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FIRST PRIVILEGES



The first representative body in the New World was the Virginia Assembly, or House of Burgesses. This development came about when the directors of the Virginia Company, a joint-stock corporation of British investors, decided to allow more freedom in order to attract more colonists. The directors scrapped the colony's military and communal organization when the little settlement at Jamestown, established in 1607, failed to produce a profit and came close to collapsing due to disease and starvation. The company directors distributed land to the settlers, arranged to transport craftsmen and servants, as well as women, to the colony, and authorized the election of a general assembly to help govern the colony. On July 30, 1619, twenty-two burgesses, chosen by the settlers, met for the first time with the governor and the council, appointed by the company.

The document authorizing the House of Burgesses has been lost, but an "ordinance" of 1621 (reproduced below) is believed to reproduce the provisions of 1619. Largely the work of Sir Edwin Sandys, one of the leading directors of the Virginia Company, the ordinance provided for a Council of State, appointed by the company, as well as for an assembly elected by the people. The Virginia Assembly had the power to "make, ordain, and enact such general Laws and Orders, for the Behoof of the said Colony, and the good Government thereof, as shall, from time to time, appear necessary or requisite," subject to the company's approval. The new governmental arrangements, together with the discovery that tobacco could be a lucrative crop, soon made Virginia a thriving enterprise, and these arrangements were continued after Virginia became a royal colony in 1624.

Born in 1561, Sir Edwin Sandys was an English Member of Parliament and leader of the "joint stock" corporation that helped colonize and invest in Virginia. Ingenious and resourceful, Sandys himself never sailed to the New World, although members of his family did. But he was a dominant figure among the early absentee owners of Virginia, and breathed life and funds into a venture near failure by stressing settlement rather than trade. As it turned out, his enthusiasm led the company to over-expansion and, after the bitter Indian battles of 1622, to bankruptcy.

Questions to Consider. In examining the ordinance's description of the two councils for governing Virginia, it is helpful to consider the following questions: How large was the Council of State? How was it chosen? What responsibilities did it possess? How did the responsibilities of the General Assembly compare in importance with those of the Council of State? Who possessed the ultimate authority in Virginia?



The Virginia Ordinance of 1619

EDWIN SANDYS

An ordinance and Constitution of the Treasurer, Council, and Company in England, for a Council of State and General Assembly. . . .

To all People, to whom these Presents shall come, be seen, or heard the Treasurer, Council, and Company of Adventurers and Planters for the city of London for the first colony of *Virginia*, send Greeting. . . .

We . . . the said Treasurer, Council, and Company, by Authority directed to us from his Majesty under the Great Seal, upon mature Deliberation, do hereby order and declare, that, from henceforward, there shall be TWO SUPREME COUNCILS in *Virginia*, for the better Government of the said Colony aforesaid.

The one of which Councils, to be called THE COUNCIL OF STATE (and whose Office shall chiefly be assisting, with their Care, Advise, and Circumspection, to the said Governor) shall be chosen, nominated, placed and displaced, from time to time, by Us, the said Treasurer, Council, and Company, and our Successors: Which Council of State shall consist, for the present, only of these Persons, as are here inserted, *viz.* Sir Francis Wyat, Governor of *Virginia*, Captain Francis West, Sir George Yeardley, Knight, Sir William Neuce, Night Marshal of *Virginia*, Mr. George Sandys, Treasurer, Mr. George Thorpe, Deputy of the College, Captain Thomas Neuce, Deputy for the Company, Mr. Pawlet, Mr. Leech, Captain Nathaniel Powel, Mr. Harwood, Mr. Samuel Macock, Mr. Christopher Davison, Secretary, Doctor Pots, Physician to the Company, Mr. Roger Smith, Mr. John Berkley, Mr. John Rolfe, Mr. Ralph Hamer, Mr. John Pountis, Mr. Michael Lapworth. Which said Counsellors and Council we earnestly pray and desire, and in his Majesty's Name strictly charge and command, that (all Factions, Partialities, and sinister Respect laid aside) they bend their Care and Endeavors to assist the said Governor; first and principally in the Advancement of the Honour and Service of God, and the Enlargement of his



The first colonial legislature meets in Jamestown, Virginia. Here are members of the Virginia House of Burgesses, the first legislature in British North America in their best clothing, including the extravagant headwear of the era. The Burgesses (from “burger,” or townsman) would have dressed this way to demonstrate that they were still English gentlemen despite being in Virginia. The broad-brimmed hats were not only fashionable but served as umbrellas to keep off the rain. The helmeted men at arms around the room were for effect, but also to ward off possible Indian attacks. (The Library of Virginia)

Kingdom amongst the Heathen People; and next, in erecting of the said Colony in due obedience to his Majesty, and all lawful Authority from his Majesty's Directions; and lastly, in maintaining the said People in Justice and *Christian* Conversation amongst themselves, and in Strength and Ability to withstand their Enemies. And this Council, to be always, or for the most Part, residing about or near the Governor.

The other Council, more generally to be called by the Governor, once yearly, and no oftener, but for very extraordinary and important occasions, shall consist, for the present, of the said Council of State, and of two Burgesses out of every Town, Hundred, or other particular Plantation, to be respectively chosen by the Inhabitants; Which Council shall be called THE GENERAL ASSEMBLY, wherein (as also in the said Council of State) all Matter shall be decided, determined, and ordered, by the greater Part of the Voices then present; reserving to the Governor always a Negative Voice. And this General Assembly shall have free Power to treat, consult, and conclude, as well of all emergent Occasions concerning the Public Weal of the said Colony and every Part thereof, as also to make, ordain, and enact such general Laws

and Orders, for the Behoof of the said Colony, and the good Government thereof, as shall, from time to time, appear necessary or requisite. . . .

Whereas in all other Things, we require the said General Assembly, as also the said Council of State, to imitate and follow the Policy of the Form of Government—Laws, Customs, and Manner of Trial, and other administration of Justice, used in the Realm of *England*, as near as may be, even as ourselves, by his Majesty's Letters Patent, are required.

Provided, that no Law or Ordinance, made in the said General Assembly, shall be or continue in Force or Validity, unless the same shall be solemnly ratified and confirmed, in a General Quarter Court of the said Company here in England and so ratified, be returned to them under our Seal; It being our Intent to afford the like Measure also unto the said Colony, that after the Government of the said Colony shall once have been well framed, and settled accordingly, which is to be done by Us, as by Authority derived from his Majesty, and the same shall have been so by Us declared, no Orders of Court afterwards shall bind the said Colony, unless they be ratified in like Manner in the General Assemblies. IN WITNESS whereof we have here unto set our Common Seal, the 24th of *July* 1621, and in the Year of the Reign of our Sovereign Lord, JAMES, King of *England*, &c.