

The First Virginia Charter 1606

Introduction

Virginia received three charters, one in 1606, another in 1609, and the third in 1612. The differences among the three charters lie primarily in the territorial jurisdiction of the company, not in the right to govern the colony. In 1609, the "sea to sea" provision was inserted, and in 1612 jurisdiction was extended eastward from the Virginia shores to include islands, such as Bermuda, in the Atlantic.

From the outset the Virginia Company was granted the authority to govern its own colony. A ruling council in England, composed of members of the joint-stock company who were usually merchants of great distinction, was formed immediately after King James I granted the charter of 1606. The councillors were appointed ostensibly by the king, but in reality were nominated by the membership, or more often, by the inner executive group of the company. The council in England issued instructions to the first settlers appointing a colonial council to make daily decisions. This group proved ineffective, and a governor, Lord Delaware, was eventually appointed. Acting under the council in England, the governor had absolute power. The authority to establish or alter a government in Virginia was based upon the charter granted by the king; in this sense, the king delegated some of his power to others.

The First Virginia Charter (April 10, 1606)

“James, by the grace of God [King of England, Scotland, France, and Ireland, Defender of the Faith], etc.”

Whereas our loving and weldisposed subjects, Sir Thomas Gates and Sir George Somers, Knightes; Richarde Hackluit, Clarke, Prebendarie of Westminster; and Edwarde Maria Wingham, Thomas Hannam and Raleighe Gilberde, Esquiers; William Parker and George Popham, Gentlemen; and divers others of our loving subjects, have been humble sutors unto us that wee woulde vouchsafe unto them our licence to make habitacion, plantacion and to deduce a colonie of sondrie of our people into that parte of America commonly called Virginia, and other parts and territories in America either appartaining unto us or which are not nowe

actuallie possessed by anie Christian prince or people, scituate, lying and being all along the sea coastes between fower and thirtie degrees of northerly latitude from the equinoctiall line and five and fortie degrees of the same latitude and in the maine lande betweene the same fower and thirtie and five and fourtie degrees, and the ilandes thereunto adjacente or within one hundred miles of the coaste thereof;

And to that ende, and for the more speedy accomplisshement of their saide intended plantacion and habitacion there, are desirous to devide themselves into two severall colonies and companies, the one consisting of certaine Knightes, gentlemen, marchannts and other adventurers of our cittie of London, and elsewhere, which are and from time to time shalbe joined unto them which doe desire to begin their plantacions and habitacions in some fitt and conveniente place between fower and thirtie and one and fortie degrees of the said latitude all alongst the coaste of Virginia and coastes of America aforesaid and the other consisting of sondrie Knightes, gentlemen, merchannts, and other adventurers of our citties of Bristoll and Exeter, and of our towne of Plymouthe, and of other places which doe joine themselves unto that colonie which doe desire to beginn their plantacions and habitacions in some fitt and convenient place betweene eighte and thirtie degrees and five and fortie degrees of the saide latitude all alongst the saide coaste of Virginia and America as that coaste lieth;

Wee, greatly commending and graciously accepting of their desires to the furtherance of soe noble a worke which may, by the providence of Almighty God, hereafter tende to the glorie of His Divine Majestie in propagating of Christian religion to suche people as yet live in darknesse and miserable ignorance of the true knoweledge and worshippe of God and may in tyme bring the infidels and salvages living in those parts to humane civilitie and to a setled and quiet govermente, doe by these our lettres patents graciously accepte of and agree to their humble and well intended desires;

And doe, therefore, for us, our heires and successors, grannte and agree that the saide Sir Thomas Gates, Sir George Summers, Richarde Hackluit and Edwarde Maria Wingham, adventurers of and for our cittie of London, and all suche others as are or shalbe joined unto them of that Colonie, shalbe called the Firste Colonie, and they shall and may beginne

theire saide firste plantacion and seate of theire firste abode and habitacion at anie place upon the saide coaste of Virginia or America where they shall thincke fitt and conveniente betweene the saide fower and thirtie and one and fortie degrees of the saide latitude; and that they shall have all the landes, woods, soile, groundes, havens, ports, rivers, mines, mineralls, marshes, waters, fishinges, commodities and hereditamentes whatsoever, from the said first seate of theire plantacion and habitacion by the space of fiftie miles of Englishe statute measure all alongest the saide coaste of Virginia and America towards the weste and southe weste as the coaste lieth, with all the islandes within one hundred miles directlie over againste the same sea coaste; and alsoe all the landes, soile, groundes havens, ports, rivers, mines, mineralls, woods, marrishes [marshes], waters, fishinges, commodities and hereditamentes whatsoever, from the saide place of theire firste plantacion and habitacion for the space of fiftie like Englishe miles, all alongest the saide coaste of Virginia and America towards the easte and northeaste [or toward the north] as the coaste lieth, together with all the islandes within one hundred miles directlie over againste the same sea coaste; and alsoe all the landes, woodes, soile, groundes, havens, portes, rivers, mines, mineralls, marrishes, waters, fishinges, commodities and hereditamentes whatsoever, from the same fiftie miles everie waie on the sea coaste directly into the maine lande by the space of one hundred like Englishe miles; and shall and may inhabit and remaine there; and shall and may alsoe builde and fortifie within anie the same for theire better safegarde and defence, according to theire best discrecions and the direction of the Counsell of that Colonie; and that noe other of our subjectes shalbe permitted or suffered to plante or inhabit behinde or on the backside of them towards the maine lande, without the expresse licence or consente of the Counsell of that Colonie thereunto in writing firste had or obtained.

And wee doe likewise for us, our heires and successors, by theise presentes grannte and agree that the saide Thomas Hannam and Raleighe Gilberde, William Parker and George Popham, and all others of the towne of Plymouthe in the countie of Devon, or elsewhere, which are or shalbe joined unto them of that Colonie, shalbe called the Seconde Colonie; and that they shall and may beginne theire saide firste plantacion and seate of theire first abode and habitacion at anie place upon the saide coaste of Virginia and America, where they shall thincke fitt and conveniente,

betweene eighte and thirtie degrees of the saide latitude and five and fortie degrees of the same latitude; and that they shall have all the landes, soile, groundes, havens, ports, rivers, mines, mineralls, woods, marishes, waters, fishinges, commodities and hereditaments whatsoever, from the firste seate of their plantacion and habitacion by the space of fiftie like Englishe miles, as is aforesaide, all alongeste the saide coaste of Virginia and America towards the weste and southwest, or towards the southe, as the coaste lieth, and all the islandes within one hundred miles directlie over againste the saide sea coaste; and alsoe all the landes, soile, groundes, havens, portes, rivers, mines, mineralls, woods, marishes, waters, fishinges, commodities and hereditamentes whatsoever, from the saide place of their firste plantacion and habitacion for the space of fiftie like miles all alongeste the saide coaste of Virginia and America towards the easte and northeaste or towards the northe, as the coaste liethe, and all the islandes alsoe within one hundred miles directly over againste the same sea coaste; and alsoe all the landes, soile, groundes, havens, ports, rivers, woodes, mines, mineralls, marishes, waters, fishings, commodities and hereditaments whatsoever, from the same fiftie miles everie waie on the sea coaste, directlie into the maine lande by the space of one hundred like Englishe miles; and shall and may inhabit and remaine there; and shall and may alsoe bulde and fortifie within anie the same for their better saufegarde according to their beste discrecions and the direction of the Counsell of that Colonie; and that none of our subjectes shalbe permitted or suffered to plante or inhabit behinde or on the backe of them towards the maine lande without the expresse licence or consente of the Counsell of that Colonie, in writing thereunto, firste had and obtained.

Provided alwaies, and our will and pleasure herein is, that the plantacion and habitacion of suche of the saide Colonies as shall laste plante themselves, as aforesaid, shall not be made within one hundred like Englishe miles of the other of them that firste beganne to make their plantacion, as aforesaide.

And wee doe alsoe ordaine, establishe and agree for [us], our heires and successors, that eache of the saide Colonies shall have a Counsell which shall governe and order all matters and causes which shall arise, growe, or happen to or within the same severall Colonies, according to such lawes, ordinannces and instructions as shalbe in that behalfe, given and signed

with our hande or signe manuell and passe under the Privie Seale of our realme of Englande; eache of which Counsell shall consist of thirteene parsons and to be ordained, made and removed from time to time according as shalbe directed and comprised in the same instructions; and shall have a severall seale for all matters that shall passe or concerne the same severall Counsell, eache of which seales shall have the Kinges armes engraven on the one side there of and his pourtraiture on the other; and that the seale for the Counsell of the saide Firste Colonie shall have engraven rounde about on the one side these wordes: Sigillum Regis Magne Britanie, Francie [et] Hibernie; on the other side this inscripture rounde about: Pro Consillio Prime Colonie Virginie. And the seale for the Counsell of the saide Seconde Colonie shall alsoe have engraven rounde about the one side thereof the foresaide wordes: Sigillum Regis Magne Britanie, Francie [et] Hibernie; and on the other side: Pro Consilio Secunde Colonie Virginie.

And that alsoe ther shalbe a Counsell established here in Englande which shall in like manner consist of thirteen parsons to be, for that purpose, appointed by us, our heires and successors, which shalbe called our Counsell of Virginia; and shall from time to time have the superior managing and direction onelie of and for all matters that shall or may concerne the govermente, as well of the said severall Colonies as of and for anie other parte or place within the aforesaide precinctes of fower and thirtie and five and fortie degrees abovementioned; which Counsell shal in like manner have a seale for matters concerning the Counsell [or Colonies] with the like armes and purtraiture as aforesaide, with this inscription engraven rounde about the one side: Sigillum Regis Magne Britanie, Francie [et] Hibernie; and rounde about the other side: Pro Consilio Svo Virginie.

And more over wee doe grannte and agree for us, our heires and successors, that the saide severall Counsell of and for the saide severall Colonies shall and lawfully may by vertue hereof, from time to time, without interruption of us, our heires or successors, give and take order to digg, mine and searche for all manner of mines of goulde, silver and copper, as well within anie parte of their saide severall Colonies as of the saide maine landes on the backside of the same Colonies; and to have and enjoy the goulde, silver and copper to be gotten there of to the use and

behoofe of the same Colonies and the plantacions thereof; yeilding therefore yerelie to us, our heires and successors, the fifte parte onelie of all the same goulde and silver and the fifteenth parte of all the same copper soe to be gotten or had, as is aforesaid, and without anie other manner of profitt or accompte to be given or yeilded to us, our heires or successors, for or in respecte of the same.

And that they shall or lawfullie may establishe and cawse to be made a coine, to passe currant there betwene the people of those severall Colonies for the more ease of trafique and bargaining betweene and amongst them and the natives there, of such mettall and in such manner and forme as the same severall Counsell there shall limitt and appointe. And wee doe likewise for us, our heires and successors, by these presents give full power and auctoritie to the said Sir Thomas Gates, Sir George Summers, Richarde Hackluit, Edwarde Maria Winghfeilde, Thomas Hannam, Raleighe Gilberde, William Parker and George Popham, and to everie of them, and to the saide severall Companies, plantacions and Colonies, that they and everie of them shall and may at all and everie time and times hereafter have, take and leade in the saide voyage, and for and towardes the saide severall plantacions and Colonies, and to travell thitherwarde and to abide and inhabit there in everie of the saide Colonies and plantacions, such and somanie of our subjectes as shall willinglie accompanie them, or anie of them, in the saide voyages and plantacions, with sufficiente shipping and furniture of armour, weapon, ordonnance, powder, victall, and all other thinges necessarie for the saide plantacions and for their use and defence there: provided alwaies that none of the said parsons be such as hereafter shalbe speciallie restrained by us, our heires or successors. Moreover, wee doe by these presents, for us, our heires and successors, give and grannte licence unto the said Sir Thomas Gates, Sir George Summers, Richarde Hackluite, Edwarde Maria Winghfeilde, Thomas Hannam, Raleighe Gilberde, William Parker and George Popham, and to everie of the said Colonies, that they and everie of them shall and may, from time to time and at all times for ever hereafter, for their severall defences, incounter or expulse, repell and resist, aswell by sea as by lande, by all waies and meanes whatsoever, all and everie suche parson and parsons as without espiciall licence of the said severall Colonies and plantacions shall attempte to inhabit within the saide severall precincts and limitts of the saide severall Colonies and plantacions, or anie of them, or

that shall enterprise or attempt at anie time hereafter the hurte, detrimente or annoyance of the saide severall Colonies or plantacions.

Giving and grannting by these presents unto the saide Sir Thomas Gates, Sir George Somers, Richarde Hackluite, and Edwarde Maria Winghamfeilde, and their associates of the said Firste Colonie, and unto the said Thomas Hannam, Raleigh Gilberde, William Parker and George Popham, and their associates of the saide Second Colonie, and to everie of them from time to time and at all times for ever hereafter, power and auctoritie to take and surprize by all waies and meanes whatsoever all and everie parson and parsons with their shippes, vessels, goods and other furniture, which shalbe founde traffiqueing into anie harbor or harbors, creeke, creekes or place within the limitts or precincts of the saide severall Colonies and plantacions, not being of the same Colonie, untill such time as they, being of anie realmes or dominions under our obedience, shall paie or agree to paie to the handes of the Tresorer of the Colonie, within whose limitts and precincts they shall soe traffique, twoe and a halfe upon anie hundred of anie thing soe by them traffiqued, boughte or sould; and being stranngers and not subjects under our obeysance, untill they shall paie five upon everie hundred of suche wares and commoditie as they shall traffique, buy or sell within the precincts of the saide severall Colonies wherein they shall soe traffique, buy or sell, as aforesaide; which sommes of money or benefitt, as aforesaide, for and during the space of one and twentie yeres nexte ensuing the date hereof shalbe whollie imploied to the use, benefitt and behoofe of the saide severall plantacions where such trafficque shalbe made; and after the saide one and twentie yeres ended the same shalbe taken to the use of us, our heires and successors by such officer and minister as by us, our heires and successors shalbe thereunto assigned or appointed.

And wee doe further, by these presentes, for us, our heires and successors, give and grannte unto the saide Sir Thomas Gates, Sir George Sumers, Richarde Hackluit, and Edwarde Maria Winghamfeilde, and to their associates of the saide Firste Colonie and plantacion, and to the saide Thomas Hannam, Raleigh Gilberde, William Parker and George Popham, and their associates of the saide Seconde Colonie and plantacion, that they and everie of them by their deputies, ministers and factors may transport the goods, chattells, armor, munition and furniture, needfull to be used by them for their saide apparrell, defence or otherwise in respecte of

the saide plantacions, out of our realmes of Englande and Irelande and all other our dominions from time to time, for and during the time of seaven yeres nexte ensuing the date hereof for the better releife of the said severall Colonies and plantacions, without anie custome, subsidie or other dutie unto us, our heires or successors to be yeilded or paide for the same.

Alsoe wee doe, for us, our heires and successors, declare by theise presentes that all and everie the parsons being our subjects which shall dwell and inhabit within everie or anie of the saide severall Colonies and plantacions and everie of their children which shall happen to be borne within the limitts and precincts of the said severall Colonies and plantacions shall have and enjoy all liberties, franchises and immunites within anie of our other dominions to all intents and purposes as if they had been abiding and borne within this our realme of Englande or anie other of our saide dominions.

Moreover our gracious will and pleasure is, and wee doe by theise presents, for us, our heires and successors, declare and sett forthe, that if anie parson or parsons which shalbe of anie of the said Colonies and plantacions or anie other, which shall trafficque to the saide Colonies and plantacions or anie of them, shall at anie time or times hereafter transporte anie wares, marchandize or commodities out of [any] our dominions with a pretence and purpose to lande, sell or otherwise dispose the same within anie the limitts and precincts of anie of the saide Colonies and plantacions, and yet nevertheles being at the sea or after he hath landed the same within anie of the said Colonies and plantacions, shall carrie the same into any other forraine countrie with a purpose there to sell or dispose of the same without the licence of us, our heires or successors in that behalfe first had or obtained, that then all the goods and chattels of the saide parson or parsons soe offending and transporting, together with the said shippe or vessell wherein suche transportacion was made, shall be forfeited to us, our heires and successors.

Provided alwaies, and our will and pleasure is and wee doe hereby declare to all Christian kinges, princes and estates, that if anie parson or parsons which shall hereafter be of anie of the said severall Colonies and plantacions, or anie other, by his, their, or anie of their licence or appointment, shall at anie time or times hereafter robb or spoile by sea or by lande or doe anie acte of unjust and unlawfull hostilitie to anie the

subjects of us, our heires or successors, or anie of the subjects of anie king, prince, ruler, governor or state being then in league or amitie with us, our heires or successors, and that upon suche injurie or upon juste complainte of such prince, ruler, governor or state or their subjects, wee, our heires or successors, shall make open proclamation within anie the ports of our realme of Englande, commodious for that purpose, that the saide parson or parsons having committed anie such robberie or spoile shall, within the terme to be limited by suche proclamations, make full restitution or satisfaction of all suche injuries done, soe as the saide princes or others soe complained may houlde themselves fully satisfied and contented; and that if the saide parson or parsons having committed such robberie or spoile shall not make or cause to be made satisfaction accordingly with[in] such time soe to be limited, that then it shalbe lawfull to us, our heires and successors to put the saide parson or parsons having committed such robberie or spoile and their procurers, abettors or comfortors out of our allegeance and protection; and that it shalbe lawfull and free for all princes and others to pursue with hostilitie the saide offenders and everie of them and their and everie of their procurors, aiders, abettors and comfortors in that behalfe.

And finallie wee doe, for us, our heires and successors, grannte and agree, to and with the saide Sir Thomas Gates, Sir George Summers, Richarde Hackluit and Edwarde Maria Winghfeilde, and all other of the saide Firste Colonie, that wee, our heires or successors, upon petition in that behalfe to be made, shall, by lettres patents under the Greate [Seale] of Englande, give and grannte unto such parsons, their heires and assignees, as the Counsell of that Colonie or the most part of them shall for that purpose nomminate and assigne, all the landes, tenements and hereditaments which shalbe within the precincts limited for that Colonie, as is aforesaid, to be houlden of us, our heires and successors as of our manor of Eastgreenwiche in the countie of Kente, in free and common soccage onelie and not in capite.

And doe, in like manner, grannte and agree, for us, our heires and successors, to and with the saide Thomas Hannam, Raleighe Gilberd, William Parker and George Popham, and all others of the saide Seconde Colonie, that wee, our heires [and] successors, upon petition in that behalfe to be made, shall, by lettres patentes under the Great Seale of Englande,

give and grannte unto such parsons, their heires and assignees, as the Counsell of that Colonie or the most parte of them shall for that purpose nomminate and assigne, all the landes, tenementes and hereditaments which shalbe within the precinctes limited for that Colonie as is afore said, to be houlden of us, our heires and successors as of our mannor of Eastgreenwich in the countie of Kente, in free and common soccage onelie and not in capite.

All which landes, tenements and hereditaments soe to be passed by the saide severall lettres patents, shalbe, by sufficient assurances from the same patentees, soe distributed and devided amongst the undertakers for the plantacion of the said severall Colonies, and such as shall make their plantacion in either of the said severall Colonies, in such manner and forme and for such estates as shall [be] ordered and sett [downe] by the Counsell of the same Colonie, or the most part of them, respectively, within which the same lands, tenements and hereditaments shall ly or be. Althoughe expresse mencion [of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants, by us or any our progenitors or predecessors, to the aforesaid Sir Thomas Gates, Knt. Sir George Somers, Knt. Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, or any of them, heretofore made, in these presents, is not made; or any statute, act, ordnance, or provision, proclamation, or restraint, to the contrary hereof had, made, ordained, or any other thing, cause, or matter whatsoever, in any wise notwithstanding.] In wittenesse wherof [we have caused these our letters to be made patents;] wittenesse our selfe at Westminister the xth day of Aprill [1606, in the fourth year of our reign of England, France, and Ireland, and of Scotland the nine and thirtieth.]

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