule of Charles the First and Second, A.D. 1625-A.D. 1685, Based Upon Manuscripts and Documents of the Period* (Albany, N.Y.: J. Munsell's Sons, 1886), 279.

[84]John Fiske, *Old Virginia and Her Neighbors*, Vol. II. (Boston: Houghton, Mifflin and Co., 1897) 186. See also Hening, "*The Statutes at* Large vol. 1", 386-387.

chose not to reelect Bennett. Instead, they chose Edward Digges.[85] Digges had served on the Council; so, he knew what would be expected of him as the new governor. He was also, as Billings explains, "a capable man of no strong allegiance to the parliamentary cause, Digges owed his election to a combination of anti-Bennett and royalist Burgesses."[86] Digges did not lean towards Parliament, and the Burgesses thought he would be a good governor. He, however, did not stay long as governor. The General Assembly went about their usual activities, writing and passing laws, and making sure debts were paid. Berkeley also appears in the records of that session, showing that he had yet, if he was going to, leave the colony.[87]

In the session of 1656, the General Assembly continued focusing on the Indian problem that it first dealt with at the session of 1654.[88] It ended up passing six laws to deal with the issue. The laws were about owning land, which they had to buy from the General Assembly, and about the Indians buying cattle, learning trades, and living near the James River. Many new settlers were moving in near the James River Falls, and the Indians had started coming in from the mountains. The General Assembly was afraid the Indians might go after the new settlers and kill them.[89] After the Indian laws, the Burgesses wrote another important law, a law concerning the voting of Burgesses. The law stated that,

> WHEREAS we conceive it something hard and vnagreeable to reason that any persons shall pay equall taxes and yet have no votes in elections, *Therefore it is enacted by this present Grand Assembly,* That soe much of the act for chooseing Burgesses be repealed as excludes freemen from votes, Provided allwaies that they fairly give their votes by subscription and not in a tumultuous way, and it is

[85]Edward Digges was born in England in 1621 to a merchant who had shares in the Virginia Company of London. In 1650, Digges came to Virginia, and bought land in Gloucester and York County. H became well known for the tobacco he grew, and the silk that he made on his land. In 1654, he was elected by the House of Burgesses to the Council. In 1655, the House of Burgesses then elected him to the governorship, serving until the next year. Brent Tarter, , "Edward Digges (1621- 1675)," Encyclopedia Virginia, http://www.encyclopediavirginia.org/Digges_Edward_1621-1675 (accessed October 26, 2013).

[86]Billings, *A Little Parliament,* 35.

[87]House of Burgesses of Virginia, 95-98.

[88] Ibid.

[89]Ibid., 393-403.

> further provided by this act that the rest of the act of March, 1654, concerning choosing Burgesses (this clause only excepted) be and remain in full force, any act provided to the contrary notwithstanding.[90]

This is very interesting. The assumption is that freemen, who did not own land, had lost the right to vote in the 1654 session, and now, they had regained the right to vote. According to this law, freemen should have the right to vote because they paid taxes. The House of Burgesses was saying that since a freeman still paid taxes to the government, he should have been allowed to have a say in the government.[91] This was an almost unheard of way of thinking. In England, only landholders voted.[92] In the colony, they had a different view than the mother county on who should elect the representatives. If they paid taxes, and did not act badly, then they should be allowed to vote.[93]

In December 1656, Digges was no longer governor as he left to be a colonial agent in London. His job was to bring colonial needs before Parliament and to speak to merchants on behalf of the colony. Immediately after Digges left the office, the General Assembly voted in a new governor, Samuel Mathews, Jr. However, almost from the very beginning of his governorship, he had problems with the House of Burgesses.[94] Mathews was a very young governor, only in his twenties, but he was a very tough governor for the House of Burgesses to get along with, and there are speculations as to why this was so. Some thought an unnamed Councillor was giving him bad advice or that he was chosen because he was so young that others

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[90]Hening, "*The Statutes at Large* vol 1," 403. See also House of Burgesses of Virginia, 93-94. The Journals do not contain the laws from March 1654 mentioned in this law from March of 1655. When the Journals were put together there was some mislabeling, and it never was completely sorted out. Presumably, the previous laws did not allow all freemen to vote, only that freeholders could vote. Hening, "*The Statutes at Large* vol. 1," xlvii.

[91]Since freemen did not own land, these taxes might have been based upon them living in the colony, or upon their wages.

[92]*Colonial Records of Virginia*., vi-vii, 81.

[93]Hening, "*The Statutes at Large* vol. 1," 403.

[94]Mathews was born in 1630 to Samuel Mathews, Sr., a Councillor in the colony. Mathews attained the rank of colonel serving in the English army, and then served as a Councillor starting in 1653. During this same time, he also served as Virginia's Agent to England. In 1657, the House of Burgesses then appointed Mathews to be governor. He served as governor until his death in 1660. Minnie G. Cook, "Governor Samuel Mathews, Junior," *The William and Mary Quarterly* 14: 2 (1934): 105-107, 112.

considered him malleable.[95] Whatever the case, his actions caused him to have huge troubles with the Burgesses. He refused to call a session in the spring of 1657.[96]

In the session of 1658, things would get worse. The General Assembly met primarily to revise laws yet again. One of the laws passed dealt with voting in Burgesses, specifically allowing freeman to vote for Burgesses for their county.[97] The law stated:

> *BEE it enacted by this present Grand Assembly,* That all Burgesses shall be summoned and elected in manner hereafter expressed, (that is to say,) That the severall and respective sherriffes shall within tenne daies after the receipte of such writtes as they shall receive to that purpose cause the same to be published & by giveing notice of the same from house to house by the sherriffe or his deputie to all persons interrested in elections, which hee is to do ex officio and then and there alsoe to publish and declare the certaine daie of the weeke and moneth for chooseing Burgesses to serve in the Assembly, for all accustomed places in the severall counties, and parishes respectively, That at the day and place of election the sherriffe shall take view of the said election, and before the sitting of the Assemblye to make return to the secretaries office at James Cittie of the persons then and there elected by subscription of the major parte of the hands of the ellectors, And that the sherriff who shall wittinglie or shall incurr the pennaltie of ten thousand pounds of tobacco: That the persons who shall bee elected to serve in Assembly shall be such and no other then such as are persons of knowne integrity, of good conversation and of the age of one and twenty yeares, And all persons inhabitting in this collonie that are freemen to have their votes in the election of Burgesses, *Provided* they do not in tumultous manner, but fairly give their votes by subscriptions as aforesaid.[98]

The law was really a reiteration of the previous session's law. The reiteration did show on thing, however, that the freemen voting for their representatives was still a concern for the Burgesses, and they still wanted to allow their landless countrymen to have a say in the colony.

Other problems ensued, though, with other laws the Burgesses tried to pass. The problems came when the House of Burgesses would pass a bill, and then the governor and the

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[95]Billings, *A Little Parliament, 35-36*
[96]Ibid. See also House of Burgesses of Virginia, 104.
[97]Billings, *A Little Parliament, 35-36.*
[98]Hening, "*The Statutes at Large* vol. 1", 475.

Council would reject it. According to Billings, "drafts restricting attorneys' fees, repealing several conciliar perquisites, and retaining the current size of delegations in the House so angered Mathews that, with the Council's backing, he dissolved the Burgesses."[99] The House of Burgesses, of course, became really angry and held a vote. The Burgesses unanimously voted to stay in session. They stated that, "THE House humbly presenteth, That the said disolution as the case now standeth is not presidentall neither legall according to the lawes, now in force, Therefore wee humbly desire a revocation of the said declaration, especially seeing wee doubt not but speedily."[100] Under the current laws set up by Parliament, the Burgesses were correct. The governor could not dissolve the House of Burgesses. The new laws stated that the House of Burgesses could choose and elect the governor. There was nothing in the laws that gave the governor the right to dissolve the House of Burgesses. Mathews was just angry because he did not like the bills the Burgesses were sending to him.

The House of Burgesses not only voted to stay in session, but it stated that if any one of the members tried to leave, he would be censured. The House continued to meet in secret and declared that the Speaker should only sign documents that a majority of the House of Burgesses signed.[101] Mathews realized that he was in a precarious position. The House of Burgesses was not going to back down, and it had the law on its side.[102] Mathews attempted to placate the Burgesses by saying he would send a note to Oliver Cromwell to decide if he, Mathews, had the right to dissolve the House of Burgesses. The Burgesses, however, did not like Mathews'

[99]Billings, *A Little Parliament, 36.* See also Hening, "*The Statutes at* Large vol. 1", 499.
[100]Ibid., 500.
[101] Ibid.
[102]Ibid. Billings, *A Little Parliament*, 36.

answer. The House instead set up a committee to outline its rights and to find a way of settling the issue on its terms.[103]

The committee looked over the precedents and decided that the rights and powers lay with the House of Burgesses. Only the House of Burgesses could dissolve itself. The committee also stated that it believed that the House should reelect Mathews as governor for two more years, and the Council as well.[104] The House of Burgesses agreed with the findings of the committee, but laid out three stipulations. Only a sergeant at arms could handle precepts that the Speaker signed; the Secretary of the colony had to give the public records to the Speaker; and the Secretary, the Council, and the governor all had to come before the House of Burgesses and swear new oaths. The new oath the governor spoke was:

> I doe sweare that as Governour and Capt. Gen'll. of Virginia, I will, from time to time to the best of my vnderstanding and conscience deliver my opinion in all cases for the good and wellfare of this plantation of Virginia, And I do also swear that as a minister of justice in Virginia, I will, to the best of my judgment and conscience, do equall right and justice vnto all persons in all causes when I shall bee therevnto called, according to the knowne laws of England or acts of Assembly which are or shall be in force for the time being without favour, affection, partiality or malice or any by respect whatsoever, Neither will I, directly or indirectly give councell or advice in any cause depending before me, So help me God.[105]

They all had no choice but to agree to all of the House of Burgesses demands.[106]

The Burgesses had won, and a precedent set in the House of Burgesses. It had worked hard to become its own legislature since Berkeley split the General Assembly into two houses.

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[103] Ibid.

[104]There is no reason for why Mathews was reelected in Hening's "The Statutes at Large." Two speculations as to why they decided to reelect Mathews are that they were, one, trying to placate him into giving in to their demands, and two, the Burgesses decided that if Mathews gave into the House of Burgesses on this issue, he would give in on other issues as well. In looking at the sources, there is no voting card listed to how many of the Burgesses decided to go with the reelection, and how many voted against it. It seems that the Burgesses must have had a least a simple majority, but, in looking at the sources, it could have been a unanimous decision. Hening, "The Statutes at Large, vol. 1", 502-504. See also Billings, *A Little Parliament,* 36.

[105]Hening, "*The Statutes at Large*, vol. 1", 504.

[106]Ibid., 500-504. Billings, *A Little Parliament,* 36.

The Burgesses had worked on setting up new rules and codifying the laws. They knew their place in government, and they were not going to let the governor take that power away.[107] According to Billings, "The end result of these and other refinements by the late 1650s was a secure House of Burgesses. Jealous of its stature and possessive of its rights, it stood confident as the wellspring of sovereignty in Virginia."[108]

In the 1659 session, the Burgesses still held the upper ground. In March 1659, just as the session was beginning, some news came to the colony that would end up changing the government once again the next year. A ship came from England to tell them the news that Oliver Cromwell had died, and his son, Richard, was now in charge of Parliament. The letter that Governor Mathews received stated that Richard wanted the governor and his Council to work diligently "with all seriousness, faithfullnesse, and circumspection to the peaceable and orderly management of the affaires of that colony."[109] The letter set off a debate in the House of Burgesses, and, in the end, they chose to accept the letter and trusted that this is what Parliament wanted for the colonial government. The Burgesses then convinced Mathews to allow the House to continue to have "the supream power of electing officers to be by the present lawes resident in the Grand Assembly."[110] After the Burgesses convinced Mathews to allow them to continue electing officers, it asked for Mathews' help in asking Richard to support their current laws. The Burgesses liked how freeman and freeholders elected them to office. Their positions basically rested upon them being elected, and giving a say to the people of the colony. The Burgesses also liked knowing that their positions were secure in the government. They did not like being in limbo, not knowing whether they would be allowed to meet, or that the laws they wrote would

[107]Ibid., 36-38.
[108]Ibid., 39.
[109]House of Burgesses of Virginia, 115.
[110]Ibid., 116-117.

still stand. They wanted Mathews to affirm them, and they also wanted the affirmation of their leader, Richard.[111]

Richard Cromwell, however, was a weak ruler, and abdicated soon after he became Lord Protector, never seemingly affirming the House of Burgesses. This may not have been needed since he abdicated so quickly. Just as Richard was weak, so was Parliament after Cromwell's death. There was even indication that the monarchy would return, but no one knew when Parliament would finally fall apart.[112] As the government fell apart in England, so did the government in Virginia. Mathews, not having strong backing in the waning Parliament and having lost much of his power, was starting to see his own standing as governor fall apart, and his credibility was almost nonexistent. These problems, however, soon ended for him, and grew worse for the House of Burgesses. Mathews died in January 1660, leaving a vacant spot in government, and no lieutenant governor to take his position, showing one of the flaws of some of the rules of the Virginia colonial government.[113]

[111]Billings, *A Little Parliament,* 40. See also Hening, "*The Statutes at Large,* vol. 1," 512.
[112]Billings, *A Little Parliament,* 40.
[113]Hening, "*The Statutes at Large* vol. 1, 527-529. See also Billings, *A Little Parliament,* 40.

Chapter 4: Governor William Berkeley's Second Term

Neither the colonial Secretary, nor the Speaker of the House could step up and fill the vacant spot of the governor when Mathews died. Since 1652, when Parliament took over, there was also no provision stating that a Councilor would step in as previously occurred when the colony was a royal one. The other problem was that only the governor could reconvene the General Assembly, and then the House of Burgesses could elect a new governor. The House of Burgesses, however, was out on recess.[1] With these conditions in place, the Councillors asked Berkeley to come back, temporarily, and become the governor pro tempore. This way, the Burgesses could come back and vote on whether to confirm Berkeley as governor or to elect a new governor.[2] Berkeley agreed and became the governor pro tempore in February, and he called a writ of election. The Burgesses returned, elected a new speaker, and then immediately set about finding a new governor. The only one on their list was William Berkeley.

The Burgesses, however, had some stipulations they required him to accept before he became the governor. The Speaker of the House appointed a committee to decide on how the House of Burgesses and the governor related to each other, meaning who held the power. The committee stated:

> [In Act II] BEE it enacted, That the honourable Sir William Berkeley bee Governour and Captain Gen'll. of Virginia, And that he governe according to the auncient lawes of England and the established lawes of this country, And that all writts issue in the name of the Grand Assembly of Virginia, That once in two years at least he call a Grand Assembly or oftener if he see cause, that he have liberty to make choice of a Secretarie and Council of State with the approbation of the Assembly, And that he do not dissolve this Assembly without consent of the major part of the House. [In Act I] WHEREAS by reason of the late frequent distractions (which God in his mercy putt a suddaine period to) there being in England noe resident absolute and gen'll. confessed power; Be it enacted and confirmed, That the supreame power of the government of this country shall be resident in the Assembly, And that all writts issue in the name of the Grand

[1]Billings, *A Little Parliament*, 40-41.
[2]"An act recalling Berkeley to office" in *The Papers of Sir William Berkeley*, 114.

> Assembly of Virginia, vntil such a comand and comission come out of England as shall be by the Assembly adjudged lawfull.[3]

Berkeley had to recognize the supremacy of the House of Burgesses as long as there was political turmoil in England. He also had to govern by English laws and by the laws of Virginia. The committee also stated that Berkeley had to call the House of Burgesses at least every two years, and he could not dissolve the House of Burgesses without its consent. Lastly, it allowed him to choose his own secretary and Councillors, but the House of Burgesses had to approve them. While Berkeley was not happy with all of these stipulations, the House refused to back down, and he finally accepted them.[4]

Before the next session took place, Charles II came to the throne in England. The news, however, did not reach Virginia until the fall 1660. At that time, Charles II confirmed Berkeley as the governor and the captain general.[5] When Berkeley received the news, he quickly wrote two proclamations that he sent to all the counties. The first stated that the king had returned to the throne, that Charles II was Virginia's king, and all had to acknowledge their allegiance to him.[6] The second made all of the current officeholders legitimate under the crown. There, however, was more work to do to than just send the proclamations, and Berkeley knew it. He also had to rework the laws set in place in 1652 for the new ruler of the colony, and he knew that he needed to recall the House of Burgesses to work with him. He called them he for a special session in October 1660.

In this October session, Berkeley did not call a new election, and the same Burgesses from the previous one returned. Several of the Burgesses had an issue with this, but they voted

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[3]Hening, ""The Statutes at Large vol. 1," 530-531.

[4]"An act recalling Berkeley to office" in *The Papers of Sir William Berkeley*, 116-118. See also Billings, *A Little Parliament*, 41; and Hening, "*The Statutes at Large* vol. 1," 531.

[5]"Commission from Charles II" in *The Papers of Sir William Berkeley*, 139-141.

[6]Billings, *A Little Parliament, 41*.

and decided that it would be all right for this special session. The session began with the General Assembly recognizing Charles II as king, and then writing a petition asking that he would accept them as part of the government as his father had done before his death.[7] The House of Burgesses had had much trouble over the years with recognition by the monarch; so, it wanted to immediately obtain recognition from the new king. The General Assembly then continued the session by working on several laws, including the building of a state house.[8] After the Assembly finished working on the laws, it adjourned to March 1661.

In 1661, a new session began with a new election, the only election until May of 1676.[9] That General Assembly became the longest sitting Assembly in the history of Virginia. According to Billings, there is no known official reason for Berkeley to not have held an election during that time. Historians have come to call this assembly the Long Assembly. Having regular elections and the change of representatives was a novel idea in the seventeenth century. Berkeley, the Burgesses, and the voters were fine with not having regular elections.[10] It made many legislators reliant upon Berkeley, bills could pass easier, and the lack of elections made the House of Burgesses stronger.[11] The Long Assembly also showed an understanding between the governor and the planter elite. Berkeley gave power to those whom he trusted, meaning that they had power in local politics, and the planter elite in turn would allow Berkeley to dominate public politics in the economy and foreign affairs.[12] In the actual session, the General Assembly started right away with preparing to send Berkeley to England to "oppose the invaders of our freedoms

[7]Ibid., 42. Hening, "*The Statutes at Large* vol. 2", iii-vi.
[8]Ibid., 13
[9]"Election writ" in *The Papers of Sir William Berkeley*, 150.
[10]Billings, *A Little Parliament*, 43. See also Warren Billings, "The Growth of Political Institutions in Virginia, 1634 to 1676," *The William and Mary Quarterly* 31: 2 (1974): 234-242; and Hening, "The Statutes at Large vol. 2", 17-340.
[11]Ibid. See also Billings, "The Growth of Political Institutions in Virginia, 234-242; and Hening, "*The Statutes at* Large vol. 2", 17-340.
[12]Billings, *A Little Parliament*, 43.

and truly to represent our condition to our majestie."[13] This showed the General Assembly accepted Berkeley's plan for the future of Virginia and showed how easily Berkeley could get the Assembly to do what he wanted it to do for him. While Berkeley was gone from July 1661 until late 1662, the Council appointed Francis Moryson, a Councillor, to be the acting governor.[14] At the same time that the Burgesses passed laws for Berkeley, he readily gave up his executive power to the Assembly. One law, the "Regulation of commissioners," only allowed eight judges per court in the colony.[15] This restricted the previous number to keep the peace and avoid factions. Berkeley selected the eight best judges from each court, and the jobs became commissions. Such a law actually restricted the power of Berkeley, for the governor, as the vice-regent for the king, had the power to elect officers to the government. Berkeley, however, readily signed the law, which showed the way he governed, because even though it restricted his power, the law gave him a covering to get rid of the "vociferous parliamentarians" who served on the county courts.[16] This, in turn, consolidated the power in the counties, and the power was in the hands of the planting elite; so, they too were happy with Berkeley and the new law.

The General Assembly also passed another law that restricted power, but this time the power of the county. This law made it official that each county could only elect two Burgesses to send to the House of Burgesses, except for Jamestown, the capital. This law cured the problem of how many Burgesses each county could send, a problem that had plagued the colony since the beginning in 1619.[17] Since 1619, each county had sent any number that they wanted to the session, but there never seemed to be a problem, until 1633, when, Billings notes, thirty-two

[13]Ibid., 43. Hening, "*The Statutes at Large* vol. 2," 17.

[14]*Commission to Francis Moryson* in *The Papers of Sir William Berkeley*, 157. See also Hening, "The Statutes at Large vol. 2," vii.

[15]Hening, "*The Statutes at Large* vol. 2," 21.

[16]Billings, *A Little Parliament*, 44.

[17]Ibid., 44. See also Hening, "*The Statutes at Large* vol. 2," 20.

representatives showed up from twenty-one counties and plantations. With this new law, the General Assembly had now solved the problem permanently.[18]

In the next session of 1662, the General Assembly continued to write other laws that helped to "clean up" the government for the return of the monarchy and to extend its power, some of which even extended past the power Parliament had in England. One law stated that "noe act of court or proclamation shall upon any pretence whatsoever enjoyne obedience thereunto contrary act of assembly untill the reversall of that act by a succeed assembly."[19] The extent of the power grab in this law was amazing in the sense that it went into an executive power, the very power that Charles II gave to Berkeley. Berkeley, however, signed the law without complaint. Berkeley may have continued to sign the laws into order, but Moryson was Acting Governor over the day-to-day events. He served as governor during the whole session while Berkeley petitioned the king in London for the rights that the General Assembly had asked for during the 1660-1661 session.[20]

While in London, Berkeley received instructions that he had asked for from the king.[21] They stated that, "You [Berkeley] shall within one month after your arrival or sooner, if you think fit, call a General Assembly according to the usage and custome of that Our Colony."[22] Charles II had given the General Assembly, and especially the House of Burgesses, what it had asked for, recognition of being a part of the government. It was astonishing how quickly Charles II approved the House of Burgesses, in the sense that it took his father nearly fifteen years to do so. Maybe, however, he appointed it so quickly because his father had approved it already.[23]

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[18]Billings, *A Little Parliament*, 19.
[19]Ibid., 45. See also Hening, "*The Statutes at Large* vol. 2," 108.
[20]Billings, *A Little Parliament*, 43. See also Hening, "*The Statutes at Large* vol. 2," 17; Wertenbaker, *Virginia Under the Stuarts, 87-89*; and British Public Records Office, CO1-16.
[21]"Instructions from Charles II" in *The Papers of Sir William Berkeley*, 177-180.
[22]Ibid., 177.
[23]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 160.

As Charles II commanded, when Berkeley returned, he did call a session in December 1662. Berkeley told the General Assembly about his mission in London, the king's instructions, and about a plan he had for Maryland. The General Assembly then went to writing laws for the rest of the session. The main laws for the session were the ones setting up a tax on exporting tobacco and the building of a town. The tobacco bill did not state its intended purpose, but the town bill, however, showed that Berkeley wanted to start to build towns across Virginia, starting with rebuilding Jamestown, this time with brick. The money to pay for the building would come from a head tax. The session ended in September, and the next session started soon after.[24]

After the start of the session, Berkeley and the General Assembly had started the building and had built four houses in Jamestown. In September 1663, the General Assembly started on a new building project, the state capitol. The building had two floors, the first for the Council and the governor, and the second for the House of Burgesses. Several years after the governor and the General Assembly had the capitol built, the Secretary of the colony, who really worked for Berkeley, had his office moved to the second floor. After that, the Burgesses felt they never could speak in private again. They assumed whatever they spoke about would be heard by the Secretary, and he would tell the governor.[25]

The second issue of the 1664 session dealt with the planting of tobacco. Since Berkeley first arrived in the colony, he tried to diversify the crops the colony grew. The main colonial crops remained tobacco. Tobacco brought in particularly huge dividends for the plantation owners, and they did not want to diversify. Berkeley believed that the economy, which was not doing well, would thrive if the colony would grow other crops. He had tried, and even called for

[24]Hening, "*The Statutes at Large* vol. 2" 175-176.
[25]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 180-182.

diversifying crops in 1648, but nothing he did caught on with the colonists.[26] They still wanted to grow tobacco. In 1663, though, Berkeley tried to convince Maryland to join him in his endeavor to diversify. He set a commission to meet with representatives from Maryland to discuss the subject. At the meeting the commissioners from both colonies signed an *Agreement for the reduction of tobacco.* In the *Agreement,* the commissioners stated, "First That it bee proposed to the Respective Assemblyes of each Government that noe Tobacco shall be planted" for the coming year.[27] Berkeley wanted Maryland to go along with his diversification project, hoping that they would give up tobacco.

Maryland, even with the commissioners signing the *Agreement,* refused to go along with Virginia. In the 1664 session, the Virginia General Assembly passed an act that stated Maryland did not go along with having no tobacco, "[Maryland] still continued their averseness."[28] The General Assembly, probably against Berkeley's wishes, also decided to reject the diversification. The General Assembly decided that if Maryland would not go along with the treaty, then it would as well reject it, and then went a step farther and repealed all of the laws dealing with diversification. For all of the previously stated evidence, the sending of Berkeley and the failure to have elections, the House of Burgesses still had some independence. The Burgesses, and their constituents liked to grow tobacco and did not want diversification. Berkeley had been able to set up the *Agreement,* but since Maryland refused to have diversification, the Burgesses too could reject it and keep growing tobacco.[29]

Before the start of the next session, Berkeley went up to Annapolis, Maryland in the winter of 1665-1666 to meet with the governor of Maryland, Charles Calvert. Berkeley told

[26]Billings, "Sir Williams Berkeley and the Diversification of the Virginia Economy," 433-454.
[27]"Agreement for the reduction of tobacco" in *The Papers of Sir William Berkeley,* 196-197.
[28]Hening, "*The Statutes at Large* vol. 2", 209-210.
[29]Ibid., 210. Billings, *Sir William Berkeley and the Forging of Colonial Virginia,* 189-190.

Calvert that he wanted a complete "cessation" of growing tobacco.[30] Berkeley convinced Calvert to bring the cessation bill before Calvert's council, and the majority passed it. Maryland's House of Delegates ultimately passed the law in April of 1666.[31]

When Berkeley heard the news, he quickly called the General Assembly into session so that it too could pass the law. Berkeley hoped that Maryland passing the law would entice the General Assembly to follow. The Burgesses, however, balked. They came into Jamestown on June 5, 1666 ready to ask questions of Berkeley, wondering how the law would affect their constituents. In the letter they sent to Berkeley, they said, "retraynte of Our Liberty of planting will not onely dishearten all… through wante and poverty…will cause many of the Inhabitants here Leave the this Colony, and [work] in other plantations…[and] will casue diverse persons to bee in continuall feare of utter undoeinge."[32] The Burgesses thought that not allowing the colonists to plant tobacco could lead to an economic downturn, and hurt Virginians. They wanted to make sure that the governor had the colonists' best interests at heart. Each Burgess, even if he did not go through an election, still represented the constituency that voted him into the House, and he still cared for their interests.[33]

The Burgesses worried, however, that Berkeley was more interested in his own plan of diversity than the colonists' means of survival. Berkeley, though, convinced the Burgesses to go along with his plan. In exchange for the House of Burgesses passing the bill, Berkeley allowed the House to choose some of the commissioners who were in charge of making sure that plantations abided by the new law, the House write up the list of commissioners, and the House would make sure that the statute was safe from executive tampering. This meant that the House

[30]Ibid., 192.
[31]Ibid.
[32]"From the House of Burgesses" in *The Papers of Sir William Berkeley,* 281-283.
[33]Ibid.

of Burgesses would make sure that Berkeley did not try to change the new law.[34] All of the concessions Berkeley made worked, and he did not have to browbeat the Burgesses into passing the law.[35] Right after the House of Burgesses passed the law, a commission arrived from Maryland to work out how the cessation would be put into effect. Within two days, the Maryland and Virginia commission had decided that on February 1, 1667 they would cease planting tobacco for one year.

However, the Albemarle colony in Maryland did not return the treaty with their representatives' signatures in time for the treaty to come into effect. They returned it October 24, 1666, too late for the commission. The two colonies had placed a failsafe into the treaty that if anything went wrong they would cancel the whole treaty.[36] Berkeley, however, did not want to see the treaty end and sent a commission to Annapolis to speak to the Maryland commission.[37] The two commissions agreed to the treaty for a second time, and Berkeley put it into effect in late December 1666.[38] Berkeley now believed that he had won, and that starting February 1, 1667, the cessation would go into effect, and the planters would have to find a new crop. Governor Calvert's father, Lord Baltimore, however, had other ideas; he did not want the cessation in Maryland.[39]

Between 1666 and 1667, Lord Baltimore sent a directive to his son, and it reached Calvert in January. The governor was dumbstruck at his father's directive but followed his father's instruction and stopped the cessation bill. Berkeley, however, did not hear about the

[34]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 193.
[35]Hening, "*The Statutes at Large* vol. 2", 229-232.
[36]"Commission to Philip Calvert and others" in *The Papers of Sir William Berkeley*, 285-286.
[37]"Commission to Thomas Ludwell, Robert Smith, Richard Bennett, Robert Wynne, Nicholas Spencer, Peter Jennings, Thomas Ballard, Joseph Bridger, and Daniel Parke" and "Further Articles of agreement for a cessation of tobacco planting" in ibid, 300, 303-304.
[38]"Proclamation limiting tobacco" in ibid., 305-306.
[39]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 193-194.

directive for several more months and continued as if the cessation was still in effect.[40] In June, Berkeley first mentioned in his correspondence that he found out about Baltimore's directive. Berkeley sent a letter to Charles II and the Privy Council stating, "an Instrument under the Signature & Seale at Armes of Lord Baltemore in absolute and Princely Tearmes prohibiting executions of the said Act and Articles for a Cessation."[41] After Berkeley explained what Baltimore's directive did to the Virginia colony, Berkeley asked that the king would protect the colony from Baltimore's directive.

The king basically ignored Berkeley's pleas but did give him permission to come to London and advocate his position. Not only did Berkeley not get what he wanted out of Maryland or Charles II, but he ended up losing even more. He had told the king that Virginians were losing money on the low prices of tobacco, and they needed the diversity of crops to raise the economy.[42] In mid-1667, however, a terrible rainstorm hit Virginia, and then a hurricane, destroying almost all of the tobacco crops and anything else the colonists were growing, including knocking down scores of orchards. The loss of the crops offered further proof to the colonists that diversifying was not working, and that only tobacco could really help them to gain wealth.[43] The General Assembly then quickly started putting forth laws to help with tobacco, believing it to be best for the economy.[44]

The second issue after diversity of crops was the building of forts. The Second Anglo-Dutch War (1665-1667) was going on in Europe, and Charles II wanted to make sure that forts protected Jamestown from a Dutch attack. At the same time that Jamestown prepared for a Dutch attack, Virginians were just getting over an almost mutiny from the indentured servants in 1663

[40]Ibid., 194.
[41]"To Charles II and the Privy Council" in *The Papers of Sir William Berkeley*, 316.
[42]Ibid., 314-318.
[43]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 197-199.
[44]Hening, "*The Statutes at Large* vol. 2", 256-260.

and intermittent attacks from the Indians.[45] The colonists were really on edge when it came to being attacked, especially since the Navigation Acts had made the Dutch angry with the English and the Virginia colony by association. In June 1667, the Dutch attack finally came. Part of the Dutch navy had come to the mouth of the James River, but flew English flags until they closed on one British warship sitting in port at Newport News. They quickly dispatched the English warship and took over the two dozen tobacco ships sitting in port.[46] The news soon came to Berkeley at Jamestown, and he tried to get a force together to go stop the Dutch. He gathered three regiments of militia, took over nine ships in York, and prepared them for battle. The merchant mariners were first gung-ho, but then became timid, and tried to stall for time. Berkeley lost his element of surprise, and the Dutch navy left.[47] In August, the one fort that the colony had was destroyed by a hurricane, and the House of Burgesses wrote to Charles II to ask for permission to build new forts and worked to pass a law to fund the building of the new forts. The Burgesses were still in charge of the purse, so they handled the money for the building of the forts. The building of the new forts began, but in October, the English and the Dutch signed a treaty, ending the war, and the colony soon stopped construction.[48]

After the threat of war ended, Berkeley tried to continue his diversification, but the colony had had enough. The Burgesses saw tobacco as the only crop that could raise their economy and bring in wealth. In October 1667, the General Assembly wrote Charles II and the Privy Council, that the "Order of the 25th of November Prohibiting any Cessation, Stint, or Limitation of Planting of Tobacco in those Plantations, to be imposed on the Planters there…is

[45]William Berkeley, "The Law of Servants and Slaves in Seventeenth-Century Virginia," *The William and Mary Quarterly* 99:1 (1991): 50-51.

[46]"To Charles II and the Privy Council" in *The Papers of Sir William Berkeley,* 318-322.

[47]Ibid., 318-322.

[48]"Memorial from the House of Burgesses" in ibid, 323-324. Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 208. Hening, "*The Statutes at Large* vol. 2", 255-256.

Confirmed and is to remaine in full force."[49] The session of 1667 was the beginning of the end for Berkeley. He started to lose the very body that had almost always listened to him in the past. The General Assembly, and the House of Burgesses in particular, was showing that it was its own body, not one that had to obey everything the governor asked it to do.[50]

In the session that began September 17, 1667, the gulf between Berkeley and the General Assembly continued to grow. Berkeley still tried to get diversity off the ground and refused to listen to the General Assembly. As Billings explained, "As the 1660s closed, [Berkeley] began to exhibit a tone deafness to the reasons for the complaints."[51] By the end of the 1660s, Berkeley was in his mid-60s, and he had grown tired in his service to the crown. He was thinking of retirement, but many in the colony, in the General Assembly, and in London, still wanted him to stay. For many in the government, the idea of Berkeley leaving was unthinkable. They may have been frustrated with some of the things that he said and did, but he had served so long as governor that they were not sure what they would do without him.[52] He listened to them, but he grew more and more tired, and as he grew tired, he waned in his ability to compromise. He wanted to see his diversity come to fruition, and nothing the rest of the Virginia government would say deterred him, even the argument that diversity brought down the economy, especially since the hurricane had killed off most of the orchards.

In July 1668, Berkeley and the General Assembly sent a letter to Charles II and was three hundred pounds of silk, asking for the ability to make more silk. Nothing in the letter asked to end growing tobacco.[53] Berkeley, however, sent a separate letter to the king, begging to grow

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[49]"Order-in-Council concerning cessation of tobacco planting" in, *The Papers of Sir William Berkeley,* 331.
[50]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 209.
[51] Ibid.
[52]Ibid., 212. See also Nicholas Spencer to [?] Spencer, 13, June 1673, Sloane Manuscripts 3511, British Library, London.
[53]The General Assembly would probably have refused to send the letter if such words were in the letter. The General Assembly did not like the idea of getting rid of tobacco as Berkeley had tried to do with the help of

more silk, and asking if he could go to France to bring men to Virginia to teach the colonist to make better silk.[54] Berkeley was becoming more and more desperate to have his diversification plan implemented. The General Assembly, while it willingly allowed Berkeley to grow silk, refused to stop growing tobacco. Berkeley's plan, which the General Assembly saw as having fallen apart, would not strengthen the economy, but only weaken it further if it was fully implemented. [55]

In the next session, which began in September 1668, the governor received a response from the king answering the letters they sent earlier in the summer. Charles II replied that he would allow them to make silk "in the prosecution & improvement of that or any other usefull Manufacture Wee have commanded to wrought up for the use of Our owne person."[56] Berkeley gained his wish to continue to grow silk, but he lost on stopping the growth of tobacco. The king commanded the colony to grow tobacco.[57] Berkeley had to obey the king.

A second event took place in the session of 1669, an event that happened very rarely in the life of the House of Burgesses. The law concerning voting rights changed. Except for one change in the 1654, freeman always had the right to vote for their representative in the House of Burgesses. In 1669, however, this law changed. The new law stated,

> WHEREAS the usuall way of chuseing burgesses by the votes of all persons who haveing served their tyme are ffreemen of this country who haveing little interest in the country doe oftner make tumults at the election to the disturbance of his majesties peace, then by their discretions in their votes provide for the conservasion thereof, by makeing choyce of persons fitly qualifyed for the discharge of soe greate a trust, And whereas the lawes of England grant a voyce in such election only to such as by their estates real or personall have interest enough

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Maryland. The Burgesses had even voted for having diversity in 1661 as long as they could still grow tobacco. Most likely, the General Assembly voted to allow Berkeley to grow other plants besides tobacco. If they were told they could no longer grow tobacco, they probably not have voted for, and passed, the letter.

[54]To Charles II in *The Papers of Sir William Berkeley*, 342-343.

[55]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 197-199. See also Hening, "*The Statutes at Large* vol. 2", 236-237.

[56] To Charles II in *The Papers of Sir William Berkeley*, 347.

[57] Ibid.

> to tye them to the endeavour of the publique good; It is hereby enacted, that none but ffreeholders and housekeepers who only are answerable to the publique for the levies shall hereafter have a voice in the election of any burgesses in this country; and that the election be at the court house.[58]

According to the new law, freeman could no longer vote because they were supposedly very rowdy at the elections and created problems. In many of the previous laws, that was the one stipulation of allowing freemen to vote, in that when one became rowdy, he lost the right. The Virginia government had chosen to give the freeman a chance, but they lost the right. Only freeholders and housekeepers, those who actually had a personal interest in public good, had the right to vote for representatives. In 1676, Berkeley would again work with the General Assembly to get this law changed to allow freeman to vote. In the meantime, they would no longer have the right.[59]

In the session that lasted from September 1671 to September 1672, the General Assembly along with Berkeley worried much about the defense of the colony. The General Assembly and the governor, however, were not the only ones to notice that the defenses were falling apart. In February 1672, Thomas Grantham, a British naval officer, visited the colony and he determined that, "there was not powder enough at Tindall's Point upon York River to charge a piece."[60] The colony had almost no powder, almost no military weapons, and the forts they had were in complete disrepair. Further, the artillery that the colony had was in complete shambles.[61]

In March 1672, Charles II declared war on Holland (The Third Anglo-Dutch War of 1672-1674), and in the next month, he sent word to Berkeley to prepare for the likelihood of invasion.[62] In July 1672, Berkeley informed the colony of England's declaration of war and told

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[58]Hening, "*The Statutes at Large* vol. 2", 280.
[59]Ibid.
[60]"Virginia in 1671-1673 (Continued)," 20: 2 (1912): 127.
[61]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 221.
[62]Ibid. "From Charles II" in *The Papers of Sir William Berkeley*, 404.

the colonists that they were at war as well. Berkeley, however, did not call in the General Assembly to meet until September. Even with the declaration of war and the colony being almost defenseless, Berkeley chose not to call in the Assembly, making it seem as if he did not worry about being attacked. Berkeley, however, did know about the disarray of the forts. [63]

When the Assembly met in September, Berkeley told it that it had to pass a law to fix the forts so the colony would be prepared if attacked by the Dutch. The General Assembly then passed a law to repair the forts that the colony started to build in 1667. It wanted all of the forts that had fallen into disrepair to be fixed with brick.[64] The colony tried to tax the colonists to pay for the original building, but the Virginia government had used many of the taxes to pay for other things. The money for the rebuilding of the forts came from taxes placed upon the counties, but, this time, the money would actually be used to build the forts. The new law stated that the forts that were started would be refurbished with bricks in the places where the forts had crumbled. Other forts would be built completely with bricks. The law also called on the colonists to refurbish their guns and prepare them for war.[65]

In April 1673, while the colony waited for help from the king to prepare for the Dutch attack, word came that the Dutch were in the Caribbean, and the colony had to prepare for battle. Berkeley called a council of war, and they prepared for defense.[66] The forts were prepared, and even two HMS (His Majesty's Ship) frigates showed up guarding tobacco ships and said they could help. Berkeley placed the ships on patrol, and in July, they saw nine Dutch ships coming. The two frigates and several other merchant ships went to fight the Dutch, but retreated at dusk.

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[63]Ibid., 406-407. Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 221.
[64]Ibid., 222.
[65]Ibid., 221. *Hening, "The Statutes at Large* vol. 2", 293-295.
[66]"Order-in-council for the defense of Virginia" in *The Papers of Sir William Berkeley*, 416-417. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 223-224; "Order-in-council for the defense of Virginia" and "Further orders regarding the fortification of Jamestown" in *The Papers of Sir William Berkeley*, 416-417, 420-421.

Most of the tobacco ships were able to get protection from forts up the James River, and the Dutch only burned six tobacco ships. Many wanted to blame the government for loss of the tobacco ships, and the fact that several of the merchant ships were lost. Several members of the General Assembly and Berkeley quickly placed a group to study the battle. The group found that the shallow water of the James River caused the problems, not the Virginia government.[67]

In September 1673, the General Assembly met to pass laws, and the war, of course, was still the focus of the session. The forts were still an issue. It passed an Act that called for two more forts to be built, one in Isle of Wight County and one in Lower Norfolke County.[68] Another law passed for supplying arms and ammunition. Each county had to bring in what muskets and shot they had to Jamestown, and each soldier would pay a levy to purchase said guns and shot. To make sure that this law was met, "the burgesses of the severall counties be required and enjoyned to give an account into the assembly how this act is put in execution."[69] The government would levy large fines if this did not happen.

A new session began in October 1673 and ended in September 1674. During this session, the government raised taxes twice. In December 1663, several planters in Surrey County tried to rebel. However, the county officials captured the rebels and brought them to trial. Berkeley, however, chose to forgive them if they promised never to rebel against the taxes again. Berkeley's actions brought quiet to Surrey County, and they paid their taxes.[70] In September, the General Assembly raised taxes to help pay for defense in the Northern Neck.[71] Previous tax laws to help pay for defense, where each county collected all the ammunition, were followed at

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[68]Hening, "*The Statutes at Large* vol. 2", 307-308.
[69]Ibid., 305.
[70]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 227. See also Hening, "*The Statutes at Large* vol. 2", 304-305.
[71] Ibid., 325. Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 227.

different rates. Some counties quickly gathered up the ammunition, and others did so slowly. Berkeley did not do anything to hasten the slow counties, and this ended up causing problems when the colony needed the ammunition.[72] The war with the Dutch ended that year, but the ammunition would still be needed for other engagements, for war would again be coming to the colony in the near future.[73] A man by the name of Nathaniel Bacon arrived in the colony in 1674. Within a few years, Bacon would help start a rebellion that would usher in his own downfall, as well as the downfall of Berkeley.[74]

[72] Ibid., 227-228.

[73]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 234-235.

[74]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 268. See also Samuel Wiseman, *Book of Record: The Official Account of Bacon's Rebellion in Virginia, 1676–1677*, edited by Michael Oberg (Lanham: Lexington Books, 2005), 24-26; and Morgan, *American Slavery, American Freedom*, 69.

Chapter 5: Bacon's Rebellion and the Retaliation of the Crown

In 1674, the colony did not really see that rebellion would be coming soon. Nathaniel Bacon had just moved into the colony, but within two years, his attempt to end the Indian attacks would foment a large scale rebellion against Governor Berkeley. Bacon's Rebellion would force Berkeley and the General Assembly to change the laws of the colony, including allowing freemen to once again vote. Bacon's tactics also forced Virginians to choose sides in the rebellion and ultimately led to Jamestown being burned down. The turmoil resulting from this rebellion would have repercussions in Virginia for years to come. Berkeley, the governor who had done so much to help the colony, ended up leaving the colony in disgrace after responding to the rebellion too harshly. New governors would come, governors who would listen to Charles II and try to force the House of Burgesses to give up power. The House of Burgesses and the colonists would survive the onslaught onto their liberty and rights, but at a great cost. Before they regained all of their rights, they first had to fight to hold onto the right and liberty to have a representative government.

Before the House of Burgesses dealt with protecting their rights, they first had to deal with the Rebellion that would cost the colony so dearly. Many factors led to Bacon's Rebellion. Some of them were the low price of tobacco, taxes, Berkeley's almost dictatorial control of Virginia through his avoiding General Assembly elections for fourteen years, the governor's declining health, and Berkeley's refusal to help the colonists when they were attacked by Indians on the frontier.[1]

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[1]Virginius Dabney, *Virginia, The New Dominion* (Garden City, N.Y.: Doubleday, 1971), 43-4, 58-62. See also Robert Beverly, *"Robert Beverley, ca. 1673-1722. The History and Present State of Virginia, In Four Parts. I. The History of the First Settlement of Virginia, and the Government Thereof, to the Present Time. II. The Natural Productions and Conveniencies of the Country, Su Suited to Trade and Improvement. III. The Native Indians, Their Religion, Laws, and Customs, in War and Peace. IV. The Present State of the Country, as to the Polity of the Government, and the Improvements of the Land. By a Native and Inhabitant of the Place."* Documenting the

One of the colonists whose land was attacked near the James River Falls, was the relatively new arrival Bacon. Bacon had only been in the colony for about a year when Indians attacked his farm. Being new to the colony, he could only really get land past the James River Falls. Most of the land between the coast and the Falls was already taken for farming. When Bacon had first arrived in the colony and before he even had purchased land, he met up with his cousin and namesake, Colonel Nathaniel Bacon who sat on Berkeley's Council. Colonel Bacon helped Bacon to purchase land along the York River. Bacon also bought himself another farm, this one near the James River Falls. Later on, having land past the Falls would greatly influence Bacon's decision-making. Berkeley appointed Bacon to his council on March 3, 1675. The appointment was only six months after Bacon arrived in Virginia.[2] The council had been in rigor mortis for a while.[3] Just as Berkeley had not called an election for the House of Burgesses for years, he had not removed or added new Councillors to his Council. Having someone on the council who was both new and young (twenty-eight) was appealing.[4]

As Bacon settled into his new position on the governor's council, Indians attacked his farm at the James River Falls killing several members of his family.[5] Bacon and the other farmers in the area wanted the government to protect them. The underlying problem was that settlers were not supposed to have farms past the Falls as it belonged to the Indian tribes. The issue was that there was little land left before the Falls, and so the settlers kept pushing west.[6] The Indians responded by resisting the settlers. Bacon asked Berkeley to give him a commission

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American South homepage. http://docsouth.unc.edu/southlit/beverley/beverley.html (accessed November 12, 2012); Billings, *A Little Parliament,* 47-49; Billings, Selby, and Tate, *Colonial Virginia,* 76-96; and John C. Rainbolt, "A New Look at Stuart "Tyranny": The Crown's Attack on the Virginia Assembly, 1676-1689," *The Virginia Magazine of History and Biography* 75:4 (1967): 387-406.

[2]Berkeley, Edited Billings, and Kimberly, *The Papers of Sir William Berkeley, 468.*

[3]Webb, *1676,* 27-28.

[4]Ibid., 28-29.

[5]Journals of the House of Burgesses, 63. See also Webb, *1676,* 69-70; and Billings, *Sir William Berkeley and the Forging of Colonial Virginia,* 235.

[6]Webb, *1767,* 3-4, 21-25.

to fight the Indians and became livid when he refused.[7] The people living on the frontier, however, did not feel as Berkeley did. They wanted the Indians stopped, and they wanted to make Bacon their leader. The settlers on the frontier did not have representatives in the House of Burgesses to speak for them since they were not legally living on the land. Bacon was the only one that the settlers saw as able to represent them.[8]

Bacon answered their call, and led them against the Indians. Unfortunately, he led them against the wrong Indians, who were actually Berkeley's allies.[9] Berkeley denounced Bacon as a rebel and set out to James Falls to capture him, but without success. At that time, there was a sharp contrast between the two men. Berkeley, according to Billings, "was not just ill and irate; he looked asinine and incompetent. Bacon stood vigorous and bold."[10] Berkeley realized he was losing his grip on power. Many of the colonists, especially those on the frontier, could no longer count on their representatives to serve them and realized that Berkeley was not the man that he used to be.[11] They saw him as he really was, a tired, old man.[12]

Berkeley's Council convinced him to come back to prepare for the next General Assembly session and try to improve his image.[13] It realized that many of the settlers were starting to become very angry and worked to convince Berkeley, that if he wanted to remain as governor, he had to convince them that he still fought for them.

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[7]Ibid., 30.

[8]Ibid. See also William Sherwood, "Bacon's Rebellion, *"The Virginia Magazine of History and Biography* 1:2 (1893): 167-169.

[9]Billings, *A Little Parliament*, 46-48. See also William Berkeley, "The Declaration and Remonstrance of Sir William Berkeley His Most Sacred Majesties Governor and Captain Generall of Virginia." American History from Revolution to Reconstruction and Beyond, www.let.rug.nl/usa/documents/1651-1700/governor-william-berkely-on-bacons-rebellion-19-may-1676.php (accessed November 12, 2012)

[10]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 236.

[11]"Election writ" in *The Papers of Sir William Berkeley*, 520-521.

[12]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 236-237.

[13]Webb, *1776*, 16.

On May 29, Berkeley made a declaration explaining how he was on the people's side, and Bacon was the enemy.[14] He then decided that he would have new elections for member of the House of Burgesses to try to appease the people and show them that he really wanted to help them.[15] Berkeley struggled to explain to the people all that he had done for them since he became governor:

> Yett I must further enlarge, that I cannot without your helpe, doe any thinge in this but dye in defence of my King, his laws, and subjects, which I will cheerefully doe, though alone I doe itt, and considering my poore fortunes, I can not leave … a better legacy then by dyeing for my King and you: for his sacred Majesty will easeily distinguish betweene Mr. Bacons actions and myne, and Kinges have long Armes, either to reward or punish.[16]

Berkeley knew, however, that his time was short. In a letter that he sent to Charles II on June 1, Berkeley said, "I am so over wearied with riding into al [sic] parts of the Country to stop this Violent Rebellion that I am not able to support my self [sic] at this Age six months longer and therefore on my knees I beg his sacred majesty would send a more Vigorous Gouernor [sic]."[17] Berkeley, of course, had no idea what the next few months would bring, but he could see that he could no longer govern as he once had.

Berkeley, however, still tried to perform his duties. The same month that he ended the Long Assembly, he allowed elections to take place for the first time since 1662. When Berkeley called for the new elections, he sent out an election writ, one that was much different from previous ones. In this writ, Berkeley acknowledged that the colonists wanted an election, and that he would give it to them. He also gave the freemen the right to vote, something usually done

[14]Ibid., 17.
[15]Billings, *A Little Parliament*, 47. "Election writ" in *The Papers of Sir William Berkeley*, 520-521.
[16]Berkeley, "The Declaration and Remonstrance of Sir William Berkeley".
[17]Webb, *1676*, 17.

through passing of a law.[18] Berkeley, however, did not place any stipulations on who could run for office, as long as the candidates for office consisted of freeholders.[19] Before 1670, freeholders and freeman could vote. After 1670, however, only freeholders could vote for their Burgesses. In the election writ of 1676, Berkeley again allowed all freemen to vote for the Burgesses. The election writ stated, "An because the Country may perhaps perceive some Defects to bee in the present Government I doe will and Require that at the Election of the said Burgesses all and every person or persons there present have liberty to freely to their said Burgesses."[20]

The Burgesses now represented every freeman in each of their counties, not just the freeholders. Berkeley hoped, in allowing freemen the right to vote, they would vote in new Burgesses who would not support Bacon and would return to supporting him.[21] This shows just how important freemen were in the colony. Berkeley, however, did not get his wish, and his plan ended up backfiring. The colonists were not happy with Berkeley, and what he had been doing in the last year. They showed their anger with the governor by voting in Burgesses who would not pass the laws that he wanted, and not cater to the governor.[22]

One of the new Burgesses voted in by the freeman and freeholders was Nathaniel Bacon himself, who received the support of his county of Henrico. On June 5, 1676, the new session started, and Bacon decided to come into town to serve his term. He knew that Berkeley might try

[18]"Election writ" in *The Papers of Sir William Berkeley*, 520-521. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 236.

[19]Hening, "*The Statutes at Large* vol. 2", 280.

[20]"Election writ" in *The Papers of Sir William Berkeley*, 520.

[21]Billings, *A Little Parliament*, 47.

[22]Billings, *A Little Parliament*, 47. See also "William Berkeley to Henry Coventry," 3 June 1676, Coventry Papers, 77, fols. 103, Longleat House, Warminster, England, 157-158; Stanard, ed., *The Colonial Virginia Register*, 81. In Stanard's registrar, he only notes three counties for the 1675 session, and for the 1676 session he notes six counties. Of the counties noted, only two overlap. For the counties that are listed for both sessions, all of the representatives voted in were new for the 1676 session. Stanard, ed., *The Colonial Virginia Register*, 81.

to stop him; so, he brought many men with him. Berkeley, however, had more troops, and when Bacon tried to fight his way in with his ship, Berkeley had the sheriff in Jamestown stop him.[23]

When the House of Burgesses met for the first time that same day, June 5, Berkeley forced Bacon to publically confess his wrongdoing before the whole General Assembly. Berkeley must have found Bacon's confession very convincing, for he not only freed Bacon, but also gave him back his positions on the Council and the House of Burgesses and promised him a commission.[24] Even the Burgesses found this a very strange action and wondered why Berkeley had pardoned Bacon so easily.[25] They later found out that Bacon's men had swarmed Jamestown. Berkeley pardoned Bacon, and his followers left town.[26] The pardoning of Bacon turned out to be a very shrewd move, for besides the fact Berkeley prevented a battle from taking place in Jamestown, he caused Bacon's men to disperse and placed Bacon in a place where he could watch him.[27]

After Bacon had reconciled with Berkeley, at least in Berkeley's eyes, he asked to go see his sick wife. On June 10, only four days after the confession, Berkeley granted the request and Bacon left.[28] The only stipulation was that Bacon could not return to New Kent, the center of opposition. Bacon quickly broke this one rule, arriving in New Kent soon after he left Jamestown. He again went to gather his troops. Many of the members of the General Assembly actually sympathized with Bacon and his war with the Indians.

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[23]Webb, *1676*, 28-31.
[24]Ibid., 30-31. Morgan , *American Slavery, American Freedom*, 263.
[25]Philip Ludwell to Joseph Williamson, "Bacon's Rebellion," *The Virginia Magazine of History and Biography* 1:2 (1893): 1183-186.
[26]Webb, *1676*, 32-33.
[27]Ibid., 32-33.
[28]Ibid., 27-30.

Even though the Burgesses sympathized with Bacon, they did not turn on Berkeley.[29] The Virginia General Assembly wanted to fight the Indians, but at the same time protect those who were not involved. The General Assembly, however, did not give Bacon the power to fight. That power still lay in the hands of the government. They also begged Berkeley to continue to be the head of the government, "This houfe…doth humbly intreate and requeft his hon' that he will…continue our Govern' And...that they cannot…joyne with his Hon' in peticoning the…Majeftie for his hon remoovall…but on the Contrary in all humbleneffe…peticon…he will gratioufly…continue [to be] our hon" Govern'."[30] Even though Berkeley had forced the General Assembly not to have elections for many years, the Burgesses still liked him. They must still have seen Berkeley as the governor who had tried to work with them, unlike their previous ones.

Not long after the members of the General Assembly asked Berkeley to stay, Bacon returned to Jamestown with his army. After Bacon told Berkeley what he wanted, Bacon and his men pointed their guns at the windows of the statehouse, which were full of the members of the General Assembly. Over the next few days, Bacon and his men forced the General Assembly to pass Bacon's Laws, consisting of nine acts, such as the calling for war against the Indians, the creation of an army of one hundred troops, rules of conduct with the Indians, rules for civilian government, and new voting laws.[31] The new voting law confirmed what Berkeley had already done by giving freemen the right to vote. In the new laws put into place in 1676, freemen were allowed to vote:

> *BEE it enacted by the governour, councell and burgesses of this grand assembly, and by the authority thereof,* that the act of assembly made in the 22d yeare of his majesties reigne that now is, which forbids freemen to have votes in the election of burgesses be

[29]Billings, *A Little Parliament*, 47. See also House of Burgesses of Virginia, 66.
[30]Ibid., 66.
[31]Hening, "*The Statutes at Large* vol. 2", 341-365.

> repealed, and that they may be admitted together with the freeholders and housekeepers to vote as formerly in such elections. And whereas the frequent false returnes of sherriffs upon writts for election of burgesses, have caused great disturbances and endangered much the peace of his majesty and quiett of his subjects, for prevention whereof for the future. *Bee it further enacted by the authority aforesaid,* that if any sherriff within this country shall at any time after publication hereof make false returne of any burgess or burgesses, and be thereof legally convict, shall be fined and pay twentie thousand pounds of tobacco to the use of the countie, and tenn thousand pounds of tobacco to the partie greived, together with all costs and damages.[32]

In passing Bacon's Laws, the General Assembly had no choice. Even if the Assembly had been stronger at this time, it would still have had to obey Bacon. In a short amount of time, however, the Burgesses would gain their old strength back.[33] In the face of the Bacon's force, Berkeley gave in and handed him the commission. True to his word, Bacon left to fight the Indians.[34]

On his way out, however, Berkeley made a declaration that Bacon had forced the governor to give him the commission, and so it was not valid. Bacon became very angry and descended onto Jamestown with his army. Berkeley fled Jamestown for the Eastern Shore, with a proclamation declaring Bacon a rebel.[35] Bacon heard that Colonel Giles Brent, a follower of Berkeley's, supposedly had started to assemble a thousand troops in Northern Virginia.[36] Bacon decided that his only course of action was to burn down Jamestown so that Berkeley could not return. Even though he burned Jamestown, Bacon knew that Berkeley had the upper hand because he controlled the bay and the rivers.[37] Bacon still hoped to continue a war of attrition by plundering loyalists homes. However, he did not get the chance because he came down with

[32]Ibid., 356-357.
[33]Dabney, *Virginia, The New Dominion*, 66-68. See also Billings, *A Little Parliament,* 6; *Colonial Records of Virginia,* 31; Hatch, *Oldest Legislative Assembly and Its Jamestown Statehouses*.
[34]Morgan, *American Slavery, American Freedom,* 264.
[35]Ibid., 265-266.
[36]Dabney, *Virginia, The New Dominion*, 66.
[37]Ibid., 66-67.

dysentery and died on October 29. Bacon's followers soon dispersed since they no longer had a leader.[38]

Berkeley now rushed to bring his wrath upon Bacon's followers. He rounded up as many as he could and placed them in prison. He pardoned the upper class men, especially those who he brought over as cavaliers, as soon as they confessed to their wrongdoing. The others did not receive such treatment. Bacon had kindled Berkeley's wrath, and Berkeley wanted revenge. He took over twenty of Bacon's followers and hanged them. He had many others beaten, whipped, and imprisoned. He also plundered the plantations of Bacon's followers. Berkeley wanted to show the people of Virginia that he had everything under control and to make sure that such rebellion never took place again.[39]

In the middle of the governor's rampage against the rebels, a commission and a small army arrived from the king. When the commission arrived, it only saw Berkeley's retaliation. The commission quickly stopped Berkeley's vendetta and decided that he should no longer be governor. The findings of the commission led to a revamping of the entire government, including the House of Burgesses.[40] The findings also led to the crown taking a stronger hand in governing Virginia. Charles II recalled Berkeley to London and decided to name a new governor. Berkeley went back to England, and died not long after his arrival.[41]

Charles II decided that a new style of governor was in order for the colony. These new governors would have experience serving the crown as soldiers and would have skill in administration.[42] The king quickly appointed Thomas Culpeper as the new governor.[43] Culpeper

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[38]Morgan, *American Slavery, American Freedom*, 69.
[39]Webb, *1676*, 124-126.
[40]Wiseman, *Book of Record*, 24-26.
[41]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 268.
[42]Billings, *A Little Parliament*, 78. See also Webb, *1676*, 137.
[43]Thomas Culpeper was born in 1635 to Sir John Culpeper, the first Baron of Thoresway. In 1651, during the exile of the king, when Parliament was in control of England, Culpeper lived with his father in the Netherlands.

took his oath of office a few weeks after Berkeley died but did not come to the colony until 1679. In the meantime, Charles II appointed Herbert Jeffreys as the lieutenant governor.

When Jeffreys was appointed, the tension in the Virginia government in 1677 was just like in former Governor Harvey's time, but with something new. The crown's troops were still there.[44] Jeffreys was supposed to use these soldiers to help keep the peace, but he did not use them. Jeffreys did not do much as governor because he became sick soon after becoming governor and did not attend the General Assembly meeting that year. At the end of 1678, Jeffreys ended up succumbing to his illness and died.[45]

Since Culpeper was still not in Virginia, a deputy governor, Henry Chicheley, ran the Virginia government.[46] Chicheley was a member of the Council and had served as a deputy governor under Berkeley. Chicheley acted as governor until Culpeper came.[47] While Chicheley waited for Culpeper, he did preside over the 1679 General Assembly session, but overall he did

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In 1661, the Charles II appointed Culpeper the captain of the Isle of Wight, and in 1664, the governor of the Isle of Wight. In 1671, he was then appointed to the Council of Foreign Plantations. In 1675, the king granted Culpeper the ability to become governor once William Berkeley died. In 1677, Berkeley died and Culpeper was appointed governor. Culpeper then arrived in Virginia in 1680 to take up his position. Kevin R. Hardwick "Thomas Culpeper, second baron Culpeper of Thoresway (1635- 1689)," Encyclopedia Virginia, http://www.encyclopediavirginia.org/Culpeper_Thomas_second_baron_Culpeper_of_Thoresway_1635-1689#start_entry (accessed October 26, 2013).

[44]Webb, *1676*, 128.

[45]Billings, *A Little Parliament*, 78-79. See also Billings, Selby, and Tate, *Colonial Virginia*, 100; [Jeffreys,] "A Narrative of Some Affairs in Virginia," ca. July 1678, address of James Bray, ca. 6 Sept. 1677, and order-in-court in reference to Bray, 6 Sept. 1677 Coventry Papers, 78, fols., Longleat House, Warminster, England, 85, 234-138; Webb, *The Governors-General*, 101-112; British Public Records Office, Colonial Office Papers 1-42-55; W. G. Stanard, "Major Robert Beverley and His Descendants," *The Virginia Magazine of History and Biography* 2:4 (1895): 408.

[46]Chicheley had been born in England and supported the royalists in the Civil War. Parliament convicted Chicheley of a plot and punished Chicheley by sending him to Virginia.[46] While in Virginia, he served in the House of Burgesses in 1656. He also became good friends with William Berkeley, who placed Chicheley on the governor's Council. Chicheley would serve there until his death in 1683. Warren Billings, "Encyclopedia Virginia: Chicheley, Sir Henry (1614 or 1615–1683)," Encyclopedia Virginia, http://www.encyclopediavirginia.org/Chicheley_Sir_Henry_1614_or_1615-1683 (accessed September 30, 2013).

[47]There is no explanation as to how Chicheley became governor. He had been appointed deputy governor under Berkeley, so as to take over in case Berkeley ever died. Chicheley may never have been removed from his position as deputy governor. Chicheley served on the Council from Berkeley until Effingham, so it quite possible he continued to serve as a deputy governor in case a governor or lieutenant governor passed, and someone was needed until a new governor arrived. Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 211. See also See also Billings, Selby, and Tate, *Colonial Virginia*, 83-84, 103-104.

not do much as governor. In May 1680, Culpeper finally arrived in Virginia, after Charles II literally forced him to leave and take up his post. Chicheley quickly stepped out of the way, going back to his Councillor post, but not for long.

Culpeper stayed just long enough for the June session of 1680. In this session Culpeper convinced the House of Burgesses to "[grant] the Crown its desired permanent revenue." Culpeper then ignored the rest of his instructions from the king, discontinued the 1680 session, and left Virginia for London.[48] He did not even tell anyone or even ask permission from the crown before he left.[49] In coaxing the Assembly to pass the bill he wanted, he first gave them something they wanted. He allowed the House of Burgesses to choose Robert Beverly as their clerk, even though he was not supposed to serve because of a royal command that disqualified him. Beverly had helped lead a group against Jeffreys and against accommodating any part of the royalist faction. Beverly and his group did not want to give up any of their autonomy to the royalists. The royalists, like Jeffreys, wanted to make sure that a rebellion like Bacon's never happened again. For his part in opposing the new governor and the new laws, the Crown punished Beverly by not allowing him to serve again. Those in the House of Burgesses who wanted to oppose Culpeper and the other royalists, put Beverly up for the vote to be the clerk. Culpeper, as a way to make them believe he was on their side, allowed Beverly to take the position.[50]

Once he lulled them into thinking he was on their side, Culpeper quickly convinced the Burgesses to pass several bills that the king wanted. Culpeper was very good at the job the king

[48]Billings, Selby, and Tate, *Colonial Virginia*, 104-108. See also Webb, *The Governors-General*, 409-410, 419, 421.

[49]Billings, *A Little Parliament*, 80. See also Instructions to Culpeper, December 5, 1679, Colonial Office Papers, Public Records Office, Kew, Richmond, Surrey, 1/47: 265-266.

[50]Billings, Selby, and Tate, *Colonial Virginia*, 1101-102, 105. See also Kukla, *Speakers and Clerks of the Virginia House of Burgesses*, 141-143.

gave him when he chose to show up. He had another law passed that allowed foreigners to be naturalized easier. Then he had them pass a bill ending civil litigation that came from the rebellion, and then had them pass a permanent revenue from the tax upon tobacco.[51] The Assembly was livid over this last law, but Culpeper threatened and promised them certain things to get it to pass. To get one bill to pass, Culpeper allowed Beverly to craft the bill for the building of towns, and then did not have much trouble passing the bill for easing processes for foreigners coming to the colony. The two next bills, one ending civil litigation from Bacon's Rebellion, and the second giving the king a revenue from the export duty on tobacco did not pass so easily. Culpeper had to exempt several key rebels from the first bill to get it to pass. The second bill, however, took a severe speech, a few threats, and a few promises to get it to pass.[52] After these last bills passed, Culpeper decided that they were enough. He did not want to get the Assembly any angrier. He knew its capabilities of from how he saw it react to the bill, and decided that the few instructions that he was able to get done would be fine. He then sailed for England in August of 1680 and commanded that the General Assembly was not to meet until he returned.[53]

While Culpeper was in England, Chicheley served again as the deputy governor, and the economy became worse. Tobacco prices were very low because the market was glutted. The planters in Virginia were not sure what to do; so, they just started destroying the tobacco plants in hopes of driving up the price.[54] This was not working, and they begged Chicheley to call the General Assembly, believing that then a law would pass to limit production of tobacco. However, Chicheley was reluctant because Culpeper had said to wait for him. In 1682, groups of

[51]Hening, "*The Statutes at Large* vol. 2", 458-479.
[52]Billings, Selby, and Tate, *Colonial Virginia*, 105-106.
[53] Ibid., 105-106.
[54]Ibid., 80-81.

planters decided to take the issue into their own hands and started cutting the tobacco seedlings out of the ground.

The king, when he received word of the cutting riots, commanded Culpeper to begin his trip back to Virginia by July 1 so that he could take care of the problems. Culpeper, in his usual fashion took much time packing and did not arrive until December, after the session had already started. He recessed the session and went through all of the laws that they had passed. He altered most of the bills, removed anything for Beverly and gave them a speech against plant cutting. He then dissolved the General Assembly for that session.[55]

In 1683, Culpeper and his advisers spent the first few weeks working with the Council investigating the plant cutting. They had two men hung, but let Beverly go for lack of evidence. They did, however, force him out of office. In May, Culpeper felt his work in the colony was finished, made Nicholas Spencer the President of the Council, meaning he was in charge of the colony, and left for England again without permission. When Culpeper showed up in London, Charles II was so exasperated that he removed Culpeper from office. In his place, the king made Francis Howard, Lord Howard of Effingham the governor.[56]

In November 1683, Effingham set sail from England bound for Virginia, bringing with him instructions very much resembling the ones Charles II gave to Culpeper. Effingham came to

[55]Ibid., 108.

[56]Salmon, ed, *A Hornbook of Virginia History*, 74. See also Billings, Selby, and Tate, *Colonial Virginia*, 108. Lord Effingham belonged to a Protestant branch of a well-known Catholic family. The family's "lives and fortunes [were] intertwined with those of the sixteenth and seventeenth century England." Effingham did not have great abilities or great accomplishments in politics when he gained the barony at the death of his cousin, and the barony did little to help his fortunes. He then asked well-connected relatives to help gain employment under the king. The king and the Duke of York, James, decided to make Effingham the governor of Virginia in 1683. Billings, Selby, and Tate, *Colonial Virginia*, 108-109. See also Warren M. Billings, "Howard, Francis, fifth baron Howard of Effingham (bap. 1643–1695)," Encyclopedia Virginia. http://www.encyclopediavirginia.org/Howard_Francis_fifth_baron_Howard_of_Effingham_bap_1643-1695#start_entry (accessed October 14, 2013).

Virginia looking to make his fortune at the expense of the colonists.[57] He did not know much about the colonists, and he did not really care. He just knew that if the king wanted the colonists to obey him, Effingham would everything in his power to make them conform to the king's orders.[58] He would work to do this until he left the governorship in 1689. During his tenure, he would clash many times with the colonists.

In February 1684, Effingham landed in Virginia. The colonists welcomed Effingham with caution, for they did not know anything about him. The first few weeks seemed to go well. The leading colonists welcomed him, and he seemed to be very cordial. He read over the tobacco cutting case, saw the evidence convicting Beverly lacking, and restored him to his old position. Effingham then overturned other rulings by Culpeper, including restoring all the old county officeholders and even placing a judge back on the bench.[59]

At the start of the session in April 1684, however, things began to change. Effingham explained to them the laws that he wanted passed. He wanted a new town law, regulation of the Indian trade, and methodization of the militia.[60] Things then started to go downhill even faster. He told the General Assembly that he wanted them to pass a law that allowed the governor and the Councillors to pass a poll tax to gain revenue for the government and to have the General Assembly repeal a law that regulated lawyers and allowed counties to adopt their own bylaws.[61]

Throughout the session, Effingham showed the ability to get the Burgesses to listen to him but only to a certain point. Effingham made the Burgesses give Culpeper the escheats and quitrents that he claimed that they owed him.[62] Even though Culpeper was no longer governor,

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[57]Billings, Selby, and Tate, *Colonial Virginia*, 109.
[58]Ibid.
[59]Ibid., 110.
[60]Hening, "*The Statutes at Large* vol. 3", 17-22.
[61]Billings, Selby, and Tate, *Colonial Virginia*, 110.
[62]Escheats were a reversion of a property back to the state or to a lord, and quitrents were rents paid by a tenant to the owner of a property.

he still felt that the Virginians should give him revenue that they owed him, and Effingham chose to help him. The Burgesses tried to stop Effingham, but Effingham refused to listen. He then tried to make the Burgesses give up their right to hear appeals.[63] Effingham, however, did not get the repeal, the tax, or the town bills that he wanted. He also tried to show the officials in government they depended on the king and himself. Effingham gave new commissions to the colony's justices, told them that they had to sign a writ, and send it back to him. Anyone who refused could lose his office.[64] Effingham, under guise that only the king wanted these repeals and laws passed, told the General Assembly that the king had taken away their right to hear appeals and to appeal laws. The Burgesses were dismayed by this since they had always had the right of appeal. They begged Effingham, still believing that he was on their side, to send a petition to try to regain their right of appeal. He flatly refused, saying that the king did not want the House of Burgesses to ever have the right of appeal again.[65] They asked the governor a second time to help them, and again he refused. The Burgesses then, during the 1684 session, sent their own letter to the king, but Charles II refused to change his mind. The Burgesses began feeling desperate.[66]

Effingham also decided that he did not like the General "Assembly's independence from the crown," and how it refused to repeal the bylaw and attorney statute.[67] He waited until the end of the session, and then he annulled the laws. He did this as a proclamation and without the General Assembly in session. The members were very angry, but there was nothing they could do until the next session, which was a year and a half away.[68]

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[63]Ibid.
[64]Hening, *"The Statutes at Large* vol. 3*"*, 9-10
[65]Wertenbaker, *Virginia Under the Stuarts*, 241-242.
[66]Ibid.
[67]Billings, Selby, and Tate, *Colonial Virginia*, 111.
[68]Ibid.

In the meantime, though, the colonists and their government resisted where they could. In 1684, the justice system of Virginia had a case, *Orthwood* v *Warren*.[69] In the case, John Orthwood, twenty-one year old male, sued his master for his freedom. Orthwood was an indentured servant. Unlike most indentured servants, he had not come from England, but was born in Virginia. Orthwood was born out of wedlock, to an indentured servant, Anne Orthwood, and a rich freeholder. His father, however, refused to recognize him. His mother, as an indentured servant, could not have legally married or have children while she was indentured anyway.[70] However, she did have twins, a girl and a boy. The mother and the girl died during childbirth, and the freeholder refused to acknowledge that he was the father; so, the child was placed into the colonial version of foster care. Through the years, Orthwood went through several different masters, and at twenty-one, he tried to gain his freedom. His master, John Warren, refused, saying that Orthwood had to work until he was twenty-four. Orthwood sued for his freedom, citing a Virginia law from 1672, which stated,

> WHEREAS severall wholesome lawes and statutes have by the wisdome of severall parliaments of England beene made and are in force as well for the suppression of vagrants and idle persons as setting the poore on worke, the neglect of which lawes amongst us hath encouraged and much encreased the number of vagabonds idle and desolute persons, *Be it enacted and it is hereby enacted and ordained by the governour, councell and burgesses of this grand assembly, and the authority thereof,* that the justices of peace in every county doe put the lawes of England against vagrant, idle and desolute persons in strict execution, and the respective county courts shall, and hereby are impowred and authorized to place out all children, whose parents are not able to bring them up apprentices to tradesmen, the males till one and twenty yeares of age, and the females to other necessary imployments, til eighteene yeares of age, and noe longer, and the churchwardens of every parish shal be strictly enjoyned by the courts to give them an account annually at their orphants court of all such children within their parish as they judge to be within the said capacity.[71]

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[69]John Ruston Pagan, *Anne Orthwood's Bastard: Sex and Law in Early Virginia* (New York: Oxford University Press, 2003), 141-142.

[70] Ibid., 143-144.

[71]Hening, *"The Statutes at Large* vol. 2,*"* 298-299.

The law stated that all orphaned males would be released from their indenture at the age of twenty-one, "and noe longer".[72] The reason that this was even put into effect, according to the law, was that many laws from England dealing with vagrants and idle persons had not been obeyed. The House of Burgesses, the Council, and the governor all responded to the vagrancy and idle problem by declaring all of the laws from England that dealt with such things to be completely in effect from that point forward. The General Assembly then added to this set of laws the order that all children whose parents that were not able to care for them would be looked after by churchwardens until the age of adulthood. For females, this was the age of eighteen, and, for males, the age was twenty-one. This addition to the laws was the issue that the court was dealing with in the case of *Warren v. Orthwood*.[73]

Warren tried to fight the law, and say that what Orthwood indicated was not true. He cited the English Poor Law of 1601 which stated that orphaned males had to stay in the indenture until age twenty-four. The Virginia law differed from the English law, and it came down to the judge deciding whether he would obey the Virginia law or the English law. Following the precedent set by the House of Burgesses in opposing English laws that the Virginia government did not consent to, the judge ruled in Orthwood's favor. The ruling in this case went along with the decision of the General Assembly in 1647 when it chose not go along with the English law "*Adventurers to the several Plantations…of America.*"[74] While this ruling may have only affected a small group, orphans in indentured servitude, it showed that the same feelings of only accepting Virginia passed laws as law persisted in the courts as it did in the House of Burgesses.

As the Burgesses were seething in Virginia, big changes were occurring in England. A new king was on the throne. In 1685, Charles II had died, and his brother, James of York, came

[72]Ibid.
[73]Ibid.
[74]"Declaration concerning the Dutch trade" in *The Papers of Sir William Berkeley*, 75-76.

to the throne as James II. Effingham received notice of the king's death in the spring of 1685 and when the colonists heard of James II's ascension, many were very unhappy. They were Anglican, and the idea of James II, as a Catholic, on the throne did not sit well with them.[75] Some of the colonists even thought of joining the Duke of Monmouth in war against the Catholic king. Effingham, a Catholic himself, lashed out in a proclamation to end such talk, but he did not have to worry.[76] James II defeated Monmouth and had him executed. The inhabitants of Virginia were not happy to hear of his defeat, and it made the Burgesses even more determined to stop Effingham from taking away their rights.[77]

In November 1685, the next session began. The Burgesses were ready to fight the governor for their rights. What proceeded could have been the stormiest session of the General Assembly since it started meeting in 1619. Just before the session began, Effingham had become really sick, and his wife had died. He had little energy, and he was in a really bad mood. He was exhausted, but he did not want to see the Burgesses regain the rights he had taken from them. He wanted them to have less independence.[78] When the Burgesses arrived in Jamestown, they came prepared for a battle. They elected Beverly as the clerk and William Kendall as the speaker, another man who disagreed with Effingham.[79] Effingham replied by "reading a short, antagonistic speech."[80] His demands made the Burgesses angry, and so they retaliated by choosing officers that he would not like. Then, of course, Effingham became angrier because their choice of officers annoyed him. He confirmed the officers, however, and was also angry at

[75]Wertenbaker, *Virginia Under the Stuarts*, 243.
[76]Ibid., 244.
[77]Ibid. See also Billings, Selby, and Tate, *Colonial Virginia*, 113; and Kukla, *Speakers and Clerks of the Virginia House of Burgesses*, 82.
[78]Wertenbaker, *Virginia Under the Stuarts*, 244.
[79]Kukla, *Speakers and Clerks of the Virginia House of Burgesses*, 141-142
[80]Billings, Selby, and Tate, *Colonial Virginia*, 113.

the Burgesses' protests when he raised the fees for using the seal.[81] The center of the problems, though, came in the form of one of their bills.

Early in the 1685 session, Effingham introduced a bill for the town act. The House of Burgesses debated and voted upon the law, and then sent it to the Council to consider. The Council then, according to the governor, added an amendment to the bill. The House of Burgesses then debated upon a second time, and passed it. They then sent the bill to the governor for his signature. When the governor saw that the Burgesses had not put in the amendment that the Council had supposedly wrote up for the bill, he refused to sign it and sent it back. The House of Burgesses returned saying that it never saw the amendment, and the way that the House sent the bill to the governor was the way the Council sent it to the House. The Burgesses believed that the bill was law, and the governor was trying to use a double veto, which no other governor had ever used. Effingham replied that no law had ever passed Parliament without the king's signature, and neither would this one. The Burgesses responded that they would not pass the appropriation bill, and the governor said that he would sign all the bills except for the town bill, but the House of Burgesses refused.[82]

Effingham continued to try to diminish the power of the General Assembly. In early 1686, he sent out another proclamation declaring that he had overturned several laws that the General Assembly had declined to repeal. He then sent several letters to London outlining the previous session. He wanted the recipients to approve his actions and to give him support for the next actions he would take in the next session. Effingham advised the king to send a dissolution order that he could read to the General Assembly. He thought that such an order would really tell

[81]The evidence does not say what this seal was that the Burgesses had to pay to use, but it was the probably the state seal that they needed to make the laws they passed official in the colony. Billings, Selby, and Tate, *Colonial Virginia*, 113.

[82]Ibid.

the Burgesses what James II thought of their actions in the previous session. Effingham then went on to ask two more things of the king. First, he asked if he, as the governor, could nominate the clerks for the House of Burgesses instead of the Burgesses themselves. Second, he asked to dismiss Beverly, the current clerk, and Philip Ludwell, a Councillor who led the opposition to him. Effingham sent the letters in hopes that he would receive an answer by October, just as the 1686 session started.

When the letters arrived in London, the recipients answered quickly and supported Effingham completely. James II even sent a personal reply and told Effingham that "wee doe very much approve of what you have done in putting an end to that session by proroguing the assembly. Wee have thought fitt hereby, as a mark of our displeasure towards the said members, to charge and command you to dissolve your present assembly."[83] James II had done everything that Effingham hoped he would, including dissolving the House of Burgesses. The letter, however, did not reach Effingham until the session had already started.[84]

The 1686 session of the General Assembly was almost as tense as the previous year's. Effingham's main goal was to get an appropriations bill passed, but he could not resist aggravating the Burgesses in telling them how they acted incorrectly, and that this would be their "last long ineffectual meeting."[85] The Burgesses, on the other hand, were angry about the proclamations that Effingham had sent out and told Effingham so in a memorial, challenging the legality of the proclamations. Then, the real trouble began. The governor waited for the appropriations bill to pass, and then he brought the whole General Assembly into the Council chamber. There, he read James II's letter to the Assembly and then dissolved it, remarking that it was the first time that the king had a cause to for dissolution. He then had the letter from the king

[83]Hening, "*The Statutes at Large* vol. 3," 40.
[84]Billings, Selby, and Tate, *Colonial Virginia*, 114.
[85]Ibid.

sent to every county.[86] Effingham would not call the Burgesses back for a while, and the next noted session is in 1688.

Effingham did not just ignore the dissolved Burgesses. He used the rest of 1686 and 1687 to remove what enemies he had and power he could from the General Assembly. Soon after the dissolution, he removed Beverly from the clerk position.[87] Effingham then had Ludwell who was the deputy surveyor general and a Councillor, remove one of the surveyors because he was an outspoken critic of the governor. Ludwell did, but replaced him with one of Beverly's sons, angering the governor. The governor then removed Ludwell from his positions. Besides these three men, Effingham also removed at least six other men from government positions, not only angering those men, but also other men who did not like to see officeholders thrown out for firmly opposing the governor.[88]

The governor knew that he could not throw out all of the officeholders who fought him, but he needed to throw out just enough to spread fear among the rest and to erode the political independence that the colonists had before he came. He also went after many customary practices in Virginia politics and laws that differed from what was done in England. The inhabitants of the colony could not fight these changes because there were no laws that said Virginia could differ from the laws of England. The only justifications they had were that they were out in the wilderness and the passage of time.[89] These were not strong arguments to keep the law, especially for a governor who did not know the colony or care for those who lived in it. Effingham had done much to erode the power and rights of the House of Burgesses in the first three years of his governorship, and he felt that he had the colonists on the verge of submission.

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[86]Ibid., 114-115. See also Hening, "*The Statutes at Large* vol. 3," 40.
[87]Kukla, *Speakers and Clerks of the Virginia House of Burgesses*, 142.
[88]Billings, Selby, and Tate, *Colonial Virginia*, 114-115.
[89]Ibid.

The Burgesses, however, had tried to fight the governor the best that they could throughout all of his changes, from not passing bills to appointing others who disagreed with him. Effingham, however, was a strong governor and had the king's backing, making it tough for the House of Burgesses to do anything. In December 1687, Effingham decided that he wanted to return home, his illness and the death of his wife had finally taken a toll on him. He received permission to leave in the fall of 1688 and left the colony in February 1689.[90]

He led one more session in 1688. In this session, he took all of the power he had taken from the Burgesses and used it. He appointed Francis Page to be clerk of the House of Burgesses, the first clerk to be appointed by a governor.[91] The House of Burgesses told Page, however, that he had to keep secret the meetings of the House of Burgesses and could not tell the governor what it discussed.[92] During this last session over which Effingham personally presided, the Burgesses showed that they were not ready to accept defeat. They were not happy with the heavy fees that he had placed on the inhabitants. The Burgesses saw the fees as taxes, and all taxes were supposed to originate in the House. They saw this as a violation of one of the most dearly held rights of the colonists, and they were very angry that the governor had issed a tax without them.[93] The Burgesses also believed that Effingham misused the royal prerogative.[94] The Burgesses decided that they would write him a letter stating their displeasure and asked the Council to sign the letter. The Councillors flatly refused. The House of Burgesses then decided to write the letter to James II, and they sent it to the king by way of Ludwell. The king received the letter in September 1688, but he did not have time to read it for William of Orange, a prince

[90]Ibid., 116. See also Wertenbaker, *Virginia Under the Stuarts*, 253-254.
[91]House of Burgesses of Virginia, 287. See also Kukla, *Speakers and Clerks of the Virginia House of Burgesses*, 142.
[92]Ibid.
[93]Ibid., 326-327.
[94]Wertenbaker, *Virginia Under the Stuarts*, 254-255.

from the Dutch Republic and an ally of Parliament, had arrived with an army to remove him from the throne and become king of England.

James II sent a letter to Effingham telling him to prepare Virginia for war. The people started preparing, and, in all of the excitement, the colonists might have tried to throw Effingham out of office. Some of the colonists "laying hold of the motion of affairs, and that under the pretext of religion,…betook themselves to arms."[95] Rumors had spread that the Catholics in Maryland were conspiring with an Indian tribe and were going to come after all of the Protestants. Many of the frontiersmen along the border between the colonies started preparing to defend the colony, "soe that matters were…tending to a Rebellion."[96]

The people did not, however, and William of Orange easily defeated James II in battle. In February 1689, the Privy Council sent word to Effingham that William of Orange, known as William III of England, and Mary II, his wife, were then joint rulers in England. Peace once again came to the colony. That same month, Effingham left Virginia, never to return. He set Nathaniel Bacon, Sr., president of the Council, to govern in his stead. He served until June 1690. Francis Nicholas then served as the lieutenant governor to Effingham until 1692, when William and Mary removed him. William and Mary then appointed Sir Edmund Andros as governor, but did little else in Virginia. When William and Mary came to the throne, historian Wertenbaker states,

> [it] was a victory for liberty even more important to Virginia than to England. It brought to an end those attacks of the English government upon representative institutions of the colony that had marked the past ten years. It confirmed to the people the rights that had been guaranteed them, through a long series of patents dating back as far as 1606, and rendered impossible for all time the illegal oppressions of such men as Harvey, Berkeley, Culpeper, and Effingham…The

[95] McDonald Papers, Vol. VII, Virginia State Library, Richmond, Virginia, 316.
[96] Ibid. See also Wertenbaker, *Virginia Under the Stuarts,* 256.

> English Revolution had weakened permanently the control of the British government over the colony, and consequently the power of the governor.[97]

When William and Mary came to the throne in England, they started a new era for the colony of Virginia. The king and queen had other things to worry about in England, such as making sure James II never regained the throne; so; they did not focus on Virginia. The colonists did not have to worry about the monarchy attacking their liberty and representative government for many years. The rights they had worked hard for, fought for, and put into place over the past seventy years were safe in 1689. The freeholders of Virginia were free to elect in their representative government whom they chose and did not have to worry about either England, or the governors trying to take away the power or the rights of the House of Burgesses, the representative government in Virginia.[98]

[97]Ibid., 256-257.
[98]Ibid.

Conclusion

By 1689, the House of Burgesses had existed in the General Assembly for seventy years. The inhabitants grew accustomed to the rights they gained during those years, including the right to elect their own representatives. These representatives came to represent the county that voted him into office, unlike the members of Parliament. Another right the Virginia colonists had for many years was the right that all freemen could vote. This right was uncommon in the rest of the world. In most places that had representative government, only the landowners, or as they were called in Virginia freeholders, had the right to vote for their representatives. The right to vote for all freemen was a very important law in the colony; and existed from the beginning of the House of Burgesses in 1619.[1]

In 1619, the Virginia Company started the House of Burgesses, twelve years after the English landed at Jamestown. In those twelve years, the colony had gone through many strong, dictator-like governors who made sure the colony survived. The last governor, Samuel Argall, made life difficult for the colonists, and almost started a war with an Indian tribe. The colonists finally grew tired of Argall and this type of governor, and asked the Virginia Company for help.[2] The Company realized that the colony had outgrown the dictator-like governors and needed a change in government, and so gave it the House of Burgesses. It had limited rights and started more as an arm of the Company, but the Treasurer of the Company, Sir Edwin Sandys, saw more potential in the new government. In *the Greate Charter* of 1618, Sandys stated that he believed one day the General Assembly would pass laws for the whole Virginia Company. Sandys, however, saw this as something in the distant future, not for 1619. What Sandys hoped was that

[1] Billings, *A Little Parliament*, 33. See also Hening, *"The Statutes at Large* vol. 1, xxix.
[2] Morgan, *American Slavery, American Freedom*, 96.

the new representative government would attract new settlers to the colony.[3] If all freemen could vote, than people in England who did not have much would see that if they came to the New World they could actually have a say in their government. Along with the prospect of owning land, many people started to come to Virginia and had the right to vote in the first representative government in Virginia in 1619.[4]

The first House of Burgesses, and the whole General Assembly, sat in the church in Jamestown in late July 1619. It met for six days. Its first agenda dealt with codifying the laws that Sandys gave the Virginians in *the Greate Charter* along with the other laws that the colony had made since 1607. In six days they codified and set up the laws for the government in the colony.[5] The House of Burgesses then wrote a letter to the Virginia Company to thank it for the new government. In the letter, the new government let the Company know it was ready for more responsibility, and more power to govern over the colony. While the Virginia Company did not give it much more power, the House of Burgesses had set a precedent for seeking more power.[6]

In 1625, the Crown in England took over governing the colony. Before the Crown could do anything with the colony, however, King James I died, and his son Charles I took over. He wrote the *Proclamation for setling the Plantation of Virginia,* and sent over the instructions to tell the colonial government how it would run. In the *Proclamation,* Charles I made provision to keep the Company's Governor Sir Francis Wyatt and the Governor's Council.[7] The king, however, did not say anything about the House of Burgesses. Many of the colonists were worried about the rights they had under the House of Burgesses, and the right to vote for their representatives. They need not have worried, though as Wyatt and the Council allowed the

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[3]*Colonial Records of Virginia*, 81. See also Diamond, *From Organization to Society*, 127-128.
[4]Diamond, *From Organization to Society*, 127-128. See also Billings, *A Little Parliament*, 6.
[5]*Colonial Records of Virginia*, 8, 25-26. Billings, *A Little Parliament*, 10.
[6]*Colonial Records of Virginia*, 17, 31.
[7]House of Burgesses of Virginia, xxix.

House of Burgesses to still meet as part of the General Assembly. The governor willingly gave up some of his power so that the people could have a say in their own government, including freemen, who were still allowed to vote for their representatives.[8] The colonists were happy to have this and showed their satisfaction by sending new representatives to the next General Assembly meeting. They were worried, however, that the king had not officially recognized them. The rest of the 1620s was a rocky time for the House of Burgesses. Since the king refused to recognize them, the Burgesses had no official authority.[9]

The House of Burgesses continued to ask the king to recognize them, and in 1627, he finally decided to hear what they had to say. The king realized he could not just ignore the House of Burgesses. It was steadily growing in influence in the colony, and the king did not want to deal with any problems for not giving the Burgesses an answer. He also seemed to accept the House through de facto law. Charles I wrote a letter to the House of Burgesses to ask it to set up a monopoly for Virginia tobacco where all of it would be sent to London. If the king had not recognized the House of Burgesses, why would he have sent them a letter to ask them to make a new law? However, this was not a full acceptance and the Burgesses knew it.[10]

In 1628, John Harvey became the new governor of the colony, and the Burgesses, the Councillors, and many of the colonists were not happy with him. He did not like the House of Burgesses and felt there was too much freedom in the colony. The Burgesses, however, disagreed. During his time as governor, he pushed against the Burgesses, and they pushed right back.[11] By 1631, it was clear that the House of Burgesses was winning in its fight with the governor. The Burgesses took over as the taxing agency in the colony, since all tax bills had to

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[8]Billings, *A Little Parliament*, 12-15. See also House of Burgesses of Virginia, xxx.

[9]*Minutes of the Council and General Court*, 15-16. See also *Journals of the House of Burgesses of Virginia*, 45-49.

[10]Billings, *A Little Parliament*, 15-16. See also *Journals of the House of Burgesses of Virginia*, 45-49.

[11]House of Burgesses of Virginia, 52. See also *The Old Dominion in the Seventeenth Century*, 278-279.

start with them. Further, the House of Burgesses was also in charge of fighting the Indians and in charge of the tobacco. The Burgesses had gained many rights by the early 1630s.[12]

Harvey was also not helping as he continued to fight the Burgesses and the whole General Assembly. By 1635, the Burgesses, and even the Councillors, had had enough. They held a meeting, and even colonists not members of the General Assembly came. Many colonists, not just government officials, were upset with Harvey and wanted to figure out what to do with him. At the meeting, the colonists' really showed their feeling about Harvey. They believed that the governor was violating their rights. Harvey heard about the meeting, went to stop it, and even wanted to put the attendees in jail.[13] The Councillors stopped him, and Harvey chose to meet with them to talk about the problems. However, they ultimately grew tired, grabbed him out of his chair, and put him in jail. They then shipped him back to England, and set up one of their own, John West, as acting governor.[14]

The king tried to place Harvey back in the colony as the governor, but the General Assembly would not have it, and it worked to get him officially removed by the king. After 1639, the king finally gave in, and the colonists no longer had to deal with Harvey. The king renamed Francis Wyatt as governor and sent over really important instructions. The instructions recognized the House of Burgesses as an official, integral part of the government.[15] In 1641, the king sent over William Berkeley. Berkeley served as governor for over twenty-five years, and,

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[12]House of Burgesses of Virginia, 196. See also Billings, *A Little Parliament,* 20; and McSherry, *A History of Maryland,* 23-25.

[13]Billings, *A Little Parliament,* 21. See also Mathews, "The Mutiny in Virginia," 416-422; and Hening, *"The Statutes at Large* vol. 1*,"* 223.

[14]Mathews, "The Mutiny in Virginia," 416-418. See also Thornton, "The Thrusting out of Governor Harvey, 11; and Hening, *"The Statutes at Large* vol. 1*,"* 223.

[15]*A Little Parliament* 15, 28-29. See also Instructions to Sir Francis Wyatt, 11 Jan. 1638-39. According to Billings, the Instructions that Charles I gave to Wyatt were the same ones that Charles I gave to William Berkeley when Charles I tasked Berkeley as governor. Billings, *A Little Parliament,* 230.

during that time, the power of General Assembly and the House of Burgesses grew considerably.[16]

When Berkeley arrived in the colony, he brought with him a new set of instructions that again recognized the House of Burgesses. The king reiterated that he knew how integral a part of government the House of Burgesses was in Virginia. When Berkeley became governor, he almost immediately showed that he was a different governor from some of his predecessors. He actually showed respect for the House of Burgesses and helped it gain more freedom and authority.[17] The first way he did this was to split the General Assembly into two parts, the House of Burgesses, which was the lower house, and the Council, which was the upper house. He also gave the House of Burgesses consent to meet on its own. This was great for the Burgesses because then it could discuss bills without the governor or his Council present. Berkeley decided that he would work with them and where it gained and he gained.[18]

Several years after this exchange, in 1647, another event took place that showed the power of the government. A law came from Parliament that stated that Virginia could no longer trade with the Dutch. The House of Burgesses, and even the Council, did not like this; so, they told Parliament that no law could become law in Virginia unless the colonial government passed it.[19] The Burgesses had just made an important leap by telling members of Parliament that they were equal to them in power. That was a huge thing for the Burgesses to declare and showed

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[16]*Commission from Charles I* in *The Papers of Sir William Berkeley*, 24-29. See also Billings, *A Little Parliament*, 20-21.

[17]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 39. See also Hening, "The Statutes at Large, 267-282.

[18]Billings, *A Little Parliament*, 27-28. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 91-92; *Gift from the General Assembly* in *The Papers of Sir William Berkeley*, 46; and Hening, "*The Statutes at Large* vol. 1," 267.

[19]Hening, *Statutes at Large* vol. 1*,"* 258-259. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 101.

how confident they were. Parliament was part of the mother country's government, and here a representative government in a colony said that it was an equal.[20]

Several years later, in 1649, Parliament, which had been at war with the king, beheaded Charles I, and fully took over the government. It told Virginia they had to obey it, but Berkeley refused and said the colony still supported the monarchy, and Charles I's son Charles II was the rightful king. In 1651, Parliament tried again to force the colony into submission, and tried to outlaw trading with the Dutch, and the General Assembly replied the same as it had in 1647.[21] In 1652, Parliament decided that the only way to make the Virginia government pay attention was to send an army and remove Berkeley from the governorship. It made Richard Bennett governor and new laws for the House of Burgesses. Parliament told the House that it could chose the governor after that year.[22]

The Burgesses gained much power under Parliamentary control. For the next eight years, they were able to fight the governor and did not have to worry about trying to go to the king.[23] In the 1650s, freeman also still had a chance to rise up to a place where they could serve in the House of Burgesses. Several men who had come to the colony as indentured servants were serving as Burgesses at that time; so, helped the House of Burgesses to gain more power.[24]

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[20]*Declaration concerning the Dutch trade* in *The Papers of Sir William Berkeley*, 75-77.

[21]*Circular letter from the Council of State* in *The Papers of Sir William Berkeley*, 84. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 106; and *Commission from Charles II* in Berkeley, *The Papers of Sir William Berkeley*, 91-96.

[22]*Articles of surrender of Virginia* in *The Papers of Sir William Berkeley*, 102- 103. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 108; and *To Charles II* in *The Papers of Sir William Berkeley*, 106.

[23]Hening, "*The Statutes at Large* vol. 1", 371-372. See also Salmon, ed, *A Hornbook of Virginia History*, 73.

[24]Hening, "*The Statutes at Large* vol. 1", 403. See also House of Burgesses of Virginia, 93-94. The *Journals* do not contain the laws from March 1654 mentioned in this law from March of 1655. When the *Journals* were put together there was some mislabeling, and it never was completely sorted out. Presumably, the previous laws did not allow all freemen to vote, only that freeholders could vote. Hening, "*The Statutes at Large* vol. 1", xlvii.

Evidence of its power can be seen in 1658, when Governor Samuel Mathews tried to dissolve the House of Burgesses. The Burgesses were furious and voted to stay in session. In the end, he ended up having to apologize to the Burgesses.[25]

By 1660, trouble had come. The sitting governor had died while the House of Burgesses was out of session. Only the governor could call the House of Burgesses into session, and only the Burgesses could vote in a new governor. This was a problem, and the Council decided to solve it by bringing in a provisional governor who would call the House of Burgesses into session. Then it would vote in a new governor. The Councillors called upon former governor Berkeley to be the provisional governor, and he accepted. The House of Burgesses then voted him in as governor for the second time. That same year Charles II came back to England to rule. The king again said he would choose the governor, and he told Berkeley to stay on as governor.[26]

While the House of Burgesses may have lost the right to choose the governor, it still continued to fight for more power. Charles II also immediately recognized the House of Burgesses and the whole General Assembly. Why he did so immediately is not known, but he must have known about the struggle his father had more than twenty years before, and saw how powerful the House of Burgesses had become in succeeding years.[27] Through the 1660s, the General Assembly continued to grow in power. One law it passed in 1662 stated that acts of court or proclamations would not become law until the General Assembly passed them. This had once been a part of executive power, but the Assembly took it and Berkeley signed it into law

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[25]Billings, *A Little Parliament,* 36-37. See also Hening, "*The Statutes at Large* vol. 1," 500.

[26]Billings, *A Little Parliament,* 40-41. See also Hening, "*The Statutes at Large* vol. 1," 512, 527-529, 531; *An act recalling Berkeley to office* in *The Papers of Sir William Berkeley*, 114-116; and *Commission from Charles* II in *The Papers of Sir William Berkeley*, 139-141.

[27]*Instructions from Charles II* in *The Papers of Sir William Berkeley*, 177-180. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 160.

without complaint. That same session, the king commanded Berkeley to call the General Assembly into session as soon as he returned from a trip to England. Charles II again showed that he considered the House of Burgesses, as a part of the General Assembly, an important part of the Virginia government, a part of government that needed to be a part of the writing and passing of law.[28]

Another important issue showed the power of the House of Burgesses. In 1666, Berkeley wanted to diversify the economy in Virginia. He wanted to plant other crops besides tobacco, and, hopefully, lift the economy. The General Assembly did not like this plan since many of them had large plantations full of tobacco. The governor promised the Assembly it could choose one of the commissioners that directed the diversification and the cessation, and they chose to pass the bill.[29] The next year, however, the bill for cessation of tobacco again came up, and the Burgesses this time flatly refused. Tobacco had worked fine for them for many years, and they really did not want it. The governor could do nothing to convince them.[30]

Until the mid-1670s, the General Assembly held the power it had gained and did not lose any. In 1676, however, events occurred that would change the whole dynamic between the parts of the Virginia government. In 1676, Bacon's Rebellion took place After the Rebellion, Berkeley lost his commission and the king replaced him.[31]

Charles II had grown tired of the way the Virginians had acted in the last several years, and he wanted to break them and bring them back to him. The king believed that stronger governors would do this. The king told the governors to deal with the unruly colonists. Initial

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[28]*Instructions from Charles II* in ibid., 177. See also Hening, "*The Statutes at Large* vol. 2," 175-176.

[29]Hening, "*The Statutes at Large* vol. 2", 229-232. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 193.

[30]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 209. See also Hening, "*The Statutes at Large* vol. 2", 280.

[31]Morgan, *American Slavery, American Freedom*, 263-265. See also Hening, "*The Statutes at Large* vol. 2", 280; Webb, *1676*, 356-357; Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 268; and Orberg, ed., Wiseman, *Book of Record*, 24-26.

governors and lieutenant governors had only mild success in reigning in the power of the House of Burgesses. However, matters came to a head in 1684 when Charles II made Francis Howard, Lord Howard of Effingham the governor.

Effingham was a tough man who did not like the colonists and hoped to gain a fortune in Virginia. He initially worked to lull them into compliance, but as soon as the session began, he showed the Burgesses what he really wanted.[32] He tried to force them to pass several revenue bills, but found he could only force them up to a certain point before they refused to budge. He then took away their right of appeal, ended the session, and issued a proclamation to institute several laws.[33]

Things did not improve after the end of that session or even after Charles II died and was replaced by James II in 1685. He affirmed Effingham's actions and allowed the dissolution of the House of Burgesses. Effingham spent the rest of 1686, and into 1687, removing officials out of the government that he did not want. He also overturned many laws that he felt went against English law.[34] The Burgesses were very angry but really could do nothing. In 1688, one more session was held, and the governor continued to expand his power, including choosing a clerk for the House and passing a money law without submitting it to the House of Burgesses. Fortunately for the Virginians, Effingham's reign was about to end. In 1688, Parliament invited William of Orange from the Dutch Republic to remove James II. William, and his wife, Mary, ultimately replaced Effingham with Edmund Andros. They did not do much else since they had other things to do in Europe. England was no longer really worrying about the colony, other factors were at

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[32]Billings, Selby, and Tate, *Colonial Virginia*, 109-110. See also Hening, *"The Statutes at Large* vol. 3,*"* 17-22.

[33]Hening, *"The Statutes at Large vol. 3"*, 9-10. See also Wertenbaker, *Virginia Under the Stuarts*, 241-244; Billings, Selby, and Tate, *Colonial Virginia*, 111-113; Pagan, *Anne Orthwood's Bastard*, 141-149; Hening, *"The Statutes at Large* vol. 2,*"* 298-299: and Kukla, *Speakers and Clerks of the Virginia House of Burgesses*, 82.

[34]Hening, *"The Statutes at Large* vol. 3,*"* 40. See also Billings, Selby, and Tate, *Colonial Virginia*, 114.

play in Europe, and so the colony finally had the freedom it had wanted. The colonists no longer had attacks on representative government. The House of Burgesses had survived the attacks by the last several governors; the representative government of Virginia had survived, and had beat back the orders of submission.[35]

In looking back at the last seventy years that the House of Burgesses had fought for power, gained power, lost it, and ultimately regained it, they also gained their own identity. They may have started out as a little Parliament, as Billings states in *A Little Parliament*, but they had ultimately become much more than that, especially since for most of the seventeenth century freeman could vote for their representatives. Freemen in England could not vote, only landowners could vote. Even in 1619, when it asked for more power from the Virginia Company after only its first session, it showed that it would be a governing body to contend with, one that would not hide in the shadow of Parliament.[36] The House of Burgesses had become its own legislative house within the Virginia government. It had decided relatively early on that it was equal to Parliament, and only it could make and pass laws for the colony. The House of Burgesses also gained power very quickly, enough that it forced the king to remove a governor that he liked, and replace him with a governor that they wanted. Even when the king tried to make it become submissive to governors of his choosing, the House still fought back, finally regaining the power it once had.[37]

According to Webb, in *1676*, the House of Burgesses never regained the power it once had. He contends that after Bacon's Rebellion in 1676 the Crown continued to pressure the House of Burgesses, and never allowed it to regain its old legislative power. Webb argues that

[35]Billings, Selby, and Tate, *Colonial Virginia*, 114-115. See also Hening, *"The Statutes at Large* vol. 3*,"* 40; Kukla, *Speakers and Clerks of the Virginia House of Burgesses*, 142, 326-327; Wertenbaker, *Virginia Under the Stuarts*, 253-257; and House of Burgesses of Virginia, 287.

[36]Billings, *A Little Parliament*, 6. See also *Colonial Records of Virginia*, 81.

[37]Wertenbaker, *Virginia Under the Stuarts*, 256-257.

the force the Crown placed upon the Burgesses in 1676 ultimately led to the American Revolution in 1776.[38] The problem with this argument is that it does not explain how William and Mary treated the colony. In 1689, when they came to power, they basically ignored the colony. They sent a new governor in 1692, but otherwise they focused on other issues. They allowed the House of Burgesses to legislate how it wished and to regain the power that it had before Bacon's Rebellion.[39] Virginians once again came to see their legislature as equal with the British Parliament and believed it held the right to make its own laws and choose its own leaders. The House of Burgesses showed that it would jealously protect its power from anyone wanting to take it away.

[38]Webb, *1676*, 3-6, and 410.
[39]Wertenbaker, *Virginia Under the Stuarts*, 256-257.

Conclusion

By 1689, the House of Burgesses had existed in the General Assembly for seventy years. The inhabitants grew accustomed to the rights they gained during those years, including the right to elect their own representatives. These representatives came to represent the county that voted him into office, unlike the members of Parliament. Another right the Virginia colonists had for many years was the right that all freemen could vote. This right was uncommon in the rest of the world. In most places that had representative government, only the landowners, or as they were called in Virginia freeholders, had the right to vote for their representatives. The right to vote for all freemen was a very important law in the colony; and existed from the beginning of the House of Burgesses in 1619.[1]

In 1619, the Virginia Company started the House of Burgesses, twelve years after the English landed at Jamestown. In those twelve years, the colony had gone through many strong, dictator-like governors who made sure the colony survived. The last governor, Samuel Argall, made life difficult for the colonists, and almost started a war with an Indian tribe. The colonists finally grew tired of Argall and this type of governor, and asked the Virginia Company for help.[2] The Company realized that the colony had outgrown the dictator-like governors and needed a change in government, and so gave it the House of Burgesses. It had limited rights and started more as an arm of the Company, but the Treasurer of the Company, Sir Edwin Sandys, saw more potential in the new government. In *the Greate Charter* of 1618, Sandys stated that he believed one day the General Assembly would pass laws for the whole Virginia Company. Sandys, however, saw this as something in the distant future, not for 1619. What Sandys hoped was that

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the new representative government would attract new settlers to the colony.[3] If all freemen could vote, than people in England who did not have much would see that if they came to the New World they could actually have a say in their government. Along with the prospect of owning land, many people started to come to Virginia and had the right to vote in the first representative government in Virginia in 1619.[4]

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[3]*Colonial Records of Virginia*, 81. See also Diamond, *From Organization to Society*, 127-128.
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[5]*Colonial Records of Virginia*, 8, 25-26. Billings, *A Little Parliament*, 10.
[6]*Colonial Records of Virginia*, 17, 31.
[7]House of Burgesses of Virginia, xxix.

House of Burgesses to still meet as part of the General Assembly. The governor willingly gave up some of his power so that the people could have a say in their own government, including freemen, who were still allowed to vote for their representatives.[8] The colonists were happy to have this and showed their satisfaction by sending new representatives to the next General Assembly meeting. They were worried, however, that the king had not officially recognized them. The rest of the 1620s was a rocky time for the House of Burgesses. Since the king refused to recognize them, the Burgesses had no official authority.[9]

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[8]Billings, *A Little Parliament*, 12-15. See also House of Burgesses of Virginia, xxx.

[9]*Minutes of the Council and General Court*, 15-16. See also *Journals of the House of Burgesses of Virginia*, 45-49.

[10]Billings, *A Little Parliament*, 15-16. See also *Journals of the House of Burgesses of Virginia*, 45-49.

[11]House of Burgesses of Virginia, 52. See also *The Old Dominion in the Seventeenth Century*, 278-279.

start with them. Further, the House of Burgesses was also in charge of fighting the Indians and in charge of the tobacco. The Burgesses had gained many rights by the early 1630s.[12]

Harvey was also not helping as he continued to fight the Burgesses and the whole General Assembly. By 1635, the Burgesses, and even the Councillors, had had enough. They held a meeting, and even colonists not members of the General Assembly came. Many colonists, not just government officials, were upset with Harvey and wanted to figure out what to do with him. At the meeting, the colonists' really showed their feeling about Harvey. They believed that the governor was violating their rights. Harvey heard about the meeting, went to stop it, and even wanted to put the attendees in jail.[13] The Councillors stopped him, and Harvey chose to meet with them to talk about the problems. However, they ultimately grew tired, grabbed him out of his chair, and put him in jail. They then shipped him back to England, and set up one of their own, John West, as acting governor.[14]

The king tried to place Harvey back in the colony as the governor, but the General Assembly would not have it, and it worked to get him officially removed by the king. After 1639, the king finally gave in, and the colonists no longer had to deal with Harvey. The king renamed Francis Wyatt as governor and sent over really important instructions. The instructions recognized the House of Burgesses as an official, integral part of the government.[15] In 1641, the king sent over William Berkeley. Berkeley served as governor for over twenty-five years, and,

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[12]House of Burgesses of Virginia, 196. See also Billings, *A Little Parliament,* 20; and McSherry, *A History of Maryland,* 23-25.

[13]Billings, *A Little Parliament,* 21. See also Mathews, "The Mutiny in Virginia," 416-422; and Hening, *"The Statutes at Large* vol. 1*,"* 223.

[14]Mathews, "The Mutiny in Virginia," 416-418. See also Thornton, "The Thrusting out of Governor Harvey, 11; and Hening, *"The Statutes at Large* vol. 1*,"* 223.

[15]*A Little Parliament* 15, 28-29. See also Instructions to Sir Francis Wyatt, 11 Jan. 1638-39. According to Billings, the Instructions that Charles I gave to Wyatt were the same ones that Charles I gave to William Berkeley when Charles I tasked Berkeley as governor. Billings, *A Little Parliament,* 230.

during that time, the power of General Assembly and the House of Burgesses grew considerably.[16]

When Berkeley arrived in the colony, he brought with him a new set of instructions that again recognized the House of Burgesses. The king reiterated that he knew how integral a part of government the House of Burgesses was in Virginia. When Berkeley became governor, he almost immediately showed that he was a different governor from some of his predecessors. He actually showed respect for the House of Burgesses and helped it gain more freedom and authority.[17] The first way he did this was to split the General Assembly into two parts, the House of Burgesses, which was the lower house, and the Council, which was the upper house. He also gave the House of Burgesses consent to meet on its own. This was great for the Burgesses because then it could discuss bills without the governor or his Council present. Berkeley decided that he would work with them and where it gained and he gained.[18]

Several years after this exchange, in 1647, another event took place that showed the power of the government. A law came from Parliament that stated that Virginia could no longer trade with the Dutch. The House of Burgesses, and even the Council, did not like this; so, they told Parliament that no law could become law in Virginia unless the colonial government passed it.[19] The Burgesses had just made an important leap by telling members of Parliament that they were equal to them in power. That was a huge thing for the Burgesses to declare and showed

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[16]*Commission from Charles I* in *The Papers of Sir William Berkeley*, 24-29. See also Billings, *A Little Parliament*, 20-21.

[17]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 39. See also Hening, "The Statutes at Large, 267-282.

[18]Billings, *A Little Parliament*, 27-28. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 91-92; *Gift from the General Assembly* in *The Papers of Sir William Berkeley*, 46; and Hening, "*The Statutes at Large* vol. 1," 267.

[19]Hening, *Statutes at Large* vol. 1*,"* 258-259. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 101.

how confident they were. Parliament was part of the mother country's government, and here a representative government in a colony said that it was an equal.[20]

Several years later, in 1649, Parliament, which had been at war with the king, beheaded Charles I, and fully took over the government. It told Virginia they had to obey it, but Berkeley refused and said the colony still supported the monarchy, and Charles I's son Charles II was the rightful king. In 1651, Parliament tried again to force the colony into submission, and tried to outlaw trading with the Dutch, and the General Assembly replied the same as it had in 1647.[21] In 1652, Parliament decided that the only way to make the Virginia government pay attention was to send an army and remove Berkeley from the governorship. It made Richard Bennett governor and new laws for the House of Burgesses. Parliament told the House that it could chose the governor after that year.[22]

The Burgesses gained much power under Parliamentary control. For the next eight years, they were able to fight the governor and did not have to worry about trying to go to the king.[23] In the 1650s, freeman also still had a chance to rise up to a place where they could serve in the House of Burgesses. Several men who had come to the colony as indentured servants were serving as Burgesses at that time; so, helped the House of Burgesses to gain more power.[24]

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[20]*Declaration concerning the Dutch trade* in *The Papers of Sir William Berkeley*, 75-77.

[21]*Circular letter from the Council of State* in *The Papers of Sir William Berkeley*, 84. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 106; and *Commission from Charles II* in Berkeley, *The Papers of Sir William Berkeley*, 91-96.

[22]*Articles of surrender of Virginia* in *The Papers of Sir William Berkeley*, 102- 103. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 108; and *To Charles II* in *The Papers of Sir William Berkeley*, 106.

[23]Hening, "*The Statutes at Large* vol. 1", 371-372. See also Salmon, ed, *A Hornbook of Virginia History*, 73.

[24]Hening, "*The Statutes at Large* vol. 1", 403. See also House of Burgesses of Virginia, 93-94. The *Journals* do not contain the laws from March 1654 mentioned in this law from March of 1655. When the *Journals* were put together there was some mislabeling, and it never was completely sorted out. Presumably, the previous laws did not allow all freemen to vote, only that freeholders could vote. Hening, "*The Statutes at Large* vol. 1", xlvii.

Evidence of its power can be seen in 1658, when Governor Samuel Mathews tried to dissolve the House of Burgesses. The Burgesses were furious and voted to stay in session. In the end, he ended up having to apologize to the Burgesses.[25]

By 1660, trouble had come. The sitting governor had died while the House of Burgesses was out of session. Only the governor could call the House of Burgesses into session, and only the Burgesses could vote in a new governor. This was a problem, and the Council decided to solve it by bringing in a provisional governor who would call the House of Burgesses into session. Then it would vote in a new governor. The Councillors called upon former governor Berkeley to be the provisional governor, and he accepted. The House of Burgesses then voted him in as governor for the second time. That same year Charles II came back to England to rule. The king again said he would choose the governor, and he told Berkeley to stay on as governor.[26]

While the House of Burgesses may have lost the right to choose the governor, it still continued to fight for more power. Charles II also immediately recognized the House of Burgesses and the whole General Assembly. Why he did so immediately is not known, but he must have known about the struggle his father had more than twenty years before, and saw how powerful the House of Burgesses had become in succeeding years.[27] Through the 1660s, the General Assembly continued to grow in power. One law it passed in 1662 stated that acts of court or proclamations would not become law until the General Assembly passed them. This had once been a part of executive power, but the Assembly took it and Berkeley signed it into law

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[25]Billings, *A Little Parliament,* 36-37. See also Hening, "*The Statutes at Large* vol. 1," 500.

[26]Billings, *A Little Parliament,* 40-41. See also Hening, "*The Statutes at Large* vol. 1," 512, 527-529, 531; *An act recalling Berkeley to office* in *The Papers of Sir William Berkeley*, 114-116; and *Commission from Charles* II in *The Papers of Sir William Berkeley*, 139-141.

[27]*Instructions from Charles II* in *The Papers of Sir William Berkeley*, 177-180. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 160.

without complaint. That same session, the king commanded Berkeley to call the General Assembly into session as soon as he returned from a trip to England. Charles II again showed that he considered the House of Burgesses, as a part of the General Assembly, an important part of the Virginia government, a part of government that needed to be a part of the writing and passing of law.[28]

Another important issue showed the power of the House of Burgesses. In 1666, Berkeley wanted to diversify the economy in Virginia. He wanted to plant other crops besides tobacco, and, hopefully, lift the economy. The General Assembly did not like this plan since many of them had large plantations full of tobacco. The governor promised the Assembly it could choose one of the commissioners that directed the diversification and the cessation, and they chose to pass the bill.[29] The next year, however, the bill for cessation of tobacco again came up, and the Burgesses this time flatly refused. Tobacco had worked fine for them for many years, and they really did not want it. The governor could do nothing to convince them.[30]

Until the mid-1670s, the General Assembly held the power it had gained and did not lose any. In 1676, however, events occurred that would change the whole dynamic between the parts of the Virginia government. In 1676, Bacon's Rebellion took place After the Rebellion, Berkeley lost his commission and the king replaced him.[31]

Charles II had grown tired of the way the Virginians had acted in the last several years, and he wanted to break them and bring them back to him. The king believed that stronger governors would do this. The king told the governors to deal with the unruly colonists. Initial

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[28]*Instructions from Charles II* in ibid., 177. See also Hening, "*The Statutes at Large* vol. 2," 175-176.

[29]Hening, "*The Statutes at Large* vol. 2", 229-232. See also Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 193.

[30]Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 209. See also Hening, "*The Statutes at Large* vol. 2", 280.

[31]Morgan, *American Slavery, American Freedom*, 263-265. See also Hening, "*The Statutes at Large* vol. 2", 280; Webb, *1676*, 356-357; Billings, *Sir William Berkeley and the Forging of Colonial Virginia*, 268; and Orberg, ed., Wiseman, *Book of Record*, 24-26.

governors and lieutenant governors had only mild success in reigning in the power of the House of Burgesses. However, matters came to a head in 1684 when Charles II made Francis Howard, Lord Howard of Effingham the governor.

Effingham was a tough man who did not like the colonists and hoped to gain a fortune in Virginia. He initially worked to lull them into compliance, but as soon as the session began, he showed the Burgesses what he really wanted.[32] He tried to force them to pass several revenue bills, but found he could only force them up to a certain point before they refused to budge. He then took away their right of appeal, ended the session, and issued a proclamation to institute several laws.[33]

Things did not improve after the end of that session or even after Charles II died and was replaced by James II in 1685. He affirmed Effingham's actions and allowed the dissolution of the House of Burgesses. Effingham spent the rest of 1686, and into 1687, removing officials out of the government that he did not want. He also overturned many laws that he felt went against English law.[34] The Burgesses were very angry but really could do nothing. In 1688, one more session was held, and the governor continued to expand his power, including choosing a clerk for the House and passing a money law without submitting it to the House of Burgesses. Fortunately for the Virginians, Effingham's reign was about to end. In 1688, Parliament invited William of Orange from the Dutch Republic to remove James II. William, and his wife, Mary, ultimately replaced Effingham with Edmund Andros. They did not do much else since they had other things to do in Europe. England was no longer really worrying about the colony, other factors were at

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[32]Billings, Selby, and Tate, *Colonial Virginia*, 109-110. See also Hening, *"The Statutes at Large* vol. 3,*"* 17-22.

[33]Hening, *"The Statutes at Large vol. 3"*, 9-10. See also Wertenbaker, *Virginia Under the Stuarts*, 241-244; Billings, Selby, and Tate, *Colonial Virginia*, 111-113; Pagan, *Anne Orthwood's Bastard*, 141-149; Hening, *"The Statutes at Large* vol. 2,*"* 298-299: and Kukla, *Speakers and Clerks of the Virginia House of Burgesses*, 82.

[34]Hening, *"The Statutes at Large* vol. 3,*"* 40. See also Billings, Selby, and Tate, *Colonial Virginia*, 114.

play in Europe, and so the colony finally had the freedom it had wanted. The colonists no longer had attacks on representative government. The House of Burgesses had survived the attacks by the last several governors; the representative government of Virginia had survived, and had beat back the orders of submission.[35]

In looking back at the last seventy years that the House of Burgesses had fought for power, gained power, lost it, and ultimately regained it, they also gained their own identity. They may have started out as a little Parliament, as Billings states in *A Little Parliament*, but they had ultimately become much more than that, especially since for most of the seventeenth century freeman could vote for their representatives. Freemen in England could not vote, only landowners could vote. Even in 1619, when it asked for more power from the Virginia Company after only its first session, it showed that it would be a governing body to contend with, one that would not hide in the shadow of Parliament.[36] The House of Burgesses had become its own legislative house within the Virginia government. It had decided relatively early on that it was equal to Parliament, and only it could make and pass laws for the colony. The House of Burgesses also gained power very quickly, enough that it forced the king to remove a governor that he liked, and replace him with a governor that they wanted. Even when the king tried to make it become submissive to governors of his choosing, the House still fought back, finally regaining the power it once had.[37]

According to Webb, in *1676*, the House of Burgesses never regained the power it once had. He contends that after Bacon's Rebellion in 1676 the Crown continued to pressure the House of Burgesses, and never allowed it to regain its old legislative power. Webb argues that

[35]Billings, Selby, and Tate, *Colonial Virginia*, 114-115. See also Hening, *"The Statutes at Large* vol. 3*,"* 40; Kukla, *Speakers and Clerks of the Virginia House of Burgesses*, 142, 326-327; Wertenbaker, *Virginia Under the Stuarts*, 253-257; and House of Burgesses of Virginia, 287.

[36]Billings, *A Little Parliament*, 6. See also *Colonial Records of Virginia*, 81.

[37]Wertenbaker, *Virginia Under the Stuarts*, 256-257.

the force the Crown placed upon the Burgesses in 1676 ultimately led to the American Revolution in 1776.[38] The problem with this argument is that it does not explain how William and Mary treated the colony. In 1689, when they came to power, they basically ignored the colony. They sent a new governor in 1692, but otherwise they focused on other issues. They allowed the House of Burgesses to legislate how it wished and to regain the power that it had before Bacon's Rebellion.[39] Virginians once again came to see their legislature as equal with the British Parliament and believed it held the right to make its own laws and choose its own leaders. The House of Burgesses showed that it would jealously protect its power from anyone wanting to take it away.

[38]Webb, *1676*, 3-6, and 410.
[39]Wertenbaker, *Virginia Under the Stuarts*, 256-257.

Bibliography

Primary Sources

"Affairs in Virginia in 1626." *The Virginia Magazine of History and Biography* 2:1 (1894): 50-55.

"Answer of Sir George Yeardley to Charges of Captain John Martin, &c." *The Virginia Magazine of History and Biography* 7:2 (1899): 136-146.

Bemiss, Samuel Merrifield, ed. *The Three Charters of the Virginia Company of London, with Seven Related Documents: 1606-1621*. Williamsburg: Virginia 350th Anniversary Celebration Corp., 1957.

Berkeley, William. *"The Declaration and Remonstrance of Sir William Berkeley His Most Sacred Majesties Governor and Captain General of Virginia."* American History from Revolution to Reconstruction and Beyond. www.let.rug.nl/usa/documents/1651-1700/governor-william-berkely-on-bacons-rebellion-19-may-1676.php (accessed November 12, 2012).

_____. *The Papers of Sir William Berkeley, 1605-1677*. Edited by Warren M. Billings and Maria E. Kimberly. Richmond, VA: Library of Virginia, 2007.

_____. "Speech of Sir Wm. Berkeley, and Declaration of the Assembly, March, 1651." *The Virginia Magazine of History and Biography* 1:1 (1893): 75-81.

Beverley, Robert. "Robert Beverley, ca. 1673-1722. *The History and Present State of Virginia, In Four Parts. I. The History of the First Settlement of Virginia, and the Government Thereof, to the Present Time. II. The Natural Productions and Conveniencies of the Country, Suited to Trade and Improvement. III. The Native Indians, Their Religion, Laws, and Customs, in War and Peace. IV. The Present State of the Country, as to the Polity of the Government, and the Improvements of the Land. By a Native and Inhabitant of the Place."* Documenting the American South homepage. http://docsouth.unc.edu/southlit/beverley/beverley.html (accessed November 12, 2012).

Billings, Warren M., ed. *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689*. Chapel Hill: Published for the Institute of Early American History and Culture at Williamsburg, Va., by the University of North Carolina Press, 1975.

Blackstone, William. *Commentaries on the Laws of England in Four Books*. Vol. 3 Hong Kong: Forgotten Books, 2012.

Boller, Paul F., and Ronald Story, ed. *A More Perfect Union*. 3rd ed. Boston: Houghton Mifflin, 1992.

Charters, Instructions, and Ordanances of His Majesty's Colony of Virginia in America 1606-1621. Reprint, Hinesville: The Nova Anglia Company, 1621.

Colonial Office Papers British Public Records Office. Kew, Richmond, Surrey.

Colonial Records of Virginia. "The Project Gutenberg eBook of *Colonial Records* of Virginia, by Various." Project Gutenberg - free ebooks. http://www.gutenberg.org/files/22594/22594-h/22594-h.htm#Footnote_D_4 (accessed November 5, 2012).

"Commission to Governor Yeardley and Council, March 14, 1625-6." *The Virginia Magazine of History and Biography* 13:3 (1906): 298-302.

Council and General Court of Virginia. "*Minutes of the Council and General Court of Colonial Virginia, 1622-1632, 1670-1676, with Notes and Excerpts from Original Council and General Court Records, into 1683, Now Lost."* Internet Archive: Digital Library of Free Books, Movies, Music & Wayback Machine. http://archive.org/stream/minutesofcouncil00virg#page/14/mode/2up (accessed November 5, 2012).

Coventry Papers. Longleat House. Warminster, England.

"Documents Sir Francis Wyatt, Governor, 1621-1626." *The William and Mary Quarterly* 7:2 (1927): 125-131.

Durand (of Dauphiné) and Nicholas Hayward. *A Hugenot Exile in Virginia: Or, Voyages of a Frenchman Exiled for His Religion, with a Description of Virginia & Maryland; from the Hague Edition of 1687*. Edited by Gilbert Chinard. Ann Arbor: Press of the Pioneers, 1934.

Elyot, Sir Thomas. *The Boke Named the Governour, Devised By Sr. Thomas Elyot, Knight*. London, 1531.

English Public Records. "The New Government for Virginia, 1624." *The Virginia Magazine of History and Biography* 7:1 (1899): 38-51.

Frank, Joseph, Editor. "News from Virginny, 1644." *The William and Mary Quarterly* 65:1 (1957): 84-87.

Great Britain Public Record Office. Edited by W. Noël Sainsbury and Sir John William Fortescue, and Cecil Headlam. *Calendar of State Papers, Colonial Series, 1574-1660*. London, United Kingdom, 1860.

Hartwell, Henry, James Blair, Edward Chilton. Edited by Hunter Dickinson Farish. The Present State of Virginia, and the College. Williamsburg, Va.: Colonial Williamsburg, 1940.

HathiTrust.*"Journals of the House of Burgesses of Virginia. v.01*. - Full View | HathiTrust Digital Library." Collections | HathiTrust Digital Library. http://babel.hathitrust.org/cgi/pt?id=uc2.ark:/13960/t4th8sj3p;view=1up;seq=100 (accessed November 20, 2012).

HathiTrust. *"Journals of the House of Burgesses of Virginia. v.02*. - Full View | HathiTrust Digital Library." Collections | HathiTrust Digital Library. http://babel.hathitrust.org/cgi/pt?id=uc2.ark%3A%2F13960%2Ft5s75nk22;q1=Journals%20of%20the%20House%20of%20Burgesses#page/65/mode/1up (accessed November 20, 2012).

Hening, William. *"The Statutes at Large; Being a Collection of all the Laws of Virginia from the First Session of the Legislature, in the Year 1619."* VAGENWEB. www.vagenweb.org/hening/vol02-17.htm (accessed November 12, 2012).

House of Burgesses, of Virginia. "v. 1." In *Journals of the House of Burgesses of Virginia, 1619-1776*, All. California: University of California Libraries, 1915. http://babel.hathitrust.org/cgi/pt?id=uc2.ark:/13960/t4th8sj3p

"Instructions to Governor Yeardley, 1618." *The Virginia Magazine of History and Biography* 2:2 (1894): 154-165.

"Instructions to Yeardley, 1626." *The Virginia Magazine of History and Biography* 2:4 (1895): 393-396.

Kingsbury, Susan M, ed. *The Records of the Virginia Company of London*, vol. 3. Washington: G.P.O., 1906.

Lewis, Clifford, ed. "Some Recently Discovered Extracts from the List Minutes of the Virginia Council and General Court, 1642-1645." *The William and Mary Quarterly* 20:1 (1940): 62-78.

Ludwell, Philip to Joseph Williamson. "Bacon's Rebellion." *The Virginia Magazine of History and Biography* 1:2 (1893): 167-186.

Mathews, Samuel. "The Mutiny in Virginia." *The Virginia Magazine of History and Biography* 1:4 (1894): 416-424.

McDonald Papers, Vol. VII, Virginia State Library, Richmond, Virginia, 316.

McIlwaine, H. R. *Journals of the House of Burgesses of Virginia, 1619-1658/59*. Richmond, Va: [The Colonial Press, E. Waddey Co.], 1915.

"Minutes of the Council and General Court 1622-1629." *The Virginia Magazine of History and Biography* 23:1 (1915): 13-14.

"Minutes of the Council and General Court, 1622-1629 (Continued)." *The Virginia Magazine of History and Biography* 28:1 (1920): 3-10.

Pory, John. *Proceedings of the General Assembly of Virginia, July 30-August 4, 1619.* Edited by William Van Schreeven and George Reese. Jamestown, VA: Jamestown Foundation, 1969.

Sloane Manuscripts. British Library, London.

Smith, John. "*The Generall Historie of Virginia, New England & the Summer Isles, Together with the True Travels, Adventures and Observations, and a Sea Grammar - Volume 1Chapter XII. The Arrivall of the third Supply*." American Memory from the Library of Congress - Home Page. http://memory.loc.gov/cgi-bin/query/r?ammem/lhbcb:@field(DOCID+@lit(lhbcb0262adiv23)): (accessed November 5, 2012).

Stanard , W. G. "Major Robert Beverley and His Descendants." *The Virginia Magazine of History and Biography* 2:4 (1895): 408.

Stanard, William Glover, editor. *The Colonial Virginia Register: A List of Governors, Councillors and Other Higher Officials, and also of Members of the House of Burgess and Revolutionary Conventions of the Colony of Virginia*. Baltimore: Genealogical Pub. Co., 1965.

"Surrender of Virginia to the Parliamentary Commissioners, March, 1651-2." *The Virginia Magazine of History and Biography* 11:1 (1903): 32-41.

Syrett, Harold Coffin, ed. *American Historical Documents*. New York: Barnes & Noble, 1960.

"The Randolph Manuscript. Virginia Seventeenth Century Records." *The Virginia Magazine of History and Biography* 22:1 (1914): 14-21.

"The Randolph Manuscript. Virginia Seventeenth Century Records (Continued)." *The Virginia Magazine of History and Biography* 16:1 (1908): 1-15.

Virginia Assembly. *"The Thomas Jefferson Papers Series 8. Virginia Records Manuscripts. 1606-1737."* American Memory from the Library of Congress - Home Page. http://memory.loc.gov/cgi-bin/ampage?collId=mtj8&fileName=mtj8pagevc03.db&recNum=176.gif (accessed November 5, 2012).

Virginia Assembly. *"The First Legislative Assembly - Historic Jamestowne Part of Colonial National Historical Park."* U.S. National Park Service - Experience Your America. http://www.nps.gov/jame/historyculture/the-first-legislative-assembly.htm (accessed November 5, 2012).

Virginia Company. "The Thomas Jefferson Papers Series 8. *Virginia Records Manuscripts. 1606-1737*." The Library of Congress. memory.loc.gov/cgi-bin/ampage?collId=mtj8&fileName=mtj8pagevc03.db&recNum=121.gif (accessed October 31, 2012).

"Virginia in 1623." *The Virginia Magazine of History and Biography* 6:3 (1899): 236-245.

Wakelyn, Jon L. America's Founding Charters: Primary Documents of Colonial and Revolutionary Era Governance, vol. 1. Westport, Conn.: Greenwood Press, 2006.

Walsh, Richard, ed. *The Mind and Spirit of Early America: Sources in American History, 1607-1789.* New York: Appleton-Century-Crofts, Educational Division, 1969.

Wiseman, Samuel. *Book of Record: The Official Account of Bacon's Rebellion in Virginia, 1676–1677*. Edited by Michael Oberg. Lanham: Lexington Books, 2005.

Wyatt, Francis. "Letter of Sir Francis Wyatt, Governor of Virginia, 1621-1626." *The William and Mary Quarterly* 6:2 (1926): 114-126.

Secondary Sources

Andrews, Charles McLean. *Our Earliest Colonial Settlements*. Ithaca, New York: Cornell University Press, 1984.

Billings, Warren M. *A Little Parliament: The Virginia General Assembly in the Seventeenth Century*. Richmond, VA: Library of Virginia, 2004.

_____, and David Hackett Fischer. "Sir William Berkeley--Portrait By Fischer: A Critique." *The William and Mary Quarterly* 48:4 (1991): 598-607.

_____. "Berkeley and Effingham: Who Cares?." *The Virginia Magazine of History and Biography* 97:1 (1989): 33-46.

_____. "English Legal Literature as a Source of Law and Legal Practice for Seventeenth-Century Virginia." *The Virginia Magazine of History and Biography* 87:4 (1979): 403-416.

_____ . "Sir William Berkeley (1605-1677)." Encyclopedia Virginia. http://www.encyclopediavirginia.org/Berkeley_Sir_William_1605-1677 (accessed October 21, 2013).

_____. "Chicheley, Sir Henry (1614 or 1615–1683)." Encyclopedia Virginia. http://www.encyclopediavirginia.org/Chicheley_Sir_Henry_1614_or_1615-1683 (accessed September 30, 2013).

_____, John E. Selby, and Thad W. Tate. *Colonial Virginia: A History*. White Plains, N.Y.: KTO Press, 1986.

_____. "Justices, Books, Laws, and Courts in Seventeenth-Century Virginia." *Law Library Journal* 85:2 (1993): 277-296.

_____. "Pleading, Procedure, and Practice: The Meaning of Due Process of Law in Seventeenth-Century Virginia." *The Journal of Southern History* 47:4 (1981): 569-584.

_____. *Sir William Berkeley and the Forging of Colonial Virginia.* Baton Rouge: Louisiana State University Press, 2010.

_____. "Seventeenth-Century Virginia Law and its Historians, with an Accompanying Guide to Sources." *Law Library Journal* 87:3 (1995): 556-575.

_____. "Sir Williams Berkeley and the Diversification of the Virginia Economy." *The Virginia Magazine of History and Biography* 104:4 (1996): 433-454.

_____. "Sir William Berkeley--Portrait By Fischer: A Critique." *The William and Mary Quarterly* 48: 4 (1991): 598-607.

_____. "The Causes of Bacon's Rebellion: Some Suggestions." *The Virginia Magazine of History and Biography* 78:4 (1970): 409-435.

_____. "The Growth of Political Institutions in Virginia, 1634 to 1676." *The William and Mary Quarterly* 31:2 (1974): 225-242.

_____. "The Law of Servants and Slaves in Seventeenth-Century Virginia." *The William and Mary Quarterly* 99:1 (1991): 45-62.

_____. "The Return of Sir William Berkeley." *Virginia Cavalcade* 47:3 (1998): 100-109.

Bond, Edward L. *Damned Souls in a Tobacco Colony: Religion in Seventeenth-Century Virginia*. Macon, Ga.: Mercer University Press, 2000.

Breen, T. H., and Stephen Innes. *Myne Owne Ground: Race and Freedom on Virginia's Eastern Shore, 1640-1676*. New York: Oxford University Press, 1980.

Brenner, Robert. *Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550-1653*. London: Verso, 2003.

Brown, Alexander. *The First Republic in America*. Boston: Houghton, Mifflin, 1898.

Bruce, Philip Alexander. *Institutional History of Virginia in the Seventeenth Century: An Inquiry into the Religious, Moral, Educational, Legal, Military, and Political Condition of the People Based on Original and Contemporaneous Records*, vol. 2. Gloucester, Mass.: P. Smith, 1910.

_____. *Social Life of Virginia in the Seventeenth Century*. Williamstown, Mass.: Corner House Publishers, 1968.

Carr, J. Revell. *Seeds of Discontent: The Deep Roots of the American Revolution, 1650-1750*. New York: Walker & Co., 2008.

Carson, Cary, Joanne Bowen, Willie Graham, Martha McCartney, and Lorena Walsh. "New World, Real World: Improvising English Culture in Seventeenth-Century Virginia." *The Journal of Southern History* 74:1 (2008): 31-88.

Chemerinsky, Erwin. "Protecting the Democratic Process: Voter Standing to Challenge Abuses of Incumbency." *Ohio State Law Journal* 49:3 (1988): 773-798.

Clarke, Peyton Neale. *Old King William Homes and Families: An Account of Some of the Old Homesteads and Families of King William County, Virginia, from Its Earliest Settlement*. Baltimore: Regional Pub. Co., 1964.

Connor, Seymour V. "Sir Samuel Argall: A Biographical Sketch." *The Virginia Magazine of History and Biography* 59:2 (1951): 162-175.

Craven, Wesley Frank. *Dissolution of the Virginia Company: The Failure of a Colonial Experiment*. Gloucester, Mass.: P. Smith, 1932.

Dabney, Virginius. *Virginia, The New Dominion*. Garden City, N.Y.: Doubleday, 1971.

Davis, Richard Beale. *George Sandys, Poet-Adventurer: A Study in Anglo-American Culture in the Seventeenth Century*. London: The Bodley Head, 1955.

Disraeli, Isaac. *Commentaries on the Life and Reign of Charles the First, King of England*. London: H. Colburn, 1828.

Dowdey, Clifford. *The Virginia Dynasties: The Emergence of "King" Carter and the Golden Age*. 1st ed. Boston: Little, Brown, 1969.

Eaton, Clement. *A History of the Old South*. New York: Macmillan, 1975.

Ewing, Tom. "Evidence Detail: U.S. History." Digital History Reader. http://www.dhr.history.vt.edu/modules/us/mod02_slavery/evidence_detail_05.html (accessed September 10, 2013).

Fausz, J. Frederick. “Argall, Samuel (bap. 1580–1626).” Encyclopedia Virginia. http://www.encyclopediavirginia.org/Argall_Samuel_bap_1580-1626#start_entry (accessed October 26, 2013).

_____. “Richard Bennett (bap. 1609- ca. 1675).” Encyclopedia Virginia. http://www.encyclopediavirginia.org/Bennett_Richard_bap_1609-ca_1675 (accessed October 26, 2013).

_____ and John Kukla. "A Letter of Advice to the Governor of Virginia, 1624." *The Virginia Magazine of History and Biography* 34:1 (1977): 104-121.

Fiske, John. *Old Virginia and Her Neighbors*. Vol. I-II. Boston: Houghton, Mifflin and Co., 1897.

Goodman, Paul, ed. *Essays in American Colonial History*. New York: Holt, Rinehart and Winston, 1967.

Greene, Jack P. *Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies, 1689-1776.* University Of North Carolina Press, 2012.

Handlin, Oscar, and Lilian Handlin. *Liberty and Power, 1600-1760*. New York: Harper & Row, 1986.

Hardwick, Kevin R. “Thomas Culpeper, second baron Culpeper of Thoresway (1635- 1689).” Encyclopedia Virginia. http://www.encyclopediavirginia.org/Culpeper_Thomas_second_baron_Culpeper_of_Thoresway_1635-1689#start_entry (accessed October 26, 2013).

Harris, Tim. *Restoration: Charles II and His Kingdoms, 1660-1685*. London: Allen Lane, 2005.

Hatch, Alden. *The Byrds of Virginia*. 1st ed. New York: Holt, Rinehart and Winston, 1969.

Hatch, Charles E. *Oldest Legislative Assembly and Its Jamestown Statehouses*. Rev. 1956. ed. Washington: U.S. Dept. of the Interior, National Park Service, 1956.

Heinemann, Ronald L. *Old Dominion, New Commonwealth: A History of Virginia,* 1607-2007. Charlottesville: University of Virginia Press, 2007.

Hibbert, Christopher. *Charles I: A Life of Religion, War, and Treason*. U.S. 1st ed. New York: Harper & Row, 1968.

Horn, James P. *A Land as God Made It: Jamestown and the Birth of America*. New York: Basic Books, 2005.

_____. "The Founding Of English America: Jamestown." *OAH Magazine of History* 25:1 (2011): 25-29.

Howard, A. E. Dick. "The Bridge at Jamestown: The Virginia Charter of 1606 and Constitutionalism in the Modern World." *University of Richmond Law Review* 42:1 (2007): 9-36.

Hume, Ivor. *Martin's Hundred*. New York: Knopf, 1982.

Isaac, Rhys. *The Transformation of Virginia, 1740-1790*. Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, VA., by University of North Carolina Press, 1982.

Jenkins, Richard Ernest. "The First Administration of Sir John Harvey, Royal Governor of Virginia, 1630–1635." M.A. thesis, University of Virginia, 1967.

Jolliffe, J. E. A. *The Constitutional History of Medieval England from the English Settlement to 1485*. 4th ed. London: A. and C. Black, 1961.

Keir, David Lindsay. *The Constitutional History of Modern Britain since 1485*. 9th ed. London: Black, 1969.

Kim, Sukkoo. "Institutions And US Regional Development: A Study Of Massachusetts And Virginia." *Journal of Institutional Economics* 5:2 (2009): 181.

Kukla, Jon. *Political Institutions in Virginia, 1619-1660*. New York: Garland Pub., 1989.

Lee, Sidney. *Dictionary of National Biography*, vol. 63. London: Smith, Elder, & co., 1900.

Love, Rachel. “An Inward Retreat: From Puritan to Quaker on the Chesapeake Bay.” Master’s thesis. Liberty University, 2010.

Mapp, Alf J. *The Virginia Experiment: The Old Dominion's Role in the Making of America, 1607-1781*. Richmond: Dietz Press, 2006.

Marken, Karissa. “Autonomy Imposed: Virginia During the English Civil War.” Paper presented at Liberty University. Lynchburg, Virginia. Fall 2012.

Mead, Joseph. Edited by Robert C. Johnson. "The Indian Massacre of 1622: Some Correspondence of the Reverend Joseph Mead." *The Virginia Magazine of History and Biography* 71:4 (1963): 408-410.

Morgan, Edmund S. *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. New York: Norton, 1975.

Moses, Grace McLean. *The Welsh Lineage of John Lewis (1592-1657), Emigrant to Gloucester, Virginia*. Rev. ed. Baltimore: Clearfield Co., 1992.

Neale, J. E. *The Elizabethan House of Commons*. London: Cape, 1949.

Neill, Edward D. *The English Colonization of America During the Seventeenth Century*. London: Strahan, 1871.

_____. *Virginia Governors under the London Company*. Saint Paul: Pioneer Press Co., 1889.

Nicolas, Sir Nicholas Harris. *Proceedings and Ordinances of the Privy Council of England*. London: The Commissioners on the public records of the kingdom, 1837.

Notestein, Wallace. *The English People on the Eve of Colonization, 1603-1630*. New York: Harper & Bros. Co., 1954.

Olson, Alison Gilbert. *Anglo-American Politics 1660-1775*. New York: Oxford University Press, 1973.

Omohundro Institute, of Early American History and Culture. "The F. F. V.'s of Virginia." *The William and Mary Quarterly* 23:4 (1915): 277.

Pagan, John Ruston. *Anne Orthwood's Bastard: Sex and Law in Early Virginia*. New York: Oxford University Press, 2003.

"Petition of West, Claiborne, &c., to the King. [1622?]." *The Virginia Magazine of History and Biography* 6:3 (1899): 233.

Quintrell, Brian. *Charles I, 1625-1640*. London: Longman, 1993.

Rabushka, Alvin. "The Colonial Roots of American Taxation, 1607-1700." *Policy Review*, 114 (2002): 61-79.

Rainbolt, John C. "A New Look at Stuart "Tyranny": The Crown's Attack on the Virginia Assembly, 1676-1689." *The Virginia Magazine of History and Biography* 75:4 (1967): 387-406.

Rubin, Louis Decimus. *Virginia: A History*. New York: Norton, 1984.

Russell, Conrad. *Parliaments and English Politics, 1621-1629*. Oxford: Clarendon Press, 1979.

Salmon, Emily J., ed. *A Hornbook of Virginia History*. Third ed. Richmond: Virginia State Library, 1983.

Shea, William L. ""Virginia At War, 1644-1646."." *Military Affairs* 41:3 (1977): 142-147.

Shifflett, Crandall. "Virtual Jamestown." Virtual Jamestown. http://www.virtualjamestown.org/page2.html (accessed September 10, 2013).

Southall, James P. C. "Captain John Martin of Brandon on the James." *The Virginia Magazine of History and Biography* 54:1 (1946): 21-67.

Stanard, Mary Newton. "The Real Beginning of American Democracy: The Virginia Assembly of 1619." *The Virginia Magazine of History and Biography* 302 (1922): 157-168.

Squire, Peverill. "The Evolution of American Colonial Assemblies as Legislative Organizations." *Congress & The Presidency* 32:2 (2005): 109-131.

Tarter, Brent. "Bacon's Rebellion, the Grievances of the People, and the Political Culture of Seventeenth-Century Virginia." *The Virginia Magazine of History and Biography* 119:1 (2011): 3-41.

_____. “Edward Digges (1621- 1675).” Encyclopedia Virginia. http://www.encyclopediavirginia.org/Digges_Edward_1621-1675 (accessed October 26, 2013).

_____. “Sir John Harvey (ca. 1581 or 1582- by 1650).” Encyclopedia Virginia. http://www.encyclopediavirginia.org/Harvey_Sir_John_ca_1581_or_1582-by_1650#start_entry (accessed October 26, 2013).

Thornton, III, J. Mills. "The Thrusting Out of Governor Harvey: A Seventeenth-Century Rebellion." *The Virginia Magazine of History and Biography* 76:1 (1968): 11.

Vaughan, Alden T. ""Expulsion of the Salvages": English Policy and the Virginia Massacre of 1622." *The William and Mary Quarterly* 35:1 (1978): 57-84.

Virga, Vincent, and Emilee Hines. *Virginia: Mapping the Old Dominion State through History: Rare and Unusual Maps from the Library of Congress*. Guiford, Conn.: GPP, 2010.

Washburn, Wilcomb. "Sir William Berkeley's "A History of Our Miseries"." *The William and Mary Quarterly* 14:3 (1957): 403-41

Webb, Stephen Saunders. *The Governors-General: The English Army and the Definition of the Empire, 1569-1681*. Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, Va., by the University of North Carolina Press, 1979.

_____. *1676, The End of American Independence*. New York: Knopf, 1984.

Wedgwood, C. V. *The King's Peace, 1637-1641*. New York: Macmillan, 1955.

Wertenbaker, Thomas Jefferson. *The Planters of Colonial Virginia*. Hong Kong: Forgotten Books, 2012.

_____. *The Shaping of Colonial Virginia*. New York: Russell & Russell, 1958.

_____. *Virginia under the Stuarts, 1607-1688*. New York: Russell & Russell, 1914.

Williams, Neville, and Antonia Fraser, ed. *The Tudors*. Berkeley: University of California Press, 2000.

Wright, Louis B. *The First Gentlemen of Virginia*. Charlottesville: University Press of Virginia, 1970.