

This paper seems to have received the approbation of Colonel Littleton, who presided in the court when it was order'd to be recorded. Some of its assertions are distinctly proved, by the list of the members of the Assembly who agreed to the capitulation, in which list no members for the County of Northampton will be found. (e)

Whether the three governors who presided in Virginia after Sir William Berkeley was forced to abandon his post, were appointed by the Parliament and Cromwell, as Doctor Robertson states; or by the Assembly, as Hening contends, I have seen but little other evidence than that which the latter advances. From all this however, I am induced to believe that both of these authors are right; and that their respective statements may easily be reconciled thus. Either the Parliament or Cromwell named the governor, to whom it was thought by them most adviseable to commit the colony, and this governor was then elected by the Assembly; or the Assembly elected a governor known to be most acceptable to the Parliament or Cromwell, who was afterwards approved and confirmed by them. Both modes were practised at different periods, probably.

Richard Bennet, the first governor after the surrender of the colony, was one of the Commissioners sent out by the Parliament, to settle and arrange its affairs. (f) If the document, the substance of which I have before given, may be relied upon, and there is no reason to doubt its correctness, it thereby appears, that Bennet acted as governor immediately after the capitulation; and most probably summoned the very Assembly which met on the 26th of April 1652, and elected him governor and Coll: William Glayborne (another of these Commissioners) Secretary. (g)

(e) See Henings Statutes. Vol: I. pages 358.9.

(f) See the Instructions, signed by President Bradshaw. Thurloe's State Papers. Vol: I. page 197—Hazard's Collection. Vol: I. page 556.

(g) See Henings Statutes. Vol: I. pages 369. 371. 388.

From whence it would seem, that Bennet, although afterwards elected by the Assembly, had been governor previously (p. 26) previously to this election.

On the 22^d, of November 1654, Edward Diggs was nominated by the governor and council, to be one of the council; and was approved by the Assembly unanimously, "he having given a signal testimony of his fidelity to this Colony and Commonwealth of England". On the 31st, of March 1655, the same man was made governor by the Assembly. Now Bennet, the preceding governor, had been elected originally for one year, or until the next meeting of the Assembly. Both these terms had expired before the election of Diggs as above; yet Bennet continued to act as governor until March 30, 1655, certainly. So that Bennet, who has been shown to have acted as governor previously to his election by the Assembly, continued to act in that capacity after the expiration of the term for which he was so elected. Therefore, Bennet, although elected by the Assembly, must have derived his authority from some other source. (h)

His successor Diggs also, who had been elected March 31. 1655, was still acting as governor in December 1656, without any new appointment from the Assembly; and therefore, must have derived his authority from some other source. And Matthews, the successor of Diggs, although elected as early as December 1656, and then described as "governor elect", was afterwards postponed until the departure of Diggs, who was requested by the Assembly, "to retain the reins of government in his hands, during his abode in the country". (i) A circumstance inconsistent with the mere legislative appointment of either of these persons— This notion is also opposed by the fact, that Matthews, while governor, attempted to dissolve the Assembly; a course he would hardly have attempted to adopt, if he

(h) See Henings Statutes. Vol; I. pages 407.6.
(i) Idem. page 426.

had been but "the creature of this body, subject to be annihilated at their pleasure", as Hening states. (k)

These considerations incline me to believe, that Bennet, the first governor after the surrender of the colony, was appointed by the Parliament. He, finding a strong party existing in the country, who, although willing to elect him themselves, were reluctant to recognize him as governor if he derived his powers from England, (p. 27) to put an end to all controversy and to effect the union of the people, was willing to seem to derive his appointment from the Assembly, until the pleasure of the Parliament should be known. That the Parliament approving this course, he continued to act as governor for several years, without any new election or appointment; but being constrained to return to England, by his private affairs, Diggs was sent out from thence to supply his place as governor, whenever the expected vacancy might occur. Diggs, after his arrival in the country, was elected by the Assembly, precisely as his predecessor had been. He too being compelled to return to England, before any successor had been there nominated, the Assembly elected Matthews in anticipation of the departure of Diggs. Matthews, being then in England, was there appointed to succeed Diggs, and came out to Virginia as "governor elect". Soon after Matthews began his government, he attempted to dissolve the Assembly; but that body refusing to be dissolved by him, the question was refer'd to "the Lord Protector"; and Matthews was again elected governor "for two years". During this period Matthews died; and the colony being then without a governor, the people turned their eyes towards their old governor Sir William Berkeley, who was still in the country, and wished to have him for their governor. Matthews died in January 1659/60, and the Assembly which met March 13, 1659/60, finding the temper of the people, elected Sir William Berkeley immediately. (l) Charles the second was not

(k) Idem. pages 499. 500.1.2.3.4.

(l) See Henings Statutes. Vol: I. pages 525.6

restored in England, until May 29, 1660. (a) But as the determination to restore him had been made sometime before the actual restoration took place, it cannot be doubted, that this loyal governor made haste to acknowledge his master, and actually did so before he was proclaimed in England. So that the boast of Virginia, stated by Doctor Robertson, is literally true.

As corroborative of this, I will state a fact mention'd to me by my grandfather Waller. The motto of the ancient arms of Virginia, was En dat Virginia quintum. When I asked him the meaning of this, he told me, that the arms and motto had been given to the colony by Charles the second upon his restoration, and that the motto was intended, by that monarch, to compliment the loyalty of this colony, in being the first of all his dominions to recognize his authority. Therefore, he had associated Virginia with England, (p. 28) France, Scotland and Ireland, explaining in the meaning of the motto, "Behold Virginia gives a fifth kingdom". Beverley says also, that there was a tradition in his time, that Charles the second, "in compliment to the colony, wore at his coronation a robe made of the silk that was sent from thence". (n)

I cannot suppress my astonishment, when I read the opinions of both Burk and Hening, "that in no part of the public records of Virginia, during the existence of the Commonwealth, is the authority of the Acts of Parliament recognized", ^{by} ~~under~~ which acts the severe restraints of our commerce were imposed.

(o) Both these authors, while they utter this opinion, produce a case extracted from these ancient records, in which the obligation of these acts is distinctly admitted, and their penalties applied to the ship "Leopoldus of Dunkirk". Burk

(a) Idem. page 529 in notes.

(n) See Beverley's History of Virginia. page 55.

(o) See Henings Statutes. Vol: I. page 385. Burk's Hist: Vol: II. page 97.

considers this case as not satisfactory, "inasmuch as the Parliament was at war with the parties trading". I do not find this to have been the case however. Dunkirk was taken by the Spaniards, September 26, 1652. They held it until it was retaken by the French and English and given up to the latter, in 1658; and the war between Spain and England did not take place until the latter end of 1655. Now the seizure and condemnation of the Leopoldus occur'd in 1653, at a time when war did not exist between England and Spain, which latter power then held Dunkirk, as I have said—Nay, the very ground of the condemnation of this vessel, is expressly stated to be "the Act of Parliament for increasing of navigation". Therefore, none ought to doubt of the obligation of this Act in Virginia, when this condemnation took place; and of this I have seen several other examples. (p)

There is then, I think, no reason to question the account given by all our earliest historians, that Virginia remained loyal to the king after all his other dominions had forsaken him; and that she was the first to return to the allegiance she had been the last to renounce. I have devoted more time to establish this than (p. 29) was probably necessary; because, the contrary opinion being that which is now the most popular, will probably prevail; and in a few years, the grounds upon which the old accounts can be supported will be forgotten and lost in obscurity. But to return to my narrative.

Colonel Littleton, like the rest of his countrymen, had retained his attachment to the royal cause until to express this attachment was treason. Even then, he was one of those who refused to recognize the power of the new governor, Bennett, until this governor should be elected by the Assembly. But

(p) See Daniel's History of France. Vol: V. pages 84. 89. 93.

so soon as this occur'd, Colonel Littleton became a warm supporter of the existing government, and filled a conspicuous place under it, as one of the Council of State. (q)

In 1653, much discontent seems to have existed in the county of Northampton, excited, as appears, by Colonel Edmund Scarbrough, an influential man, who resided in that county. He seized several vessels, under the pretext that they had violated the Navigation Act, then recently enacted by the Parliament of England. Yet while he thus affected obedience to the Parliament, he openly denied the authority of the existing government; because, the death of the late king and the expulsion of his son had put an end to all government. This last notion, was boldly and impudently announced, in a memorial presented to the Assembly, signed by him and a number of the inhabitants of Northampton County, who were probably influenced by him. In consequence of these acts, so dangerous to the tranquillity and prosperity of the country, a petition was presented to the Assembly, praying that proper measures might be taken to correct and prevent their effects. At the head of these petitioners, is found the name of Colonel Littleton, the Commander, and of most of the other Commissioners of this County. The Assembly took both these papers under consideration; voted the memorial of Scarbrough and his associates to be "scandalous and seditious"; disabled him and them from holding any office, until he and they had answer'd the charges prefer'd against them; and created a board, composed of Richard Bennett esquire, the governor, the Secretary of State and others, whom they directed to proceed to Northampton, "for the settlement of the peace of the countie, and punishing the delinquents." (r)

(q) See Henings Statutes. Vol: I. page 371

(r) Idem. pages 380. 384.

(p. 30) The ancient records of Northampton show, that in pursuance of this Act, the governor, with several of the assistants appointed by the Assembly to accompany him, did proceed to that county, where they held several sessions, the proceedings of which are all there recorded; and that they finally fulfilled all the objects which had induced them to undertake this journey. Scarborough and his associates were mulcted in heavy fines; some of them were degraded and disqualified from holding any office; and others were pardon'd, after recanting their seditious language and praying forgiveness.

Colonel Littleton seems to have been present at all these meetings; and this was the last public duty which he seems to have performed. He must have died during the year 1654; for a patent granted to Edward Littleton, in 1656, recites, that Colonel Nathaniel Littleton during his life, viz^d May 1, 1654, had purchased a tract of land, then and still called Arlington, from its former proprietor Thomas Warner, which land was, therefore, granted to the said Edward Littleton, as the son and heir of the said Nathaniel; and in January 165^h/5, the records of Northampton County state, that Mrs. Ann Littleton, his "widow", exhibited a complaint against the misconduct of one of her white female servants, who, in consequence, was order'd to be punished for her insolence to her mistress.

Colonel Littleton resided, during his life, in the lower end of what is now Northampton County, and in that part of it then and still called Magotty Bay. Here he held a body of eight hundred acres of land, situated on the sea-board side, adjoining the estate called Arlington, which was situated on the Bay-side, at the mouth of Old Plantation Creek. During his life, he augmented this tract by the purchase of Arlington, which then contained twelve hundred acres. After this purchase, his estate comprehended Two Thousand acres—the whole of this descended upon his eldest son Edward Littleton, after the death

of his father, who died intestate in 1654.

Of Colonel Littleton's character and situation in life, I can discover nothing more than what may be infer'd from the facts stated above. From the various public employments (p. 31) which he filled and from the manner in which he seems to have discharged their duties, I am induced to believe that he was a man highly respected in the county where he resided, and by his fellow subjects in Virginia generally; and that he well merited the high estimation he seems to have enjoyed. He left three children, two sons, Edward and Southy, and a daughter Hester. She afterwards married Captain John Robins, a very respectable gentleman of Northampton County, the son of Colonel Obedience Robins, who, after the death of Colonel Littleton, was elected to succeed him as one of the Council of State.

Edward Littleton, the eldest son of Colonel Nathaniel Littleton, survived both his father and mother, and married; but he died without issue, in 1663. This appears by the proceedings in several suits in Northampton County, instituted by his brother Southy Littleton. In these suits, lands which had belonged to Edward, are claimed by Southy, as his heir at law. It is more particularly shewn also, by a deed from Francis Pigot and Frances his wife (who was the widow of Edward Littleton) to Southy Littleton, in which deed these facts are stated— Edward Littleton must have been quite young at his death; but even then he appears to have been recommended and appointed as one of the Commissioners of Northampton County.

II. Southy Littleton.

(p. 32) Southy Littleton, the youngest son of Colonel Nathaniel Littleton, was born in Virginia, between the years 1642 and 1646. I state this very confidently, because by the will of his mother Ann Littleton, which is dated in 1656 and is recorded in Northampton County, she directs that he shall "bee kept at school untill he shall arrive unto y^e. age of fifteen or sixteen years;" therefore, he could not have been born before 1642. And as the proceedings in the suits referred to above, show that he was of full age in 1667, he could not have been born later than 1646. It appears too, by the same will, that Southy Littleton was elder than his sister Hester, who, as is therein stated, would "come to the age of twenty and one years in an^d. Dom; 1669."

Southy Littleton must have been married while he was quite young, for it appears by his own will, a copy of which I have, that he had survived his wife and had seven children then living; and this will is dated in 1679. Who he married I know not certainly: but from the name of his second son, and other circumstances, I infer that the maiden name of his wife was Rowman, and that her family resided either in Somerset county Maryland, or in the upper part of the contiguous county in Virginia which is now called Accomack. (a)

Although Southy Littleton must have resided in the county of Northampton during such the greater part of his life, it does not appear, by the ancient records of that county, that he ever acted in any public capacity there. But he seems to have been a member of the Royal Council while he was yet quite

(a) The present county of Somerset in Maryland, extended quite across the peninsula, at this time, from the Bay to the Sea, and included the present county of Worcester.

young; and he was one of the "Court Martial, held on board Capt: John Martins
shipp, in York river, January 11th 1676^o, for the trial of Thomas Hall and others,
who had been assistors in the rebellion" of Bacon. (b) He is there distinguish'd
(p. 33) as "Col: Southy Littleton."

Family tradition, had always taught me to consider this gentleman as the
most conspicuous and meritorious of his name, who had lived in Virginia. By
this, he was represented as the particular and intimate friend of Sir William
Berkeley the governor, who resided in Magotty bay with Colonel Littleton, as his
guest, during the period of the governor's sojourn in this part of the country,
to which he had been driven by the success of Bacon and his adherents. From this
circumstance, from the reputed wealth of Colonel Littleton, and from the active
part he was said to have taken in the struggle which convulsed the country in his
day, I was disappointed in not being able to collect more information concerning
him, from the ancient records of the county in which he dwelt.

I can account for this omission, only by supposing that the early part of
his manhood was not passed in this county. This supposition, derives some con-
firmation from the fact, that the patrimonial estate which he derived from his
immediate ancestors, was situated on Nandua creek, and upon the division of the
county of Northampton in 1663, this estate was included within the limits of the
new county of Accomack. (c) Here, therefore, Southy Littleton lived, most
probably, until after the death of his brother Edward. By that event, he became
entitled to the manor plantation in Northampton county, where his father Colonel
Nathaniel Littleton had resided: but Southy Littleton did not remove hither until

(b) See Henings Statutes. Vol: II. page 515.
(c) See Henings Statutes. Vol: II. page 97.

after the death of his wife. Before this occur'd, the excitement produced in the country by Bacon's war, began to exhibit itself. Then, the nature of the offices which Southy Littleton held, as one of the Royal council and as a military officer, compelled him of course to spend much of his time, during this turbulent period, at a distance from his home.

Our histories inform us also, that in the year 1677, Colonel Southy Littleton and Colonel William Kendall were appointed agents on the part of Virginia, to repair to Albany in New-York, there to confirm the peace, which Colonel Coursey of Maryland had made, for Virginia, with the Five Nations of Indians, who had long caused great interruptions of the tranquillity of this colony. (d)

(p. 34) While at Albany, engaged in this duty, Colonel Southy Littleton died. His will is dated at Albany, September 16, 1679, and being first proved there and recorded there, a copy of it was certified from thence to Northampton County Court, where it now remains of record.

Colonel Southy Littleton left seven children. Of these, three were sons, Nathaniel, Bowman and Southy; ~~were sons~~ and four were daughters, Esther, Sarah, Elizabeth and Gertrude.—To Nathaniel, his eldest son, he devised the old family estate in Hagotty bay, which he had acquired by the death of his elder brother Edward, and had augmented by several purchases of contiguous lands, until it comprehended more than four thousand acres. This Nathaniel Littleton married, and died young, leaving none other than two female descendants.

To Bowman, his second son, Colonel Littleton devised "all the rest of his land at Singoteck (Chingoteague) in Somerset county", not devised to his

(d) See Burks History of Virginia. Vol: II. page 282.

daughters and others. He was entitled to a very extensive territory in this part of the country, after carving out of which large portions for each of his daughters, and several farms for his faithful white servants, there still remained a considerable tract, comprehending several thousand acres, that passed under this devise to his second son. And to his youngest son Southy, he devised his "plantation at Mandus, lying and situate in Accomack county in Virginia, containing Two Thousand two hundred and seventy acres."

I have not been able to trace what became of either of these two sons. But I suppose that they died without issue, or leaving none other than female descendants; for the name has long been extinct as a patronymick, although it is still preserved as a baptismal name in the families of the Dennis's, the Toackle's, the Savages, the Kendalls, and many others, on the Eastern shore both of Maryland and Virginia. From this I infer, that the female descendants of Colonel Southy Littleton and of his sons, intermarried with the ancestors of these families; and that according to a custom then very prevalent, the family name of the mother, became the baptismal name of some of her male descendants, and was thus preserved among them (p. 35) for a long time.

All that I have been able to discover of any of this family, except what relates to the youngest daughter of Colonel Southy Littleton, is that Sarah, the second daughter, married a Mr. Adam Michael, who dying before her, she intermarried after his decease with John Custis esquire, whom she also survived. She seems to have died without issue, and to have left a will that bears date April 14, 1720, and is now recorded in the County Court of Northampton—Elisabeth, the third daughter, married a Mr. Waters. His descendants were once numerous and respectable in Northampton; but I believe none now remain there, although I have heard that a branch of this family still exists in Maryland or in Accomack—Of Gertrude, the youngest daughter, I will speak more fully hereafter.

This is all I have been able to collect concerning Colonel Southy Littleton. Two events occur'd, however, during his life, in each of which he was actively concerned. As each of these events was long consider'd of great importance, throughout the colony, and are related but very imperfectly in any of our histories, before I conclude this sketch, I will endeavour to give a more accurate and connected account of them than you will be able to find. The first of these events was "Bacon's Rebellion"; and the other the Treaty concluded at Albany with the Five Nations of Indians.

With regard to the first, very different opinions seem to have prevailed in the country, at different periods. Immediately after the insurrection headed by Nathaniel Bacon the younger, the excesses that had been committed by the insurgents while in arms; the disregard they manifested to the haughty mandates of the constituted authorities; and the necessity under which the party ultimately victorious found itself placed to account for and to justify their cruel and illegal acts, were probably the causes why this commotion was denominated a "Rebellion". All our early accounts were the weak productions of this victorious party; and therefore, may be regarded very properly as the effects of such inflammation and excitement, coloured too by the effort to extenuate the impropriety of acts, which, when consider'd with more calmness, could not be justified.

(p. 36) Near a century afterwards, when the natural growth of the colony and the extravagant proceedings of the mother country, had prepared the minds of men for that revolution and division of the British empire, which was effected at last, it was quite natural for them to look back upon their past history, with a view of finding in it additional evidence of misrule. Then, all persons especially if their conduct was seen to have been visited with harsh, who were found opposing such proceedings when they had occur'd/illegal, or cruel treatment, would certainly be regarded with a favorable eye. Their cause would probably be identified with that then existing; their fate and fortunes would meet general sympathy; and those who had once been proclaimed as rebels

and denounced as traitors, would then be regarded as patriots and suffering martyrs in the cause of necessary reform.

To these opposite causes, may very probably be ascribed the different and conflicting accounts of Bacon's rebellion, which may be found in our histories and ancient records. In some of these Bacon is stigmatized as an attainted traitor, and is branded with many other opprobrious epithets; while in others he is compared to Brutus and to Cromwell. Each of these representations, is probably wide of the truth, being dictated by the feelings prevalent in the country, at the time it was given.

However great the irritation or ardent the enthusiasm by which Bacon and his adherents were propelled, it cannot be believed that either he or they were so ignorant of the condition of the colony at that time, as to have conceived it to be practicable to have separated Virginia from the mother country; or to have maintained independence, even if it had been desirable to achieve it. The inhabited territory of Virginia, at this time, did not extend beyond the tide water country, in any direction—This narrow territory was occupied by a population scattered very sparsely over it, the whole of which population, of every description, both bond and free, did not amount to forty thousand souls. The military force of the colony, was composed entirely of its militia, and did not exceed five thousand men, of all sorts. And such was the poverty of the people, that the whole revenue of (p. 37) Virginia, although derived under a system of most burthensome and oppressive taxation, did not exceed twenty thousand dollars per annum—the greater part of which was payable in tobacco. It must have been madness or folly that could have desired the independence of such a country, or entertained the vain hope that it would be practicable to accomplish any such purpose, against the will of the parent state. Nothing known to us of the character of Bacon, justifies the supposition that he was an enthusiast so

visionary as to have conceived any such wild scheme. His object seems to have been merely to obtain relief against some of the grievances by which the colony was then oppressed by its own local government; and the idea of shaking off allegiance to the British crown, does not appear to have been entertained either by himself or by any of his adherents.

To understand the true causes of this commotion, we must endeavour to obtain an accurate knowledge of the condition of the colony, at this time. To do this however, it will be necessary to examine the nature of the government, by which it was brought into this condition; as well as the immediate causes of the general discontent that then prevailed. I will endeavour to explain these things as briefly as possible.

Virginia was settled at first, under the direction of a Company of "Knights, Gentlemen, Merchants and other Adventurers, of the City of London", who were incorporated by a Charter granted to them by king James the first, on the 10th, day of April 1606. By this charter, the government of the intended colony, was committed to a Superior Council established in England, to consist of thirteen persons, who were to be appointed by the King. Besides this superior council however, the immediate government was entrusted to another subordinate council, of thirteen persons, to be established in the colony itself, which subordinate council was to be appointed by the Superior Council. These councils, were to govern the colony, in all things, "according to such laws, ordinances and instructions, as should be in that behalf given and signed by the King." (e)

(p. 38) Such a government, was as little suited to the prosperity of the colonists, as to the interest of the Company. Therefore, very soon after the

(e) See Stiths History of Virginia. Appendix. No. I. page 1 &c.

first settlement in the colony was made, the Company applied to the King to amend this charter. Their application was granted; and on the 23^d. of May 1609, they received a new charter, from the same monarch. By this new charter, the Company was styled "The Treasurer and Company of Adventurers and planters of the City of London, for the first Colony of Virginia;" and the former government of the colony was changed. The new charter continued the Superior council established in England, according to the provisions of the first charter; but abolished the other subordinate council thereby required. In lieu of this, it gave authority to the Superior council in England, "to make ordain and establish any forms and ceremonies of government and magistracy, which they might think fit and necessary, for and concerning the government of the colony and plantation." (f)

In pursuance of this authority, the Superior Council in England, established, at first, a species of military government, and appointed Sir Thomas West Lord Delaware to be Captain General of Virginia, during his life—(g) Under this form of government the colony continued for many years, until the death of Lord Delaware; when the complaints of the colonists, in consequence of the tyrannical conduct of Captain Argall, the deputy governor, induced the Superior Council to abolish it. This Council then ordain'd, that thenceforth there should be two councils in Virginia, the one to be called the Council of State, to be placed and displaced by the Treasurer Council and Company in England, from time to time, whose office was to be that of assisting and advising the governor. The other to be called the General Assembly, to be convened by the governor yearly or oftener, which was to consist of the council of State, and of two burgesses out of every town, hundred or plantation, to be respectively chosen by the

(f) See Stith's History of Virginia. appendix. No. IX. pages 8 &c.

(g) See Stith's History of Virginia. page 101.

inhabitants. In (p. 39) 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, 1621, but it is probable that instructions to the same effect had been given to Sir George Yeardley, on the 18th. 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— (i) With this form of government the Colonists 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 10th. day of November 1623, James the first order'd a writ of Quo Warranto to be sued out against them, that the validity of their charter might be tried in the Court of King's Bench—(k) 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 confer'd upon it returned to the king, from whom they had flowed. (l)

(h) See Mening's Statutes at large. Vol: I. page 110 &c.

(i) See Stiths History of Virginia. page 160.

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

(l) See Rymer. Vol: XVII. page 618 &c. — Chalmers's. page 62.

Soon after the judgment of the Court against the Company, the king, by a commission bearing date August 25, 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—(a) But before any plan of government was (p. 40) completed by him, James the first died and was succeeded by his son Charles the first, on the 27th of March 1625.

This prince adopted all the maxims of his father's 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 13th of September 1626, he confer'd 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, injoining 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, convened before the date of any instrument now to be found, whereby any formal authority to hold such meetings

(a) See - *Ibidem*.

(n) See Robertson's History of America. Vol: III. page 269 - Rymer. Vol: XVIII. pages 72. 311.

is communicated. Unless indeed the letter of Instructions from the king to the governor and council, in 1527, which letter directed a convention of the Assembly for a special purpose only, may be consider'd 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 occur'd 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 dissatisfaction of the colonists assigned all, as is usual, to the same cause.

(p. 41) A Mr. Anis had enter'd 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 Varinas. This scheme was listen'd 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—(p) Their representations produced the desired effect; and the proposed contract was finally abandon'd. But in return for this favour, they were compell'd to promise, that in future, all their marketable productions should centre in England. (q)

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

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- (o) See Burk's History of Virginia. Vol: II. page 18.
(p) See Menings Statutes at large. Vol: I. pages 134 &c.
(q) See Burk's History of Virginia. Vol: II. page 19.

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 abandon'd. (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.

Harvey enter'd upon the duties of his office in 1629. (s) He was rapacious, unfeeling and haughty, adding insolence to oppression, (p. 42) 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 forbade 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 unfrequently, with the rights of

(r) See Ibidem. page 20.

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

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

actual settlers and involved such future litigation; but which encroached 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 28th. 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 displeas'd 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 (p. 43) authority, he seems to have been so sensible of the grievances under under which the colonists groan'd, and of the chief source from when they proceeded, that in 1639, he not only removed a governor so justly odious to them, (x) but, in 1641, he nam'd Sir William Berkeley as his successor, a man superior to Harvey

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

(v) See Ibidem. page 48.

(w) See Burk's History of Virginia. Vol: II. pages 41. 42.

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

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 order'd 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 such 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 these 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 1st of April 1642, whereby they formally disavow'd the act of Mr. Sandys their agent who had prefer'd a petition to the House of Commons in England, for restoring the letters patent of incorporation to the former

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

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

(a) See Beverleys History of Virginia. page 50.

Treasurer and Company. In this Declaration, they intreat to remain under the Royal government, which had been productive of such prosperity and content. (b)

(p. 44) 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 mention'd 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 12th, 165¹/₂, 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 antient 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 entrenched 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

(b) See Henings Statutes. Vol: I. page 236 &c.

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 (p. 45) military force from among them—and a permanent government, not dependant upon the caprice of the mother country, but fixed and regulated by a written charter, to be preserved inviolate. Yet was the convention violated afterwards, in each of these points; first by the Parliament by whose Commissioners it had been concluded; and then by Charles the Second, after his restoration.

The grievous restraints upon their commerce, imposed by the two acts of 1651, put in force here in direct violation of one of the articles of this 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

(c) See Henings Statutes at Large. Vol: I. pages 363 ac.

only adapted, 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 act, passed in 1653, whereby additional restraints were imposed. (e) The principles of policy in which the various regulations contained in both 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 rendered yet more beneficial and advantageous to it, in the further employment and increase of English shipping and seamen, as well as in the vent of English woollen and other manufactures and commodities, and in making England a staple, not only of the commodities of these plantations, but also of the commodities of other (p. 16) countries and places for the supplying them. And in the prosecution of these maxims, the English Legislature proceeded still further. As the Act of Navigation had left the colonists at liberty to export the commodities therein enumerated, from one English plantation to another, free of duty, in 1673, it subjected these enumerated articles when so exported, to a tax equivalent to what would have been paid by the consumers of them if transported to England. See 25. Car: II. Chap. 7.

Thus, instead of that free trade, which the colonists thought they had secured by the Convention of 1652, and had expected from the gratitude of the king, by these successive regulations, the plan of securing to England a monopoly of

(d) See 12th; Car; II. chap: 16.

(e) See Henings Statutes at Large. Vol: I. pages 363 &c.

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 burthens to which they had ever been before subject, and this at a time when they were least able to bear them. For the effect of this rigorous restraint acted with double force. Tobacco, then 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 supply of 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 crops. (f)

In vain did the colonists remonstrate against such greivances. In vain did they petition for relief. The king and his ministers concur'd perfectly with the Parliament, and so far from listening to these applications with a favourable ear, they labour'd assiduously to carry the new system into strict execution. For this purpose, instructions were given to the governor, in pursuance of which forts were built on the principal rivers and kept up at the expense of the colony, and small vessels were appointed to cruise on its coasts. (g)

Oppression like this, so little expected too, was further aggravated by the wanton and rigorous persecution of the Quakers and other sectaries, who had resorted to the colony as to a safe asylum, (p. 47) which persecutions produced much murmuring and dissatisfaction among the people. (h) Some of Cromwell's old soldiers, who had been sent to Virginia as indented servants, availing themselves

(f) See Beverley's History of Virginia. page 61.

(g) See Henings Statues. Vol: II. page 255 &c. Burk's History. Vol: II. page 146.

(h) See Henings Statues at Large - Vol. II page 180 ec

of the general discontent, formed a desperate plot to destroy their masters and then to set up for themselves. This rash project, was discover'd by one of their associates, and was soon disconcerted by the timely and vigorous exertions of the governor. (i) But the spirit of discontent, although repressed for a season, was not extinguished; and every day something new occur'd 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. (k) 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 grants several 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 grants, and of procuring a new charter, if possible. (l) 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. (m)

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

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

(k) See Ibidem. page 65.

(l) See Hening's Statutes at large. Vol: II. page 311 &c.

(m) See Burk's History of Virginia—Vol: II. page 248.

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 (p. 48) 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. (n) 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 burgess 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 burgesses, although many of the counties had not more than five hundred tithables, and some not so many. (o) 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 the severe restraints upon its commerce. (p)

Many of these grievances resulted, obviously, from the unjust legislation of

(n) See Burk's History of Virginia. Vol: II. page 248.

(o) See Ibidem.

(p) See Ibidem.

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 negotiation 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 abandon'd. (q) Disappointed in all their hopes in (p. 19) 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: (r) but Maryland not concurring in this project, they were compelled to repeal this law, the next year. (s) 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 Carolina concur'd. (t) 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. (u) The subject was deemed too important to be abandon'd;

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

(r) See Henning's Statutes at Large. Vol: II. pages 190. 200.

(s) See Ibidem. 269.

(t) See Ibidem. 224.

(u) See Ibidem. 230.

and notwithstanding these repeated disappointments, a new attempt, of the same kind, was afterwards made, but again failed. (v) These reiterated and ineffectual efforts, which had excited such 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—and 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; (p. 50) 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 offer'd 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

(v) See Ibidem.