

FIRST PAPER ASSIGNMENT: EARLY VIRGINIA LAWS
HIST 356: VIRGINIA HISTORY
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Virginia in 1619 was a new colony with new challenges and unique situations, but it was still very English. The laws set forth were significant because they gave the colony a framework to work from, instead of the Martial Law and service that had been in place until that point ¹, while under the direct control of the Virginia Company, half a world away. It allowed settlers to have some kind of say in what happened in their daily lives, and to help shape the communities they were carving out of this wild frontier. It was self-governance and the chance at shaping their own destiny.

Of course, laws, by definition, are control, and those that write the laws have the control. The early Virginia laws were a way for the gentry (well, mostly Yearly, it seems) to impose their definitions upon the common folk, which basically turn it more into ‘Little Britain (reference intended) in the Swamp’, as opposed to ‘Working Man’s Rugged Freedomville, Popoulation: Tough’ (which it really hadn’t been, due to the early influx of dandies), but the spin machine and marketing were (and continue to be) powerful things.

The agenda of the Assembly was to “End martial law and communism, assign lands to the settlers, create four corporations, and have delegates from each settlement to cooperate with the company in making laws.” establish a college, and petition the company to send men who could build it² These laws served each of the towns and hundreds by setting a standardized system of laws and regulations mainly to: 1- Provide aid to each other and the colony as a whole, 2- Provide guidance on how to conduct business with the Natives (i.e. Treat them fairly and don’t kill them), 3- standardize the cash value of tobacco, and 4- enact and enforce colony-wide laws. Religion played a huge part in this Assembly, meeting at the Jamestown church for several days,

1. Brent Tarter, “For the Glory of God and the Good of the Plantation,” essay, in *Remembering the Old Dominion* (Cognella, 2017)

2. “Proceedings of the Virginia Assembly, 1619,” Document No. AJ-080, in American Journey’s Collection (Wisconsin Historical Society Digital Library and Archives, 2003), 247

and praying like, all the time, as was their wont. Thanking God for everything, again, very in tune with time. Religion also informed the laws they made (Like my favorite, the Gaming, Idleness, and ‘Apparel appropriate to station’³ (which I’ll explore more in my ‘Case Study’ of Captain Martin, below) even if slightly cherry-picked. The laws don’t seem to be truly effective for everyone in the colony. As I read it, there were quite a few ‘except’s, and it’s not as if there was a colony-wide police force to enforce these laws, anyway. They were written, yes, but enforcement seems to effectively come down to ‘tattle-telling’, and they mostly seemed to effect the servants and commonfolk moreso than the gentry. I picked up on Captain Martin as in these writings he seems to be the quintessential Virginian, and I use him as an example below.

Captain Martin was provided an out with his Burgesses, so he was not required to take part in matters of the colony, except 'to aid and assist with protection from foreign or domestic enemies'³ -- so he was basically left alone To do what he wanted-- Until he showed up himself, which I found odd from a modern sense, but it tracks with what would have been proper in 1619 (Reading the source, it wasn’t clear that he was essentially summoned to defend himself in court until later in the document)-- especially since his men stole some corn from Indians which they were supposed to buy.⁴ So the Burgesses summoned him, but Martin seems like a man that wanted nothing to do with the Assembly, and why should he (in his mind)? He had his own land, his own men, and he made the rules on his patent.

That calls back to the period before the uniform laws, when the colony was under martial

3. Brent Tarter, “For the Glory of God and the Good of the Plantation,” essay, in *Remembering the Old Dominion* (Cognella, 2017)

4. “Proceedings of the Virginia Assembly, 1619,” Document No. AJ-080, in American Journey’s Collection (Wisconsin Historical Society Digital Library and Archives, 2003), 254

law. Martin seems to have preferred that arrangement. While I certainly don't agree with theft, it again seems to track with what we know of the man from these notes- let me have my stuff and leave me alone... And maybe give me your stuff. Of course, that kind of unchecked abandon is what led to these laws being put forth in the first place.

Yeadly still didn't quite get the script and deemed the order from England to be 'perfect', and thought the assembly should just drop the whole thing and follow the laws that were made 2,000 miles away by people who had very little understanding of what the changing situation in the colony meant.

The rules regarding plantation distance were also interesting, 10 miles between, so they could aid in protecting each other. 10 miles isn't exactly a huge distance, but walking, or riding through swamp land would make those 10 miles fairly difficult to traverse quickly, if that aid was needed. Add to that if someone was being attacked, they would have to send word out. So, in effect, if a 'neighboring' plantation needed help, they'd have to wait for their runner to get there ten miles out, inform the second plantation, which would need time to arm and provision themselves, then ride the ten miles back. It's a solid idea in theory, but that's a lot of time between an attack and a reinforcement, with the Guerilla warfare the Indians were so adept at, even a day could be too late—but it does allude to the absolute size of these plantations, and the space and freedom to essentially govern themselves.

The assembly also set a standard price for tobacco, which was a solid economic idea, based on the price and demand from England (The sole importer and customer at the time). Martin shows up a few days after his summons, and doubles down on his position of being left alone except in defense of the colony. His Burgesses were then rejected from the Assembly. To his credit, he did agree to have government officials keep the peace when he had dealings with

the Indians (like the corn thing mentioned above). Martin seems to have been a slightly troublesome man to the Assembly, stubborn and quarrelsome, but very much the pattern for the independent, rebellious Virginia attitude. That attitude may explain why the Martin's Hundred name is (arguably) more well known than the others.

My 'favorite' laws from this period are Drunkenness, Idleness, and apparel laws⁵ which seem to have been put in place to 'Civilize' the populus, while also leaning heavily into the religious angle. In short, don't be drunk, don't be lazy, and dress appropriately to your station (basically a uniform). It makes sense on the outside, to quickly get away from the Marshal Law that had been in practice—but may be an overstep. I personally don't see Martin's men adhering to them 100%-- After work, I don't think Martin would be bothered too much with his boys having a drink and shooting dice or playing cards. I do think the dressing according to station would have been important to him. The more I read about this guy, the more I like him. Reminds me of Lee from 1776.

Overall, the Assembly seems like an early success, as much as it could be, anyway. Even though the parties involved were much the same, it feels like a regime change. Not everything stuck, but it was a very good attempt. My Grandfather's cousin was Otto Capp, a decedent of William Capp, the representative for Kiccowtan (Elizabeth City). I'll remember that until I die, mostly because of the way he pronounced it in his thick draw—Something like 'Oaught-tao Cap', emphasis on the first syllable, with the second and last name typically being very short—Almost like an announcement. He got a kick out of him and talked about him a lot, which I think is telling to the width and length that some of these laws were effective enough to preserve bloodlines down to (nearly) living memory.

5. Brent Tarter, "For the Glory of God and the Good of the Plantation," essay, in *Remembering the Old Dominion* (Cognella, 2017)