

THE GENESIS OF THE UNITED STATES

A NARRATIVE OF THE MOVEMENT IN ENGLAND, 1605-1616, WHICH
RESULTED IN THE PLANTATION OF NORTH AMERICA BY
ENGLISHMEN, DISCLOSING THE CONTEST BETWEEN ENGLAND
AND SPAIN FOR THE POSSESSION OF THE SOIL NOW OCCUPIED
BY THE UNITED STATES OF AMERICA; SET FORTH THROUGH

A Series of Historical Manuscripts now first printed

TOGETHER WITH A REISSUE OF RARE CONTEMPORANEOUS TRACTS,
ACCOMPANIED BY BIBLIOGRAPHICAL MEMORANDA, NOTES, AND

Brief Biographies

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WITH 100 PORTRAITS, MAPS, AND PLANS

IN TWO VOLUMES

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who encouraged such generous undertakings were more just and solid." In less than a generation after this was written, the "speculative reasoners" became prophets.

April 18, 1606, Master John Knight, sent out by the Muscovy and East India Companies, sailed from Gravesend, with two vessels, for the discovery of the Northwest Passage. Returned September 20, 1606.

Late in July, Captain John Legat sailed from Plymouth, England, for the Amazon River, South America.

August 12, Capt. Henry Challons sailed [see XXXIV.].

In October [?], "It pleased the Noble Lord Chiefe Justice, Sir John Popham, Knight, to send out another shippe, wherein Captayne Thomas Hanham went commander, and Martine Prinne [Pring] of Bristow, Master, with all necessary supplyes, for the seconding of Captayne Challons and his people."

November 5. "The Gunpowder Plot Day" was appointed by Parliament to be observed forever as a day of solemn thanksgiving.]

VI. INSTRUCTIONS FOR THE GOVERNMENT OF THE COLONIES.

FROM A MANUSCRIPT RECORD BOOK, IN THE REGISTER'S OFFICE OF VIRGINIA. BOOK NO. 2, PAGE 1.

In 1623, among the charges brought against Sir Thomas Smythe was this:—

"That his Majesties Instructions first given for Government were not observed, nor so much as published. That they were clean suppressed and extinguished, and the Originals no longer extant."

To this Smythe replied:—

"That he did follow the instructions, and gave coppies thereof to the President and Counsell first established. And they were engrossed fairely in a Book as a Record."

Purchas does not publish them, but in vol. iv., on p. 1667, he speaks of "the articles and instructions," as being

dated two days after April 10 ; but Purchas must have made a mistake as to the date, unless there was another document of the kind now lost, as this is dated November 20, 1606. This document was published in Henning's "Virginia Statutes at Large," vol. i. pp. 67-75, in 1809. It was taken from a MS. record book in the register's office of Virginia, but I am not prepared to claim that it was the same record book in which Sir Thomas Smythe had it "fairely engrossed."

Burke, in his "History of Virginia," vol. i. pp. 85-92, gives an extended abstract of this paper, but the whole of it has only been printed, I believe, by Henning, as aforesaid, and I have copied from his imprint, which makes the whole document a single sentence, probably one of the longest on record.

"Articles, Instructions and Orders made, sett down and established by us, the twentieth day of November, in the year of our raigne of England, France, and Ireland the fourth and of Scotland the fortieth, for the good Order and Government of the two several Colonies and Plantations to be made by our loving subjects, in the Country commonly called Virginia and America, between thirty-four and forty-five degrees from the æquinoctial line.

Wheras Wee, by our letter pattents under our great seale of England, bearing date att Westminster, the tenth day of Aprill, in the year of our raigne of England, France and Ireland the fourth, and of Scotland the 39th, have given lycence to sundry our loving subjects named in the said letters pattents and to their associates, to deduce and conduct two several Collonies or plantations of sundry our loving people willing to abide and inhabit in certain parts of Virginia and America, with divers preheminences, privileges, authorities and other things, as in and by the same letters pattents more particularly it appeareth, Wee according to the effect and true meaning of the same letters pattents, doe by these presents, signed with our hand, signe

manuel and sealed with our privy seale of our realme of England, establish and ordaine,¹ that our trusty and well beloved *Sir William Wade*, Knight, our Lieutenant of our Tower of London, *Sir Thomas Smith*, Knight, *Sir Walter Cope*, Knight, *Sir George Moor*, Knight, *Sir Francis Popeham*, Knight, *Sir Ferdinando Gorges*, Knight, *Sir John Trevor*, Knight, *Sir Henry Montague*, Knight, recorder of the citty of London, *Sir William Rumney*, Knight, *John Dodderidge*, Esq. Sollicitor General, *Thomas Warr*, Esqr. *John Eldred* of the citty of London, merchant, *Thomas James* of the citty of Bristol, merchant, and *James Bagge* of Plymouth, in the county of Devonshire, merchant, shall be our counsell for all matters which shall happen in Virginia or any the territories of America, between thirty-four and forty-five degrees from the æquinoctial line northward, and the Islands to the several collonies limitted and assigned, and that they shall be called the King's Council of Virginia, which counsell or the most part of them shal have full power and authority, att our pleasure, in our name, and under us, our heires and successors, to give directions to the counsellors of the several collonies which shal be within any part of the said country of Virginia and America, within the degrees first above mentioned, with the Islands aforesaid, for the good government of the people to be planted in those parts, and for the good ordering and desposing of all causes happening within the same, and the same to be done for the substance thereof, as neer to the common lawes of England, and the equity thereof, as may be, and to passe under our seale, appointed for that counsell, which counsell, and every or any of them shall, from time to time be increased, altered or changed, and others put in their places, att the nomination of us, our heires and successors, and att our and their will and pleas-

¹ The members of His Majesty's council of Virginia were chosen from the members of the two companies. I am quite sure that the names in italics were members of the first colony, the others being members of the second colony. Most of them were then members of Parliament.

ure, and the same council of Virginia, or the more part of them, for the time being, shall nominate and appoint the first several councellours of those several councells, which are to be appointed for those two several colonies, which are to be made plantations in Virginia and America, between the degrees before mentioned, according to our said letters pattents in that behalfe made; and that each of the same councils of the same several colonies shal, by the major part of them, choose one of the same council, not being the minister of God's word, to be president of the same council, and to continue in that office, by the space of one whole year, unless he shall in the mean time dye or be removed from that office; and wee doe further hereby establish and ordaine, that it shal be lawful for the major part¹ of either of the said councells, upon any just cause, either absence or otherwise, to remove the president or any other of that council, from being either president, or any of that council; and upon the deathes or removal of any of the presidents or council, it shal be lawful for the major part of that council, to elect another in the place of the party soe dying or removed, so alwaies, as they shal not be above thirteen of either of the said councellours, and wee doe establish and ordaine, that the president shal not continue in his office of president ship above the space of one year; and wee doe specially ordaine, charge, and require, the said president and councells, and the ministers of the said several colonies respectively, within their severall limits and precincts, that they, with all diligence, care, and respect, doe provide, that the true word, and service of God and Christian faith be preached, planted, and used, not only within every of the said several colonies, and plantations, but alsoe as much as they may amongst the

Each council to choose a president; his continuance in office.

Vacancies, how supplied.

Christian religion to be preached among the colonists and the savages. ✓

¹ This clause destroyed the usefulness of the president in troublesome times, and made him an object to lay the blame on when affairs were not going smoothly, while the authority was really in the hands of the majority.

salvage people which doe or shall adjoine unto them, or border upon them, according to the doctrine, rights, and religion now professed and established within our realme

Penalty for withdrawing any of the people from their religion or allegiance. of England; and that they shall not suffer any person, or persons to withdrawe any of the subjects or people inhabiting, or which shall inhabit within any of the said several colonies and plantations from the same, or from their due allegiance, unto us, our heires and successors, as their immediate soveraigne under God; and if they shall find within any of the said colonies and plantations, any person or persons soe seeking to withdrawe any of the subjects of us, our heires or successors, or any of the people of those lands or territories, within the precincts aforesaid, they shall with all diligence, him or them soe offending cause to be apprehended, arrested, and imprisoned, until he shall fully and thoroughly reforme himselfe, or otherwise, when the cause soe requireth, that he shall, with all convenient speed be sent into our realme of England, here to receive condigne punishment for

How lands to descend and pass.

his or their said offence or offences; and moreover wee doe hereby ordaine and establish for us, our heires and successors, that all the lands, tenements, and hereditaments to be had and enjoyed by any of our subjects within the precincts aforesaid, shal be had and inherited and enjoyed, according as in the like estates they be had and enjoyed by the lawes within this realme of England; and that the offences of tumults, rebellions,

How certain offences to be punished.

conspiracies, mutiny and seditions in those parts which may be dangerous to the estates there, together with murther, manslaughter, incest, rapes, and adulteries committed in those parts within the precincts of any the degrees above mentioned (and noe other offences) shal be punished by death, and that without the benefit of the clergy, except in case of manslaughter, in which clergie is to be allowed, and that the said several presidents and councells, and the greater number of them, within every of the several limits and precincts, shall have

full power and authority, to hear and determine all and every the offences aforesaid, within the precinct of their several colonies, in manner and forme following, Trial by jury. that is to say, by twelve honest and indifferent

persons sworne upon the Evangelists, to be returned by such ministers and officers as every of the said presidents and councells, or the most part of them respectively shall assigne, and the twelve persons soe returned and sworne shall, according to the evidence to be given unto them upon oath and according to the truth, in their consciences, either convict or acquit every of the said persons soe to be accused and tried by them; and that all and every person or persons, which shall voluntarily confesse any of the said offences to be committed by him, shall, upon such his confession thereof, be convicted of the same, as if he had been found guilty of the same, by the verdict of any such twelve jurors, as is aforesaid; and that every person and persons which shall be accused of any of the said offences, and which shall stand mute, or refusing to make direct answer thereunto, shall be, and he held convicted of the said offence, as if he had been found Judgment on standing mute or by confession.

guilty by the verdict of twelve such jurors, as aforesaid; and that every person and persons soe convicted, either by verdict, his own confession, or by standing mute, or by refusing directly to answer as aforesaid of any the offences before mentioned, the said Presidents, or Councells, or the greatest number of them within their several precincts and limits, where such conviction shall be had and made as aforesaid, shall have President and council to pronounce judgment.

full power and authority, by these presents, to give judgment of death upon every such offender, without the benefit of the clergy, except only in cause of manslaughter, and noe person soe adjudged, attainted, or condemned shall be reprimed from the execution of the said judgment, without the consent of the said president and council or the most part of them by Reprieve by the president and council. Pardon by the king. whom such judgment shall be given; and that noe person

shal receive any pardon, or be absolutely discharged of any the said offences, for which he shall be condemned to death as aforesaid, but by pardon of us, our heires and successors, under our great seale of England; and wee doe in like manner establish and ordaine, if any either of the said collonies shall offend in any of the offences before mentioned, within any part between the degrees aforesaid, out of the precincts of his or their collony, that then every

such offender or offenders shall be tried and punished as aforesaid within his or their proper collony; and that every the said presidents and

councells, within their several limits and precincts, and the more part of them shall have power and authority by these presents to hear and determine all and every other wrongs, trespasses, offences, and misdeameanors whatsoever, other than those before mentioned, upon accusation of any person, and proof thereof made, by sufficient witnesse upon oath; and that in all those cases the said president and council, and the greater number of them, shall have power and authority, by these presents respectively, as is aforesaid, to punish the offender or offenders, either by reasonable corporal punishment and imprisonment, or else by a convenient fine, awarding damages or other satisfaction, to the party grieved, as to the said president and councell, or to the more part of them, shall be thought fitt and convenient, having regard to the quality of the offence, or state of the cause; and that alsoe the said president and council, shall have power and authority, by virtue of these presents, to

punish all manner of excesse, through drunkennesse or otherwise, and all idle loytering and vagrant persons, which shall be found within their several limits and precincts, according to their best discretions, and with such convenient punishment, as they or the most part of them shall think fitt; alsoe our will and pleasure, concerninge the judicial proceedings aforesaid, that the same shall be made

Offenders to be tried in their colony.

President and council to have power to hear and determine all civil causes.

To punish excesses and drunkenness.

How judicial proceedings to be entered.

and done summarily, and verbally without writing, until it come to the judgment or sentence, and yet nevertheless our will and pleasure is, that every judgment and sentence hereafter to be given in any the causes aforesaid, or in any other of the said several presidents and councells, or the greater number of them, within their several limits and precincts, shall be breifely and summarily registered into a book, to be kept for that purpose, together with the cause for which the said judgment and sentence was given; and that the said judgment or sentence, so registered and written shall be subscribed with the hands or names of the said president and council, or such of them as gave the judgment or sentence; alsoe our will and pleasure is, and wee doe hereby establish and ordaine, that the said several colonies and plantations, and every person and persons of the same, severally and respectively, shall within every of their several precincts, for the space of five years, next after their first landing upon the said coast of Virginia and America, trade together all in one stocke¹ or devideably, but in two or three stocks at the most, and bring not only all the fruits of their labours there, but alsoe all such other goods and commodities which shall be brought out of England, or any other place, into the same collonies, into severall magazines or store houses, for that purpose to be made, and erected there, and that in such order, manner and form, as the council of that collony, or the more part of them shall sett downe and direct; and our will and pleasure is, and wee doe in like manner ordaine, that in every of the said collonies and plantations there shall be chosen there, elected yearely, by the president and councell of every of the said several colonies and plantations or the more part of them, one person, of the same colony and plantation, to be treasurer or cape-merchant of the same collony and plantation to take the charge and managing of all such goods, wares, and commodities, which shall be brought into

How the colonists are to trade for the first five years.

Cape-merchant.

¹ Joint stock, III. note 1.

or taken out of the severall magazines or storehouses ; the same treasurer or cape-merchant to continue in his office by the space of one whole year, next after his said election, unless he shall happen to dye within the said year, or voluntarily give over the same, or be removed for any just or reasonable cause ; and that thereupon the same president and councell, or the most part of them, shall have power and authority to elect him again or any other or others in his room or stead, to continue in the same office as aforesaid ; and that alsoe there shall be two or more persons of good discretion within every of the said colonies and plantations elected and chosen yearely during the said terme of five years, by the president and councell of the same collony, or the most part of them respectively, within their several lim-

Clerks. its and precincts, the one or more of them to

keep a book in which shall be registred and entred all such goods, wares, and merchandizes, as shall be received into the several magazines or storehouses within that collony, being appointed for that purpose, and the

Books. other to keep a like book, wherein shall be registred all goods, wares, and merchandizes which

shall issue or be taken out of any of the several magazines or store-houses of that collony, which clerks shall continue in their said places but att the will of the president and councell of that colony, whereof he is, or of the major part of them ; and that every person of every the said several colonies, and plantations shall be furnished with all neces-

Magazines. saries out of those several magazines or store-

houses which shall belong to the said colony and plantation, in which that person is, for and during the terme and time of five years, by the appointment, direction and order of the president and councell there, or of the said cape-merchant and two clerks or of the most part of them, within the said several limits and precincts of the said colonies and plantations : Alsoe our will and pleasure is, and wee doe hereby ordain, that the adventurers of the said first colony and plantation, shall and may during the said terme

of five years, elect and choose out of themselves one or more companies, each company consisting of three persons att the least who shall be resident att or neer London, or such other place, and places, as the councell of the colony for the time being, or the most part of them, during the said five years shall think fitt, who shall there from time to time take charge of the trade an accompt. of all such goods, wares and merchandizes, and other things which shall be sent from thence to the company of the same colony, or plantation in Virginia, and likewise of all such wares, goods and merchandizes, as shall be brought from the said colony or plantation unto that place within our realme of England, and of all things concerning the managing of the affaires and profits concerning the adventurers of that company which shall soe passe out of or come into that place or port ; [Then follows a like provision for the second colony, except that the company or companies "shall be resident att, or near Plymouth in our county of Devon."]. Alsoe our will and pleasure is, that no person or persons shall be admitted into any of the said colonies and plantations there to abide and remaine, but such as shall take not only the usual oath of obedience to us, our heires, and successors, but alsoe the oath which is limited in the last session of Parliament holden at Westminster in the fourth year of our raigne, for their due obedience unto us, our heires and successors, that the trade to, and from any the colonies aforesaid may be mannaged to, and from such ports and places, within our realme of England, as is before in these articles intended, anything set down heretofore to the contrary notwithstanding; and that the said President and Councell of each of the said colonies, and the more part of them respectively shall and may lawfully from time to time constitute, make and ordaine such constitutions, ordinances, and officers, for the better order, government and peace of the people of their several collonies, soe alwaies as the same ordinances, and

First colony
and compa-
nies.

Colonists to
take certain
oaths. ✓

President
and council
may pass or-
dinances, &c.

constitutions doe not touch any party in life or member, which constitutions, and ordinances shall stand, and continue in full force, untill the same shall be otherwise altered, or made void, by us, our heires, or successors, or our, or their council of Virginia, soe always as the same alterations, be such as may stand with, and be in substance consonant unto the lawes of England, or the equity thereof; furthermore, our will, and pleasure is, and wee doe hereby determine and ordaine, that every person and persons being our subjects of every the said collonies and plantations shall from time to time well entreate those salvages in those parts,

Must promote civilization among the Indians.

and use all good meanes to draw the salvages and heathen people of the said several places, and of the territories and countries adjoining to the true service and knowledge of God, and that all just, kind and charitable courses, shall be holden with such of them as shall conforme themselves to any good and sociable traffique and dealing with the subjects of us, our heires and successors, which shall be planted there, whereby they may be the sooner drawne to the true knowledge of God, and the obedience of us, our heires, and successors, under such severe paines and punishments, as shall be inflicted by the same several presidents and councills of the said several colonies, or the most part of them within their several limits and precincts, on such as shall offend therein, or doe the contrary; and that as the said territories and countries of Virginia and America within the degrees aforesaid shall from

Provision for further ordinances, &c.

time to time increase in plantation by our subjects, wee, our heires and successors will ordaine and give such order and further instructions, lawes, constitutions and ordinances for the better order, rule and government of such, as soe shall make plantations there, as to us, our heires and successors, shall from time to time be thought fitt and convenient, which alwaies shall be such, as may stand with, or be in substance, consonant unto the lawes of England, or the equity thereof; and lastly wee doe ordaine, and establish for us, our heires and successors,

that such oath shall be taken by each of our counsellors here for Virginia concerning their place and office of counsell, as by the privy counsell of us, our heires and successors of this our realme of England, shall be in that behalf limited and appointed; and that each counsellor of the said colonies shall take such oath, for the execution of their place and office of council, as by the council of us, our heires and successors here in England, for Virginia shall in that behalfe be limited and appointed, and as well those several articles and instructions herein mentioned and contained, as alsoe all such as by virtue hereof shall hereafter be made and ordained, shall as need shall require, by the advice of our Council here for Virginia shall be transcribed over unto the said several counsellors of the said several colonies, under the seale to be ordained for our said counsell here for Virginia.

Counsellors
to take an
oath.

"In Witnesse," etc.

VII. ORDERS OF THE COUNCIL.

FROM NEILL'S VIRGINIA COMPANY OF LONDON, pp. 4-8.

The document was written by His Majesties Council for Virginia.

"Certain orders and Directions conceived and set down the tenth day of December in the year of the reign of Our Soverain Lord King James of England, France and Ireland the fourth, and of Scotland the fortieth, by his Majesties' Counsel for Virginia, for the better government of his Majesties subjects, both captains, soldiers, marriners, and others that are now bound for that coast to settle his Majesties' first colony in Virginia, there to be by them observed as well in their passages thither by sea, as after their arrival and landing there.

"Whereas our said Soverain Lord the King by certain articles signed by his Majestie, and sealed with his Highness privy seal hath appointed us whose names¹ are under-

¹ Unfortunately, I am not able to give the names of the signers; but I still hope that they may be found preserved in some copy of the document.