

597
THE

Statutes at Large;

BEING

A COLLECTION

OF ALL

LAWS OF VIRGINIA.

FROM THE

FIRST SESSION OF THE LEGISLATURE,

IN THE YEAR 1619.

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY OF VIRGINIA,
PASSED ON THE FIFTH DAY OF FEBRUARY ONE THOU-
SAND EIGHT HUNDRED AND EIGHT.

VOLUME I.

By WILLIAM WALLER HENING.

⁴ The *Laws* of a country are necessarily connected with every thing belonging to the people of it; so that a thorough knowledge of them, and of their progress, would inform us of every thing that was most useful to be known about them; and one of the greatest imperfections of historians in general, is owing to their ignorance of law." *Priestley's Lect. on Hist. Vol. I. pa. 149.*

NEW-YORK:

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1823.

LAWS OF VIRGINIA.

From the first Session of the Legislature in 1619, &c.

IN June, 1619, the first Assembly ever held in Virginia was convened by sir George Yeardley, then Governor, and met at James Town; which was at that time, and for many years afterwards, called "James City." Some account of the acts passed at this session, (taken from the Ancient Records relating to Virginia,) is given in a note prefixed to the acts of 1623-4; being those of the earliest period now extant.

In May 1620, we are told by historians, that another assembly was held in Virginia. *Beverley*, indeed, makes it the *first* legislature under the colonial government. But of the acts of this assembly there is no mention in the proceedings of the London Company; a circumstance which renders it extremely doubtful whether such an assembly was, in fact, ever held.

In November and December 1621, another assembly was held: an event not mentioned by *Stith*, or any of our early historians. The acts of this session are very briefly noticed in the minutes of the London Company; and relate entirely to the introduction and culture of such staple commodities as the company in England, recommended; particularly the article of silk, which seems to have engrossed nearly the whole attention of the legislature. Two acts, the one prescribing regulations for planting mulbury trees, the other directing, that in clearing land, no mulbury trees shall be destroyed, are first mentioned. The remaining acts of this session contain little more than an enumeration of the wants of the colony

GRAND ASSEMBLY

1st. Revision of
the Laws.

HOLDEN AT JAMES Citty THE 4TH DAY OF SEP-
TEMBER, 1632.

¶ The MS. from which the acts of this session were printed, is now in the Library of Congress at Washington

[*From a MS.* belonging to Thomas Jefferson, President of the United States, and purchased by him with the library of Peyton Randolph, of his executors.*]

BEINGE present Sir John Harvey, Knight Governor, &c.

Capt. Francis West,	Capt. Richard Stephens.
Capt. John West,	Capt. Thomas Purifie.
Capt. Sam. Mathewes,	Capt. Wm. Peirce,
Capt. Wm. Clayborne,	Capt. Wm. Perry,
Mr. Wm. ffarrar.	

The names of the Burgisses were, vizt :

for Arrowhattockes, the necke of Land & Corles	}	Capt. Thomas Osborne.
for Shirley Hundred Mayne & Cawseyes Care	}	Mr. Walter Aston.
for Shirley Hundred Uand—Mr. Cheyney Boys.		
for Westover & flowerdue Hundred—Mr. John fludd.		
for Weyanoake—Mr. Richard Coxe.		
for Checchominey—Mr. Bridges freeman.		
for Smythes mount and Pe- ryes Poynt	}	Mr. John Smyth.
for James Citty Island—Mr. John Jackson.		
for Pasbeyhoigh—Mr. John Corker.		
for the Necke of Land—Scir Thomas Crumpe.		
for Gleabe Land & Archers Hope	}	Roger Webster, Henry Ceney.
for over the water agaynst James Citty	}	Mr. Richard Richards.

for Hogg Iland—	Mr. Richard Tree.
for Mounts Bay	{ Mr. John Browninge. Mr. John Wareham.
for Martins Hundred	{ Mr. Rab't Scotchmore. Mr. Percivall Wood.
for Mulbury Iland	{ Mr. Thomas Harwood. Mr. Thomas Bennett.
for Stanley Hundred	{ Mr. Thomas Barnett, Capt. Thomas flynt.
for Denbigh & to Waters Creeke—	Mr. Pittiplace Clause.
for Warrosquyoake	{ Mr. Thomas Jorden, Mr. Wm. Hutchyson.
from Waters Creeke to Marie's Mount	{ Mr. Joseph Stratton, Mr. John Powell.
for the upper parish of Elizabeth-City	{ Capt. Thos. Willowby. absent, Mr. Henry Seawell, Mr. John Sipsey.
for the lower parish of Elizabeth Citty	{ Mr. Adam Thorowgood, Mr. William English. Mr. George Downes.
for Kiskyake—	Capt. Nichs. Martian.
for Yorke —	Mr. Lyonell Goulston.
for Accawmacke	{ Capt. Thomas Grayes, Mr. John Howe. Mr. Henry Bagwell, Mr. Chs. Harmar

Whereas in the sessions of the Grand Assembly in March last past, divers acts were then made, which since are found in some cases defective and inconvenient, wee the Governor and Counsell together with the Burgis-
ses in this present Grand Assembly have taken the sayd acts into their consideration, and according as was then provided where neede required have made a cleerer explanation of some of them, as likewise some additions and alterations, wee doe therefore hereby ordeyne and establish that these acts and orders in these presents followinge soe explained and altered be pub-

Preamble, rec-
iting defects
of former laws,
and the neces-
sity of this re-
visal.

Repeal of all former acts.

lished in this colony and to be accounted and adjudged in force. And all other acts and orders of any assembly heretofore holden to be voyd and of none effect.

ACT I.

Uniformity in doctrines and discipline of the church of England.

FIRST, It is ordered, That there be a uniformitie throughout this colony both in substance and circumstance to the canons & constitutions of the church of England as neere as may bee and that every person yeild readie obedience unto them uppon penaltie of the paynes and forfeitures in that case appoynted.

ACT II.

Penalty for not attending church.

AND it is thought fitt, That the statutes for cominge to church every Sunday and holidayes be duly executed that is to say that the church-wardens doe levy one shillinge for every tyme of any persons' absence from the church havinge no lawfull or reasonable excuse to bee absent. And for due execution hereof the governor and counsell together with the Burgesses of this Grand Assembly doe in God's name earnestlie require and charge all commanders, captaynes and church-wardens that they shall endeavour themselves to the uttermost of their knowledge that the due and true execution hereof may be done and had through this colony as they will answer before God for such evils and paynes wherewith Almighty God may iustlie punish his people for neglectinge this good and wholesome lawe.

Exhortation to attend.

ACT III.

Ministers and church wardens to make presentments; and return a register of marriages, births and deaths.

It is ordered, That as many of the mynisters as convenientlie may, and one of the church-wardens at the least of every parish be present yearlie at midsomer quarter cortes holden at James City, on the first day of June and there to make their presentments uppon oath together with a register of all Burialls, christenings and marriages as likewise their accounts of all levyes, collections or disbursements as have beene or fallen out in their tymes concerninge the church affayres. And further that they choose church-wardens at the feast of Easter yearelie.

Church-wardens, when chosen.

ACT XLII.

Arms.

NOE man shall goe to worke in the grounds without their armes, and a centinell upon them places where the commander shall require it.

ACT XLIII.

Watch.

THERE shall be due watch kept by night where neede requires.

ACT XLIV.

Not to spend powder.

NOE commander of any plantation, shall either himselfe or suffer others to spend powder unnecessary, that is to say, in drinkinge or enterteinments.

ACT XLV.

To go armed to church.

ALL men that are fittinge to beare armes, shall bringe their peices to the church upon payne for every offence, if the default be in the master, to pay 2lb. of tobacco, to be disposed by the church-wardens, who shall levy it by distresse, and the servants shall be punished by the commander.

ACT XLVI.

Obedience to superiors.

NOE person within this colony upon the rumour of supposed change and alteration shall presume to be disobedient to the present government, nor servants to their private officers, masters and overseers, at their uttermost perill.

ACT XLVII.

Adjoining plantations to assist the frontiers in case of alarm.

THE adjoining plantations, shall assist the frontiers or their neighbours, upon alarums, the default to be severelie censured, and false alarums punished.

ACT XLVIII.

Exportation of certain

It is ordered, That no cow hides, oxe hides, bull hides, goats skins, deare skins, or other hides, or skins