

This latter council, all matters were to be decided by the greater part of the votes present; reserving to the governor a negative voice; and they were to have power to make laws for the behoof and government of the colony, imitating and following the laws and policy of England as nearly as might be. Provided, that these laws should have no force until ratified in a general Quarter Court of the Company in England. (h)

This Ordinance bears date July 24. 1623, but it is probable that instructions to the same effect had been given to Sir George Yeardley on the 18<sup>th</sup> of November 1618, when he was appointed governor: because we have the best evidence, that the first Assembly ever held in Virginia was convened by him in June 1619<sup>15</sup> — With this form of government, <sup>the Colonists</sup> were well satisfied; and they continued to prosper under it, until the revocation of the charter.

In consequence of the differences between the King and the Company, and of the dissensions amongst the members of the Company itself, on the 10<sup>th</sup> day of November 1623, James the first ordered a writ of Quo Warranto to be sued out against them, that the validity of their charter might be tried in the Court of Kings Bench. (i) This controversy did not continue long. As was usual in that age, it was terminated by a decision perfectly consonant to the wishes of the monarch; and in June 1624, to the great regret of the colonists, the charter was declared by the Court to be forfeited; the Company was thereupon dissolved; and all the rights and privileges conferred upon it returned to the King, from whom they had flowed. (l)

Soon after the judgment of the Court against the Company, the King, by a commission bearing date August 26. 1624, appointed a council of twelve persons, to take the direction of affairs in Virginia, that he might have leisure to frame, with deliberate consideration, proper regulations for the government of the colony. (m) But before any plan of government was

(h) See Henning's Statutes at large. Vol. I. page 110 F.

(i) See Stith's History of Virginia. page 160.

(k) See Robertson's History of America. Vol. III. pages 265. 266.

(l) See Rymer. Vol. XVII. page 618 G. — Chalmers's. page 62.

(m) See — Ibidem.

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completed by him, James the first died and was succeeded by his son Charles the first, on the 27<sup>th</sup> of March 1625.

This prince adopted all the maxims of his fathers policy, with respect to Virginia. He declared it to be a part of the empire annexed to the crown and immediately subordinate to its jurisdiction. On the 13<sup>th</sup> of September 1626, he conferred the title of governor on Sir George Yeardley; and appointed him, in conjunction with a council of twelve and a Secretary, to exercise supreme authority over this colony, enjoining them to conform in every point, to such instructions as they might receive, from time to time, from the King. (n)

It is apparent from this instrument, as well as from the known policy of this King, that he intended to vest every power of government in the governor and council, without recourse to the representatives of the people as possessing any right to enact laws for the community, or to impose taxes upon it. Yet it is very certain, that under some authority or other, the source of which is now probably lost, the representatives of the people did meet as they had done before under the proprietary government. Hening has preserved the Acts passed at several successive sessions of the General Assembly, considered before the date of any instrument now to be found, whereby any formal authority to hold such meetings is communicated. Unless indeed the letter of instructions from the King to the governor and council, in 1627, which letter directed a convention of the Assembly for a special purpose only, may be considered as such authority. (o)

In this unsettled state of its affairs, great discontent seems to have prevailed in the colony. This was much aggravated, no doubt, by many circumstances that occurred about the same time. Some of these were accidental coincidences, and had no immediate connection with the form of government which then existed here: but as others were to be traced plainly to that source, the prevailing dissatisfied faction of the colonists assigned all, as is usual, to the same cause.

(n) See Robertson's History of America. Vol. III. page 269. Rymer. Vol. XVIII. pages 72. 811.

(o) See Burke's History of Virginia. Vol. II. page 18.

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A Mr. Amis had entered into a negotiation with the King, for an exclusive contract for the importation of tobacco into England. His proposal contained a clause, whereby he stipulated to import half a million of pounds of the best Spanish Virginias. This scheme was listened to with favour, and excited just alarm in Virginia. Tobacco was the great staple of the colony, and England the principal market for this commodity. To glut this market with the productions of a foreign country, would necessarily prove injurious to the interests of the colony. Therefore, the colonists remonstrated strongly against it. Their representations produced the desired effect; and the proposed contract was finally abandoned. But in return for this favour, they were compelled to promise, that in future, all their marketable productions should centre in England. (p)

Scarcely was this scheme rejected, when Charles the first conceived the project of engrossing all the tobacco of the colony, by requiring it to be sent to the farmer of his customs, who was to allow for it a certain low price, payable by instalments. By the letter refer'd to above, the King directed that this project should be submitted to the consideration of an Assembly, to be convened for that special purpose. An Assembly was convened accordingly: but the answer of that body expressed a strong and unqualified dissent to the contemplated project; and this scheme too was then abandoned. (r)

About this time Sir George Yeardley died. Notwithstanding the character of him given by Doctor Robertson; Sir George Yeardley was always regarded in Virginia, with much affection; and it is probable that the colonists were more indebted to the personal character of this governor than to the wisdom of the monarch, for their comparatively comfortable situation under his administration. The place of Sir George Yeardley was supplied by the council, until the arrival of Sir John Harvey, the royal governor appointed to succeed him. (s)

Harvey entered upon the duties of his office in 1629. He was rapacious, unfeeling and haughty, adding insolence to oppression,

(p) See Henings Statutes at large. Vol. I. pages 134 &c.

(q) See Burks's History of Virginia. Vol. II. page 19.

(r) See Ibidem. page 20.

(s) See Ibidem. page 28 - Henings Statutes. Vol. I. page 4.

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and neither heeding the sentiments or listening to the remonstrances of the colonists. By his sole authority, without consulting the Assembly, he imposed taxes upon the people, and enforced the services of the colonists for his private benefit. The General Assembly, by their laws, expressly forbid these things, yet he seems still to have persisted in his illegal course. (t)

Nor was this all. By his collusion, immense bodies of land were disposed of to absentees, by grants, which interfered, not un frequently, with the rights of actual settlers and involved much future litigation; but which encroached ~~also~~ on the territories secured to the Indians by previous treaties, and so became the direct cause of wars with them. The conditions of these grants too, not only exempted the grantees from the payment of quit-rents, but gave to them the authorities and jurisdictions that appertained to the colony only. (u)

The colonists submitted some time to such tyranny and exaction, but their patience was at length exhausted; and on the 28<sup>th</sup> of April 1635, an order was made by the council, that Sir John Harvey, by reason of his haughtiness, rapacity and cruelty, his contempt of the rights of the colonists, and his usurpation of the privileges of the council, should be suspended from his office until the pleasure of the King should be known. (v) Soon afterwards, he was sent a prisoner to England, accompanied by two members of the council, who were deputed to prefer their accusations against him, to the King. (w)

Charles the first was much displeased at this proceeding, which, according to his view of it, was repugnant to every notion with respect to the obedience due by subjects to their sovereign. Therefore, without deigning to admit the deputies of the colonists into his presence, or to hear one article of their charges against Harvey, the King instantly sent him back to his former station, with an ample renewal of all the powers belonging to it. But though Charles deemed this vigorous step necessary, in order to assert his

(t) See Robertson's History of America. Vol. III. page 270.

(u) See Beverley's History of Virginia, page 48.

(v) See Ibidem. page 48.

(w) See <sup>Bark's</sup> History of Virginia. Vol. II. pages 41. 42.

authority, he seems to have been so sensible of the grievances ~~and~~  
under which the colonists groaned, and of the chief source from which  
they proceeded, that in 1639, he not only removed a governor so justly  
odious to them, <sup>(x)</sup> but, in 1641, he named Sir William Berkeley as his  
successor, a man superior to Starvey in every respect, possessing all  
the popular virtues to which the latter was a stranger. (y)

This new governor was directed, by Instructions under the great  
seal, to declare that in all its concerns, the colony was to be governed  
according to the laws of England. He was ordered also, to issue writs ~~for~~  
electing representatives of the people, who, in conjunction with the governor  
and council, were to form a General Assembly, and to possess supreme  
legislative authority in the colony. (z)

The bearer of such glad tidings to the colonists, would naturally  
be regarded with much favour by them; and Sir William Berkeley, by  
his conduct, well merited the popularity he so acquired. For this he was  
indebted, partly, to his strenuous opposition to the unjust grants made  
by his predecessor, in consequence of which opposition but few of these  
grants took effect; partly, to his judicious course and gallant conduct  
during the Indian war in which he found the colony involved, and  
which he soon brought to a happy conclusion; but principally, to his  
mild administration, which, by leaving the colonists under no  
apprehension for the security of their rights, seconded these favorable  
beginnings. (a)

The effects of the liberality of the king, manifested in the  
Instructions, and of the ascendancy the new governor was gaining  
daily, by his kind and popular qualities, are strongly illustrated  
by the Declaration of the General Assembly, made on the 1<sup>st</sup> of April  
1642, whereby they formally disavowed the act of Mr. Sandys their agent  
who had preferred a petition to the House of Commons in England,  
for restoring the letters patent of incorporation to the former  
Treasurer and Company. In this Declaration, they entreat to  
remain under the Royal government, which had been  
productive of such prosperity and content. (b)

(x) See Robertson's History of America. Vol. III. page 271.

(y) See Beverley's History of Virginia. pages 48. 49.

(z) See Robertson's History of America. Vol. III. page 272.

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To their gratitude towards the monarch from whose hands they had recently received such immunities, so long desired in vain; and to the influence and example of this popular governor, may very probably be ascribed the loyalty of the colonists to the Crown, even after the beheading of Charles the First and the expulsion of his son. I have already mentioned the course pursued in Virginia, upon that occasion. I will not, therefore, refer to it again, except to say, that upon the surrender of the colony to the Commissioners of the Parliament, the articles of capitulation, dated March 12<sup>th</sup> 165 $\frac{1}{2}$ , contain these solemn and memorable conditions—

That the submission of the colonists was to be regarded as a voluntary act on their part, not forced or constrained by conquest— That they should have and enjoy all such freedoms and privileges as belong to the free borne people of England; and that the former government by Commissions and Instructions, should be void and null— That the General Assembly, as formerly, should convene and transact the affairs of Virginia, wherein nothing was to be acted or done contrary to the government of the Commonwealth of England, and the laws there established— That Virginia should have and enjoy the ancient bounds and limits granted by the Charters of the former kings; and that the colonists should seek a new charter from the Commonwealth to that purpose, against any that have encroached upon the rights thereof— That the people of Virginia should have free trade, as the people of England do enjoy, to all places and with all nations, according to the laws of that Commonwealth; and that Virginia should enjoy all privileges equal with any English plantation in America— That Virginia should be free from all taxes, customs and impositions whatsoever; and none to be imposed upon them without the consent of the Grand Assembly; so that neither forts or castles be erected, or garrisons maintained without their consent. (c)

I have stated these articles, with a view of showing, what were the evils the colonists then supposed to exist, or to threaten their country. By this Convention, they undoubtedly thought they had secured the ancient limits of the colony— its free trade— its exemption from taxation, except by their own Assembly— the exclusion of  
(c) see Henings Statutes at large. 75-1008 pages 363 &c.

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force from among them - and a permanent government, not  
t upon the caprice of the mother country, but fixed and regulated  
their charter, to be preserved inviolate. Yet was this convention  
afterwards, in each of these points; first by the Parliament  
those Commissioners it had been concluded; and then by Charles  
second, after his restoration.

The grievous restraints upon their commerce, imposed by the two  
of 1653, put in force here in direct violation of one of the articles of  
Convention, excited much irritation in Virginia; and as I have  
before said, the colonists seized the first favorable occasion to shake off  
all allegiance to the Commonwealth of England, and to proclaim  
Charles the second as their lawful sovereign. Upon the restoration of this  
monarch, great and universal was the joy in Virginia. The colonists  
pleased themselves with the hope, that they should then readily obtain  
from the gratitude of the new king, for their loyalty and services, every  
thing which they thought they had secured by their Convention with the  
Parliament. But their disappointment and mortification was  
equally great, when shortly after the restoration of Charles the second,  
the house of Commons in England, not only adopted, in relation to the  
colonies, the policy which had been pursued by the Parliament and  
 Cromwell; but by "The Act of Navigation", passed in 1660, carried this  
policy much further. (d)

Soon after the enactment of this Statute, it was extended by another  
, passed in 1663, whereby additional restraints were imposed. <sup>(e)</sup> The  
principles of policy in which the various regulations contained in  
these Statutes were founded, were openly avowed, in a declaration  
contained in the last of these Statutes, to this effect. That as the  
plantations beyond seas were inhabited and peopled by subjects of  
England, they might be kept in a firmer dependance upon it, and  
and yet more beneficial and advantageous to it, in the further  
loyment and increase of English shipping and seamen, as well  
in the vent of English woollen and other manufactures and  
articles, and in making, England a staple, not only of the  
articles of these plantations, but also of the commodities of other  
c. 12. Car. II. chap. 18.

countries and places for the supplying them. And in the  
 these maxims, the English legislature proceeded still  
 As the Act of Navigation had left the colonists at liberty  
 the commodities therein enumerated, from one English  
 another, free of duty, in 1673, it subjected these enumerated  
 when so exported, to a tax equivalent to what would have  
 by the consumers of them if transported to England. See 25. Ca.

Thus, instead of that free trade, which the colonists had  
 had secured by the Convention of 1652, and had expected from  
 gratitude of the king, by these successive regulations, the pla  
 securing to England a monopoly of their commerce, both export and  
 import, was perfected and reduced into a complete system; and  
 instead of exemption from taxation, except by their own Assembly,  
 the Legislature of England imposed upon them the heaviest bur  
 to which they had ever been before subject, and this at a time w  
 they were least able to bear them. For the effect of this rigorous res  
 acted with double force. Tobacco, <sup>them</sup> the sole staple of Virginia, sunk  
 prodigiously in price when confined to a single and over-stocked  
 market, while the price of the European goods necessary for the sup  
 the colony, rose to whatever the English monopolists chose to demand  
 for them. Indeed, such was the condition of Virginia at that time  
 that we are credibly informed the planters were scarcely able  
 to clothe their families with the whole proceeds of the sales of their

In vain did the colonists remonstrate against such  
 In vain did they petition for relief. The king and his mini  
 concurred perfectly with the Parliament, and so far from listening  
 these applications with a favourable ear, they laboured assiduously  
 carry the new system into strict execution. For this purpose, ships  
 were given to the governor, in pursuance of which forts were  
 on the principal rivers and kept up at the expense of the  
 and small vessels were appointed to cruise on its coasts.

Oppression like this, so little expected too, was further  
 aggravated by the wanton and rigorous persecution of the  
 and other sectaries, who had resorted to the colony as to a safe  
 (R) See Beverley's History of Virginia. page 61.

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which persecutions produced much murmuring, and disaffected faction among the people. <sup>(h)</sup> Some of Cromwell's old soldiers, who had been sent to Virginia as indentured servants, availing themselves of the general discontent, formed a desperate plot to destroy their masters and then to set up for themselves. This rash project, was discovered by one of their associates, and was soon disconcerted by the timely and vigorous exertions of the governor. <sup>(i)</sup> But the spirit of discontent, although repressed for a season, was not extinguished; and every day something new occurred to revive and to nourish it.

In the year 1673, to gratify two of his favourites, the Lords Arlington and Culpeper, Charles the second gave them grants of all the lands in Virginia. <sup>(k)</sup> These grants were not of uncultivated woodland only, they included plantations also, which for many years had been seated and improved under the encouragement of <sup>several</sup> grants charters granted to the colony by the ancestors of the King. The grants were kept dormant for some time, but in 1674 the grantees began to put them in execution. So soon as this was known, the Assembly addressed the King, complaining and remonstrating against them as derogatory to the previous charters and privileges of the colony. They also sent agents to England, the better to effect their purpose of vacating these <sup>grants</sup>, and of procuring a new charter, if possible. <sup>(l)</sup> To defray the heavy expenses incident to these undertakings, and to meet the necessary charges of the colony, the Assembly were compelled to impose very heavy taxes upon the people, the burthen of which taxes in the then depressed state of the colony, was felt to be excessive; and from the mode in which all taxes were then levied, fell most heavily upon the poor. <sup>(m)</sup>

At this time, the taxes in Virginia were all capitation taxes, and were levied equally upon every poll, without reference to the ability of the payer to satisfy the demand. All these taxes were levied in tobacco. This commodity being then much reduced in its money price as the tobacco depreciated the taxes were necessarily augmented. So

(k) See Henings's Statutes at Large. Vol. II. pages 180 &c

(i) See Beverley's History of Virginia. page 58.

(k) see Ibidem page 65.

(l) See Henings's Statutes at Large. Vol. II. page 311 &c

(m) See Henings's Statutes at Large. Vol. II. page 248.

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that the burthen of taxation was greatest, at the very time when there was least ability to bear it— Besides this, each county, however small, was charged with the expense of its own members of the General Assembly. To quiet the dissatisfaction of the colonists, this body was convened very often, and fixed the compensation of its own members. The allowance to these was said to be very great; each burges being allowed one hundred and fifty pounds of tobacco per day, from the time he left home, besides allowances for their servants and horses, for which they commonly charged one hundred pounds of tobacco more. These charges, according to the average of the counties, amounted to five hundred pounds of tobacco daily, for their two burgeses, although many of the counties had not more than five hundred tithables, and some not so many. As a greater weight to this burthen, the Assembly made gifts to the governor and other great men, which gifts were also levied by the poll; they created many sinecure places; united many offices, the duties of some of which were actually incompatible and to crown the whole, large sums were exacted from the people for the erection and maintenance of the forts, which, from their very position, could not be of the slightest benefit in the defence of the country, but were designed merely to enforce more strictly their severe restraints upon its commerce. (p)

Many of these grievances resulted, obviously, from the unjust legislation of the mother country, and from the oppressive acts and instructions of the King. To obtain relief from these, the Assembly, as I have said, had sent agents to England. But the negociation for the avoidance of the grants to the Lords Arlington and Culpeper, and to obtain a new charter that might protect the colony against similar wrongs in future, was protracted tediously, and seemed to advance but little: while the absolute monopoly of all the colonial trade, was announced as a settled and fundamental maxim of the policy of England, which policy would never be abandoned. (q)

(n) See Burki's History of Virginia, Vol. II. page 248.

(o) See Ibidem.

(p) See Ibidem.

(q) See 25 Car II. c. 7.

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This respect, and despairing of success in every other, the irritation of the colonists began to be directed towards their own local government, to which some of their sufferings were very properly ascribed; and to whose apathy and supposed indifference, they attributed, most unjustly, the ill success attending their applications addressed to the king.

To increase the price of tobacco, the Assembly, in 1663, had conditionally prohibited the planting of it for one year: but Maryland not concurring in this project, they were compelled to repeal this law, the next year. <sup>(s)</sup> Still anxious to effect their purpose, they again attempted a Cessation, as it was called; and in 1666 passed another Act against planting tobacco for one year, in which Act both Maryland and <sup>(t)</sup> Carolina concurred. But an accident preventing, the agent of Carolina from giving notice of its concurrence to Maryland, by the day appointed, the governor of that province took advantage of this, and proclaimed the Act void. <sup>(u)</sup> The subject was deemed too important to be abandoned; and notwithstanding these repeated disappointments, a new attempt, of the same kind, was afterwards made, but again failed. <sup>(v)</sup> These reiterated and ineffectual efforts, which had excited much hope and even expectation of a favorable change in the affairs of the colony, were well calculated, when they were defeated, to aggravate the prevailing discontents.

Such was the state of things existing in Virginia in 1674. A people impoverished by the cruel legislation of the mother country - holding the little remnant of their property, at the mere will of a capricious king, or his favorites, some of them wantonly persecuted for their religion, all groaning beneath the weight of most burthensome taxes, not imposed for the general good, and exacted according to a rule most unequal and oppressive, <sup>and</sup> whose patience was exhausted by vain expectations of some relief from these grievous and multiplied wrongs, must certainly have produced many materials for commotions of almost any kind. But the popularity of the governor was still very great;

(r) See Henings' Statutes at large, Vol: II. pages 190. 200.

(s) See Ibidem. 209.

(t) See Ibidem. 224.

(u) See Ibidem. 230.

(v) See Ibidem.

and although, during this year, partial insurrections broke out in several counties where the grievances were felt to be most intolerable, he found no difficulty in suppressing all these, which indeed were mere accidental and hasty tumults, without any definite object or system. But a general spirit of discontent prevailed; and it is very evident that nothing but some new impulse or fit occasion was wanting to cause it to burst forth. This occasion was soon furnished by the disturbances offered by the Indians to the inhabitants of the frontier.

The usual acts of violence committed by these savages, attended, as they always are, by circumstances of wanton unprovoked and shocking cruelty, roused the colonists at once to their own self-preservation. They flew to arms; and although no order had been given, no previous concert or correspondence established, the movement of the colonists on the frontier was rapid, general and consentaneous; and when the multitude was collected, nothing was required but a proper leader to direct its operations. This leader was soon found in Colonel Nathaniel Bacon the younger.

Colonel Bacon was an Englishman by birth, of very respectable connections, a lawyer by profession, and a man of large property, a portion of which was situated immediately on the exposed frontier. He was young, bold, active, of an inviting aspect and of powerful elocution. Before he had been in the country three years, for his extraordinary qualifications, he had been made one of the Council of State; he was held in great honour and esteem among the people; and was regarded as one of the most distinguished men in the colony. To him, therefore, the eyes of the assembled multitude were naturally <sup>(w)</sup> directed, and ~~turned~~ as he was unanimously elected as their General. So soon as he was thus chosen, being desirous to receive the sanction of the Governor for what he was about to undertake, Colonel Bacon dispatched a messenger with a letter to Sir William Berkeley, informing him of what had occurred and desiring a Commission to go against the Indians. In the mean time, he adopted the necessary measures for the better organization of the assembled force.

(w) See Beverley's History of Virginia, page 68.

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The caution of old age, the recollection of what had occurred in England not long before, and the high ideas entertained by this old cavalier of the respect due to his own official station, seem to have wrought an entire change in the character of the Governor, about this time. Instead of granting the Commission asked for at once, and so securing to himself the appearance at least of directing a movement commenced without his authority; or of promptly rejecting the application, commanding the dispersion of the assembled multitude, and assuming upon himself the conduct and responsibility of the Indian war; Sir William Berkeley began to temporize. He wrote a reply to the letter he had received, in which he stated that he could not decide upon this important subject without the advice of his Council, a meeting of which he promised to summon immediately, and to forward the result of their deliberations with all possible dispatch; concluding his letter, which was full of complimentary expressions to Colonel Bacon, by merely hinting to him the alarming tendency of the measures pursued. (x)

Conscious, probably, of the perfect innocence of his own designs, and confident of his own standing with the Council, Colonel Bacon regarded this answer of the Governor as an implied promise of the desired Commission; and feeling the necessity for prompt action, he continued his preparations diligently, while he dispatched a second messenger to James town, to hasten it. All the necessary arrangements being completed before the return of this second messenger, Colonel Bacon commenced his march into the Indian country, not doubting that the expected Commission would soon overtake him. His force consisted of about six hundred men. With these he fell upon several of the nearest of the Indian towns, all of which he took by surprise, making a considerable number of prisoners. (y)

The proud spirit of the old Governor was roused by this apparent contempt of his authority, and instead of sending the Commission asked for, he issued a Proclamation, on the 29<sup>th</sup> of May 1675, commanding Bacon and his party to disperse immediately, under pain of being punished as mutinous rebels. Nor did he stop here, but collecting an armed body of his friends, he proceeded with them to the falls

(x) See Burki's History of Virginia. Vol: II. page 163.

(y) See Beverley's History of Virginia - page 69.

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of James river, with a view of arresting the supposed insurgents. (a)

This course was precipitate, certainly; and in the situation of the country at the time, was the most imprudent of any that could have been adopted. The Governor ought not to have expected that a body of armed men would have ~~dis~~ obeyed his proclamation, and dispersed themselves in an enemy's country; nor ought he to have entertained the wish of punishing them for presuming to defend themselves against their savage foes, although without his orders. Had he have continued at the seat of government, and contented himself with even censuring these nominal ruffians for their apparent contempt of his authority, all might have ended well. But this unjust denunciation of Colonel Bacon and his adherents, for undertaking to defend their country without orders, naturally engaged the sympathies of all in their behalf, and added the last drop to the cup of discontent, already filled to the very brim. By leaving his post too at such a juncture, and taking with him to the frontier all the force upon which he could rely to quell any insurrectionary movement, the Governor but invited the out-breaking, which was the immediate consequence of his rash acts.

While he was absent, the inhabitants of the lower and central counties of Virginia (who had no concern with the movement of the people of the frontier) rose in arms, under the command of Ingram and of Walklate. They demanded the dismantling of the forts, the erection and maintenance of which they regarded as an useless and intolerable oppression; and the immediate dissolution of the Assembly, which had been base enough to countenance these and other such acts. (b) Surrounded on all sides by malcontents in arms, the Governor was at last compelled to yield to their demands. Upon his return, he ordered the forts to be dismantled, the dissolution of the old Assembly, and the issuing of writs for holding new elections. These elections terminated, as might have been expected at such a time, in the absolute triumph of the malcontents; and Colonel Bacon himself was chosen as one of the Burgesses of the County of Henrico, within which county he resided. (c)

(a) See Burke's History of Virginia - Vol. II. page 160.

(b) See *Ibidem*. page 160.

(c) See *Ibidem*. page 165.

Returning in triumph from his expedition, Colonel Bacon met the intelligence of these occurrences, all of which had taken place while he was in the Indian country. He determined immediately to proceed to James-town in person, in order to procure a reversal of his attainder, and to take his seat as a member of the new Assembly. On his way down James River, he was seized by the masters of one of the English ships then lying off Sandy point, and sent as a prisoner to the seat of government. Here, in consequence of his written acknowledgment of his error and solicitation for pardon, which paper, signed by Bacon himself, is still preserved in our public records; and in pursuance of the advice of the Council, Sir William Berkeley was pleased to pardon him. Nay not only to pardon him, but to release him upon his parole; to re-admit him to his seat in the Council; and as the report then was, to promise him the desired Commission to go against the Indians, the war with whom was not yet terminated.

Colonel Bacon remained in James-town some days, waiting for this Commission; but finding himself delayed at this the best season for Indian operations, and suspecting some deception, probably, he at length left the seat of government without the Commission, and rejoining the force already assembled to renew the Indian war, he informed them of all that had taken place. All these things occurred just before the meeting of the new Assembly, which had been summoned for the 5<sup>th</sup> of June 1676. (c)

Colonel Bacon was wrong in thus breaking his parole, and in placing himself again at the head of that very armed force for whom he had signed a written paper acknowledging himself to be in error and humbly begging forgiveness of this his fault. But the situation of the country was very critical. The frontier was still threatened with the incursions of the savages. The proper season had arrived for an expedition against them. The Governor had not intimated any purpose of prosecuting such an enterprise. The exposed inhabitants of the frontier were thus constrained to rely for safety upon themselves alone - and the conduct of their leader, during the former campaign, in proving his ability to lead them to victory, had naturally invited them to call upon him again, for the same purpose. The course

(d) See Henning's Statutes at large. Vol. II. page 223.

(e) See Ibidem 241.

adopted by the Governor in the recent case of Ingram and Walklate, justified the belief that he would yield to peremptory demand, what he had not granted to humble solicitation; and so emboldened the assembled multitude to attempt a similar proceeding. Hence, the people, enraged at the recital they had heard from Colonel Bacon, proposed to him that they would go back with him to James town, and if they could not obtain the desired Commission for him by fair means, to compel it by force. (f)

Colonel Bacon yielded to these suggestions. He thereupon broke up his camp, and after marching all night, surprised the capital the next day. His army surrounded the Statehouse while the Assembly was sitting, and demanded a Commission for their leader. The Assembly were willing enough to accede to this wish but the indignant pride of the old Governor refused, at first, to lend his name and sanction to what he regarded as an act of open rebellion. But the importunity of the Assembly, being backed at length by the advice of the Council, he reluctantly assented to do what was asked, and signed General Bacon's commission. Not only so, but he sanctioned an Act of indemnity passed by the General Assembly in favor of Bacon and his adherents, and actually wrote a letter to the King, strongly applauding all their designs and proceedings. Having thus succeeded in his sole object, General Bacon marched out of town and proceeded again towards the frontier, with the view of prosecuting the Indian war.

Very soon after his departure, the Governor dissolved the Assembly, issued a new proclamation, on the 29<sup>th</sup> of July 1676, declaring General Bacon a rebel, commanding his followers to deliver him up and to disperse themselves peaceably, under pain of being punished as traitors. After this, the Governor proceeded to the loyal county of Gloucester, where he raised the Royal standard, and called upon all the friends of order and good government to rally around him. (h)

(f) See Burk's History of Virginia, Vol. II. page 251.

(g) See Ibidem - Henning's Statutes, Vol. II. page 363.

(h) See Ibidem - Vol. II. page 171.

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These proceedings, to say the least of them, were ill-timed. Whatever might have been the former misconduct of General Bacon and his adherents, the seal of promised oblivion had been put upon it, by the Commission and Act of indemnity, then recently granted and approved by the Governor himself. Even if these acts were obtained by compulsion, yet the sudden revocation of them, by the Governor alone, was certainly illegal; and necessarily involved many innocent persons in the guilt now imputed to all. Moreover, it was unreasonable to expect that an armed force, assembled to defend themselves against a savage foe, under a leader duly authorized to command them by the Governor himself, and in pursuance of a law just passed by The Assembly for that very purpose, would desist from this necessary and authorized undertaking, until it was accomplished. The Governor appears to have been aware of this; and from the measures he adopted to prepare for it, seems to have expected disobedience to his proclamation. Thus, as before, he most probably hastened the catastrophe, which he ought to have been and no doubt was desirous to prevent.

So soon as General Bacon and his followers were informed of this proclamation, they were much incensed at the course pursued towards them. They immediately wheeled about, and proceeded towards the Governor, by forced marches. The loyal inhabitants of Gloucester, having given up their arms at the commencement of the war, with the view of better arming the force embodied against the Indians, the Governor, unwilling to expose them, withdrew himself privately, with a few friends on whom he could rely, and took refuge in Accomack, which, although subject to the government of Virginia was nominally a distinct territory. †

The flight of Sir William Berkeley, by disappointing the expectations of General Bacon, compelled him to adopt a new course. He, therefore, moved towards Jamestown, the seat of government, and on his route thither, some injuries were done by his followers, as well to the persons as to the property of those who in any way opposed them, or were found adhering to the Governor. These injuries were few and inconsiderable however, and were probably the only excesses which had then been committed. †

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Arrived in the vicinity of James-town, General Bacon, under the pretence that the Governor had abdicated the government by withdrawing himself from the country, issued a proclamation calling a Convention of the people. This Convention being assembled at Middle Plantation, afterwards called Williamsburg, on the 3<sup>d</sup> day of August 1676, adopted the opinion that the government was vacant; that in pursuance of the usage established in such cases, the Council might supply the vacancy, until the King's pleasure should be known; and advised the calling of a General Assembly. In conformity with this advice, General Bacon immediately summoned an Assembly, by writs signed by himself and four other members of the Council. But this Assembly never met, owing to the causes now to be stated.<sup>†</sup>

General Bacon having thus restored something like order, resumed his Indian expedition, which had been suspended, as has been stated. The late disorders had given new confidence to the savages, who had committed many new outrages after General Bacon had withdrawn his force from the frontier. These made it incumbent upon him, to relieve the country from the apprehensions under which it then labor'd. Hence, he proceeded with all dispatch into the Indian territory, where he destroyed many of their towns and their growing crops. The Indians retreated before him,

(1) Henning in his Statutes at large, Vol: II. 351, has given a whole body of laws, being all the Statutes enacted by the Assembly during the session that commenced on the 6<sup>th</sup> of June 1676, which Statutes he calls "Bacon's Laws". The fact that all the Statutes passed by this Assembly, were afterwards abrogated by a Royal proclamation, probably induced Henning to suppose that they were enacted during Bacon's Rebellion. But this is a mistake, certainly. This Assembly, was first convened by Sir William Berkeley while General Bacon was engaged in his first expedition against the Indians. It is true General Bacon was elected a member of this Assembly, while he was absent in the Indian country: but he never took his seat in that body, probably. He was made a prisoner while on his way to James-town; and upon his arrival there he was put upon his parole. Before this parole, he left James-town, privately, before

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towards the place they had appointed for their general rendezvous. Here they halted, and having strengthened all the approaches to them, they waited his coming. A great battle took place in the present county of Henrico, on the bank of a streamlet which was afterwards called 'the bloody run', from the sanguinary conflict that here occurred. This name the streamlet retains to the present day. In this battle, General Bacon was completely successful. Many of the Indians were slain, many others made captives; and all their hopes and plans were effectually destroyed.

While these transactions were passing, in the Indian country, an attempt was made by Giles Bland, the Collector of James-town and an adherent of Bacon's, to surprize the Governor in Accomack. To effect this, Bland, under some pretext or other, seized the ship of one Lovimore, and some other smaller vessels. On board of these, he placed a number of armed men, and proceeded with them to the Eastern shore. The plan, however, was privately disclosed to the Governor, by Captain Lovimore, who promised that if a sufficient force was sent to him, he would put them in possession of his ship, and so enable them to acquire the whole squadron. In consequence of this, the Governor dispatched a small body of men, under the command of Philip Ludwell, a brother of the Secretary, who, guided by Lovimore, succeeded, during the darkness of night, in taking possession of the whole fleet.

Possessed thus of a naval force, which gave him the absolute command of the water, the Governor hastily collected about six hundred men, and transporting them to James-town, took possession of that place, without opposition, while General Bacon was yet absent on the Indian expedition. Sir William Berkeley then again proclaimed Bacon and his adherents rebels and traitors, re-organized the government, and restored every thing to its former condition, as nearly as he could.

Returning from his Indian campaign, in October 1676, the Assembly met. He returned there again, at the head of his army, after the session commenced; and having them obtained a commission, he immediately left James-town, with his army, as

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General Bacon was informed of all these unexpected events. Before this intelligence reached him however, he had disbanded many of his soldiers. Notwithstanding this, he proceeded at once to James-town, with the remnant of his reduced and fatigued army; and he laid it siege to this town, so soon as he arrived before it. The force of the besieged was superior in numbers to that of the besiegers: but it was composed of a motley and undisciplined crew. <sup>Yet</sup> The gallant old Governor order'd a sally, in which his troops were readily beaten back. After this, General Bacon, having procured some canon, forced the vessels to retire further from the island; and having received a small reinforcement, he was preparing for an assault upon the town. In this state of things, the Governor yielded reluctantly to the remonstrances of the few trusty friends who still adhered to him, abandon'd James-town, during the night, and going on board of his ~~fleet~~ vessels, removed them out of gun-shot. The next morning, General Bacon took quiet possession of the defenceless town; and finding it impossible to retain it against a superior naval force, in order to prevent it from becoming a harbor and refuge to his enemies, he order'd it to be destroyed. It was accordingly burnt, in sight of the Governor's fleet, which thereupon returned to Accomack.

Quiet being thus restored once more, General Bacon dismissed his troops. He did not long survive this event. A severe cold, caused by his exposure in the open trenches before James-town, during a wet season, soon assumed a different character; and he died of a bloody flux, at the house of a M<sup>r</sup>. Pate, in the county of Gloucester, about the latter end of the year 1676.

After the death of General Bacon, the insurgents having no longer any defined object, and wanting a leader, began to lose their hopes of success. It is true a desultory warfare was kept up for a short time, longer in which much private mischief was done on either side, and many cruelties were committed under the orders of the indignant Governor. But this state

proceeded again on his Indian expedition. This Assembly was dissolved, by the Governor, soon after General Bacon's departure. So