

[Paragraphs 22 and 36 contain laws on arms.]

Source: *Colonial Origins of the American Constitution: A Documentary History*, ed. Donald S. Lutz (Indianapolis: Liberty Fund 1998).

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1619: Laws enacted by the First General Assembly of Virginia

70 [Laws Enacted by the First General Assembly of Virginia]

Complete text is taken from H. R. McIlwaine and John P. Kennedy, eds., *Journals of the House of Burgesses of Virginia*, vol. 1 (Richmond, 1905), 9–14.

August 2–4, 1619

In 1618 the council in London instructed the Virginia governor to initiate the first representative assembly in the colonies. It was felt that the colonists needed to have some voice in local affairs if order and economic prosperity were to be reestablished in the faltering colony. The legislature lasted until 1624, when a reorganization imposed by the king restored all power to the governor. The following document was passed by the legislature during its initial six-year official existence. Even though adopted by what turned out to be only a transitional institution, this document is still important because it was the first compact of any sort adopted in the colonies and therefore was the first foundation document to use some form of consent. After 1624 the governor continued to call the House of Burgesses for unofficial consultations; however, he was forced to rely primarily on the upper house, the Council of State appointed by the king, and he could not act without its approval. In 1638 the governor was again officially ordered to call a session of the House of Burgesses, and with this session it moved out of the shadows. The House of Burgesses, then the lower house of a bicameral legislature, gradually gained the upper hand over the Governor and Council—it did so primarily by gaining the power to levy taxes. Within a few years its consent was necessary for the enactment of all laws. Thus, while the legislature that

passed the document below was officially terminated in 1624, it never really went out of existence; and the first elected colonial legislature eventually became the centerpiece of Virginia politics.

2 By this present General Assembly be it enacted that no injury or oppression be wrought by the English against the Indians whereby the present peace might be distributed and ancient quarrels might be revived. And farther be it ordained that the Chicohomini are not to be excepted out of this law, until either that such order come out of England or that they do provoke us by some new injury.

3 Against idleness, gaming, drunkenness, and excess in apparel the assembly has enacted as follows.

4 First, in detestation of idlers, be it enacted that if any man be found to live as an idler or renegade, though a freed man, it shall be lawful for that incorporation or plantation to which he belongs to appoint him a master to serve for wages till he shows apparent signs of amendment.

5 Against gaming at dice and cards be it ordained by this present assembly that the winner or winners shall lose all his or their winnings and both winners and losers shall forfeit ten shillings a man, one ten shillings whereof to go to the discoverer and the rest to charitable and pious uses in the incorporation where the faults are committed.

6 Against drunkenness be it also decreed that if any private prsons be found culpable thereof, for the first time he is to be reprovved privately by the minister, the second time publicly, the third time to lie in bolts 12 hours in the house of the provost marshal and to pay his fees, and if he still continue in that vice to undergo such severe punishment as the Governor and Council of Estate shall thinke fit to be inflicted on him. But if any officer offend in this crime, the first time he shall receive a reproof from the Governor, the second time he shall openly be reprovved in the church by the minister, and the third time he shall first be committed and then degraded. Provided it be understood that the Governor has always power to restore him when he shall, in his discretion, think fit.

7 Against excess of apparel, that every man be assessed in the church for all public contributions, if he be unmarried according to his own apparel, if he be married, according to his own and his wife's or either of their apparel.

8 As touching the instruction of drawing some of the better disposed of the Indians to converse with our people and to live and labor among them, the assembly, who know well their dispositions, think it fit to enjoin at least to counsel those of the colony neither utterly to reject them nor yet to draw them to come in. But in case they will of themselves come voluntarily to places well peopled, there to do service in killing of deer, fishing, beating corn, and other works, that then five or six may be admitted into every such place and no more, and that with the consent of the Governor, provided that good guard in the night be kept upon them, for generally, though some among many may prove good, they are a most treacherous people and quickly gone when they have done a villainy. And it were fit a house were built for them to lodge in apart by themselves, and lone inhabitants by no means to entertain them.

9 Be it enacted by this present assembly that for laying a surer foundation of the conversion of the Indians to Christian religion, each town, city, borough, and particular plantation do obtain unto themselves by just means a certain number of the native's children to be educated by them in true religion and civil course of life. Of which children the most towardly boys in wit and graces of nature to be brought up by them in the first elements of literature, so as to be fitted for the college intended for them, that from thence they may be sent to that work of conversion.

10 As touching the business of planting corn, this present assembly does ordain that, year by year, all and every householder and householders have in store for every servant he or they shall keep, and also for his or their own persons, whether they have any servants or no, one spare barrel of corn to be delivered out yearly either upon sale or exchange, as need shall require. For the neglect of which duty he shall be subject to the censure of the Governor and Council of Estate; provided always, that for the first year of every new man this law shall not be in force.

11 About the plantation of mulberry trees, be it enacted that every man, as he is seated upon his division does, for seven years together, every year plant and maintain in growth six mulberry trees at the least and as many more as he shall think convenient and as his virtue and industry shall move him to plant; and that all such persons as shall neglect the yearly planting and maintaining of that small proportion shall be subject to the censure of the Governor and the Council of Estate.

12 Be it further enacted, as concerning silk flax, that those men that are upon their division or settled habitation do this next year plant and dress 100 plants which being found a commodity may farther be increased. And whosoever do fail in the performance of this shall be subject to the punishment of the Governor and Council of Estate.

13 For hemp also, both English and Indian, and for English flax and aniseeds, we do require and enjoin all householders of this colony, that have any of those seeds, to make trial thereof the next season.

14 Moreover, be it enacted by this present assembly that every householder does yearly plant and maintain ten vines, until they have attained to the art and experience of dressing a vineyard, either by their own industry or by the instruction of some vigneron. And that upon what penalty soever the Governor and Council of Estate shall think fit to impose upon the neglecters of this act.

15 Be it also enacted that all necessary tradesmen, or so many as need shall require, such as are come over since the departure of Sir Thomas Dale or that shall hereafter come, shall work at their trades for any other man; each one being paid according to the quality of his trade and work, to be estimated, if he shall not be contented, by the Governor and officers of the place where he works.

16 Be it further ordained by this General Assembly, and we do by these presents enact, that all contracts made in England between the owners of land and their tenants and servants which they shall send hither may be caused to be duly performed and that the offenders be punished as the Governor and Council of Estate shall think just and convenient.

17 Be it established also by this present assembly that no crafty or advantageous means be suffered to be put in practice for the enticing away the tenants and servants of any particular plantation from the place where they are seated. And that it shall be the duty of the Governor and Council of Estate most severely to punish both the seducers and the seduced and to return these latter into their former places.

18 Be it further enacted that the orders for the magazine lately made be exactly kept and that the magazine be preserved from wrong and sinister practices and that, according to the orders of court in England, all tobacco and sassafras be brought by the planters to the cape merchant till such time as all the goods now or heretofore sent for the magazine be taken off their hands at the prices agreed on, that by this means the same going for England into one hand the price thereof may be upheld the better. And to the end that all the whol colony may take notice of the last order of court made in England, and all those whom it concerns may know how to observe it, we hold it fit to publish it here for a law among the rest of our laws, the which orders is as follows.

19 Upon the 26th of October 1618, it was ordered that the magazine should continue during the term formerly prefixed and that certain abuses now complained of should be reformed; and that for preventing of all impositions, save the allowance of 25 in the hundred profit the Governor shall have an invoice as well as the cape merchant, that if any abuse in the sale of goods be offered, he, upon intelligence and due examination thereof, shall see it corrected. And for the encouragement of particular hundreds, as Smith's hundred, Martin's hundred, Lawn's hundred and the like, it shall be lawful for them to return the same to their own adventurers; provided that the same commodity be of their own growing, without trading with any other, in one entire lump and not dispersed, and that at the determination of the joint stock the goods then remaining in the magazine shall be bought by the said particular colonies before any other goods which shall be sent by private men. And it is, moreover, ordered that if the Lady La warre, the Lady Dale, Captain Bargrave, and the rest would unite themselves into a settled colony, they might be capable of the same privileges that are granted to any of the foresaid hundreds. Hitherto the order.

All the General Assembly by voices concluded not only the acceptances and observation of this order, but of the instruction also to Sir George Yeardley next preceding the same;

20 provided, first, that the cape merchant do accept of the tobacco of all and every the planters here in Virginia, either for goods or upon bills of exchange at three shillings the pound the best and 18 shillings the second sort; provided, also, that the bills be duly paid in England; provided, in the third place, that if any other besides the magazine have at any time any necessary commodity which the magazine does want, it shall and may be lawful for any of the colony to buy the said necessary commodity of the said party, but upon the terms of the magazine, viz., allowing no more gain than 25 in the hundred, and that with the leave of the Governor; provided, lastly, that it may be lawful for the governor to give leave to any mariner, or any other person that shall have any such necessary commodity wanting to the magazine, to carry home for England so much tobacco or other natural commodities of the country as his customers shall pay him for the said necessary commodity or commodities. And to the end we may not only persuade and incite men but enforce them also thoroughly and loyally to cure their tobacco before they bring it to the magazine, be it enacted, and by these presents we do enact, that if upon the judgment of four sufficient men of any corporation where the magazine shall reside, having first taken their oaths to give true sentence, two whereof to be chosen by the cape merchant and two by the incorporation, any tobacco whatsoever shall not prove vendible at the second price, that it shall there immediately be burned before the owner's face.

21 It shall be free for every man to trade with the Indians, servants only excepted, upon pain of whipping unless the master redeem it off with the payment of an angel, one-fourth part whereof to go to the provost marshal, one-fourth part to the discoverer, and the other moiety to the public uses of the incorporation where he dwells.

22 That no man do sell or give any Indians any piece, shot, or powder, or any other arms offensive or defensive, upon pain of being held a traitor to the colony and of being hanged as soon as the fact is proved, without all redemption.

23 That no man do sell or give any of the greater howes to the Indians, or any English dog of quality, as a mastive, greyhound, blood hound, land or water spaniel, or any other dog or bitch whatsoever, of the English race, upon pain of forfeiting five pounds sterling to the public uses of the incorporation where he dwells.

24 That no man may go above twenty miles from his dwelling place, nor upon any voyage whatsoever shall be absent from thence for the space of seven days together, without first having made the Governor or commander of the same place acquainted therewith, upon pain of paying twenty shillings to the public uses of the same incorporation where the party delinquent dwells.

25 That no man shall purposely go to any Indian towns, habitation, or places of resort without leave from the Governor or commander of that place where he lives, upon pain of paying 40 shillings to public uses as aforesaid.

26 That no man living in this colony but shall between this and the first of January next ensuing come or send to the Secretary of State to enter his own and all his servants names and for what term or upon what conditions they are to serve, upon penalty of paying 40 shillings to the said Secretary of State. Also, whatsoever masters or people do come over to this plantation that within one month of their arrival, notice being first given them of this very law, they shall likewise report to the Secretary of State and shall certify him upon what terms or conditions they become hither, to the end that he may record their grants and commissions and for how long time and upon what conditions their servants, in case they have any, are to serve them, and that upon pain of the penalty next above mentioned.

27 All ministers in the colony shall once a year, namely in the month of March, bring to the Secretary of Estate a true account of all the christenings, burials, and marriages, upon pain, if they fail, to be censured for their negligence by the Governor and Council of Estate; likewise, where there be no ministers, that the commanders of the place do supply the same duty.

28 No man without leave from the governor shall kill any neat cattle whatsoever, young or old, especially kine, heifers, or cow calves, and shall be careful to preserve their steers and oxen

and to bring them to plough and such profitable uses, and, without having obtained leave as aforesaid, shall not kill them upon penalty of forfeiting the value of the beast so killed.

29 Whosoever shall take any of his neighbors boats, oars, or canoes without leave from the owner shall be held and esteemed as a felon and so proceeded against. Also, he that shall take away by violence or steals any canoes or other things from the Indians shall make valuable restitution to the said Indians and shall forfeit, if he be a freeholder, five pounds, if a servant 40 shillings, or endure a whipping; and anything under the value of 13 pence shall be accounted petty larceny.

30 All ministers shall duly read divine service and exercise their ministerial function according to the ecclesiastical laws and orders of the Church of England and every Sunday in the afternoon shall catechize such as are not yet ripe to come to the communion. And whosoever of them be found negligent or faulty in this kind shall be subject to the censure of the Governor and Council of Estate.

31 The ministers and church wardens shall seek to prevent all ungodly disorders; the committers whereof if, upon good admonitions and mild reproof, they will not forbear the said scandalous offences, as suspicions of whoredoms, dishonest company keeping with women, and such like, they are to be presented and punished accordingly.

32 If any person, after two warnings, does not amend his or her life in point of evident suspicion of incontinency or of the commission of any other enormous sins, that then he or she be presented by the church wardens and suspended for a time from the church by the minister. In which interim, if the same person do not amend and humbly submit him or herself to the church, he is then fully to be excommunicated and soon after a writ or warrant to be sent from the Governor for the apprehending of his person and seizing all his goods. Provided always, that all the ministers do meet once a quarter, namely at the feast of St. Michael the Archangel, of the Nativity of our Saviour, of the Annunciation of the Blessed Virgin, and about mid-summer, at James City or any other place where the Governor shall reside, to

determine whom it is fit to excommunicate, and that they first present their opinion to the Governor ere they proceed to the act of excommunication.

33 For reformation of swearing, every freeman and master of a family after thrice admonition shall give 5 shillings of the value upon present demand to the use of the church where he dwells, and every servant after the like admonition, except his master discharge the fine, shall be subject to whipping; provided, that the payment of the fine notwithstanding, the said servant shall acknowledge his fault publicly in the church.

34 No man whatsoever coming by water from above, as from Henrico, Charles City, or any place from the westward of James City, and being bound for Kiccowtan or any other part on this side of the same, shall presume to pass by either by day or by night without touching first here at James City, to know whether the Governor will command him any service, and the like shall they perform that come from Kiccowtanward or from any place between this and that to go upward, upon pain of forfeiting ten pounds sterling a time to the Governor; provided, that if a servant having had instructions from his master to observe his service does, notwithstanding, transgress the same, that then the said servant shall be punished at the governor's discretion, otherwise that the master himself shall undergo the foresaid penalty.

35 No man shall trade into the bay either in shallop, pinnace, or ship without the Governor's license and without putting in security that neither himself nor his company shall force or wrong the Indians, upon pain that doing otherwise they shall be censured at their return by the Governor and Council of Estate.

36 All persons whatsoever, upon Sabbath days, shall frequent divine service and sermons both forenoon and afternoon and all such as bear arms shall bring their pieces, swords, powder and shot. And every one that shall transgress this law shall forfeit three shillings a time to the use of the church, all lawful and necessary impediments excepted. But if a servant in this case shall willfully neglect his master's command he shall suffer bodily punishment.

37 No maid or woman servant, either now resident in the colony or hereafter to come, shall contract herself in marriage without either the consent of her parents or her master or masters

or of the magistrate and minister of the place both together. And whatsoever minister shall marry or contract any such persons without some of the aforesaid consents shall be subject to the severe censure of the Governor and Council of Estate.

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Be it enacted by the present assembly that whatsoever servant has heretofore or shall hereafter contract himself in England, either by way of indenture or otherwise, to serve any master here in Virginia and shall afterward, against his said former contract, depart from his master without leave or, being once embarked, shall abandon the ship he is appointed to come in and so being left behind shall put himself into the service of any other man that will bring him hither, that then at the same servant's arrival here, he shall first serve out his time with that master that brought him hither and afterward also shall serve out his time with his former master according to his covenant.

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