

The Third Virginia Charter (1612)

Historical Background of Document:

The Third Charter of Virginia expanded the original jurisdiction of the colony eastward further out into the Atlantic Ocean in order to include the island of Bermuda. Bermuda became an issue when the flagship of the nine-ship Third Supply fleet, the *Sea Venture*, became separated from the other eight ships in a hurricane and nearly sank while sailing to the colony in 1609. The vessel was sailed onto the reef at Bermuda, and everyone escaped onto the dry land. The shipwrecked Englishmen spent ten months in 1609-10 salvaging the materials from the *Sea Venture* and building two new vessels in Bermuda, the *Patience* and the *Deliverance*.

The unplanned stay in Bermuda tested the authority of the colonial officials on their way to governing the Virginia colony in Jamestown. Some sailors considered their obligations to have been completed once the trip ended in Bermuda. One of Governor Gates' clerks claimed that the governor's authority was valid only in Virginia and not on Bermuda.

The *Patience* and *Deliverance* both reached Jamestown in 1610, just before Lord de la Ware brought another relief fleet with essential food and supplies.

Text of Document:

JAMES, by the Grace of God, King of England;, Scotland, France, and Ireland;, Defender of the Faith; To all to whom these Presents shall come, Greeting. WHEREAS at the humble Suit of divers and sundry our loving Subjects, as well Adventurers as Planters of the first Colony in Virginia, and for the Propagation of Christian Religion, and Reclaiming of People barbarous, to Civility and Humanity, We have, by our Letters-Patents, bearing Date at Westminster, the three-and-twentieth Day of May, in the seventh Year of our Reign of England, France, and Ireland, and the two-and-fortieth of Scotland, GIVEN and GRANTED unto them that they and all such and so many of our loving Subjects as should from time to time, for ever after, be joined with them as Planters or Adventurers in the said Plantation, and their Successors, for ever, should be one Body politick, incorporated by the Name of The Treasurer and Company of Adventurers and; Planters of the city of London for the first Colony in Virginia;

And whereas also for the greater Good and Benefit of the said Company, and for the better Furtherance, Strengthening, and Establishing of the said Plantation, we did further GIVE, GRANT and CONFIRM, by our Letters-Patents unto the said Company and their Successors, for ever, all those Lands, Countries or Territories, situate, lying and being in that Part of America called Virginia, from the Point of Land called Gape or Point

Comfort all along the Sea Coasts to the Northward two hundred Miles; and from the said Point of Cape Comfort all along the Sea Coast to the Southward two hundred Miles; and all that Space and Circuit of Land lying from the Sea Coast of the Precinct aforesaid, up into the Land throughout from Sea to Sea West and North-west; and also all the Islands lying within one hundred Miles along the Coast of both the Seas of the Precinct aforesaid; with divers other Grants, Liberties, Franchises and Preheminences, Privileges, Profits, Benefits, and Commodities granted in and by our said Letters-patents to the said Treasurer and Company and their Successors for ever.

Now forasmuch as we are given to understand, that in those Seas adjoining to the said Coasts of Virginia, and without the Compass of those two hundred Miles by Us so granted unto the said Treasurer and Company as aforesaid, and yet not far distant from the said Colony in Virginia, there are or may be divers Islands lying desolate and uninhabited, some of which are already made known and discovered by the Industry, Travel, and Expences of the said Company, and others also are supposed to be and remain as yet unknown and undiscovered, all and every of which it may import the said Colony both in Safety and Policy of Trade to populate and plant; in Regard whereof, as well for the preventing of Peril, as for the better Commodity of the said Colony, they have been humble suitors unto Us, that We would be pleased to grant unto them an Enlargement of our said former Letters-patents, as well for a more ample Extent of their Limits and Territories into the Seas adjoining to and upon the Coast of Virginia, as also for some other Matters and Articles concerning the better government of the said Company and Colony, in which Point our said former Letters-Patents do not extend so far as Time and Experience hath found to be needful and convenient:

We therefore tendering the good and happy Success of the said Plantation, both in Regard of the General Weal of human Society, as in Respect of the Good of our own Estate and Kingdoms, and being willing to give Furtherance unto all good Means that may advance the Benefit of the said Company, and which may secure the Safety of our loving Subjects planted in our said Colony, under the Favour and Protection of God Almighty, and of our Royal Power and Authority, have therefore of our especial Grace, certain Knowledge, and mere Motion, given, granted, and confirmed, and for Us, our Heirs and Successors, we do by these Presents give, grant, and confirm to the said Treasurer and Company of Adventurers and Planters of the city of London for the first Colony in Virginia, and to their Heirs and Successors for ever, all and singular those Islands whatsoever situate and being in any Part of the Ocean Seas bordering upon the Coast of our said first Colony in Virginia, and being within three Hundred Leagues of any of the Parts heretofore granted to the said Treasurer and Company in our said former Letters-Patents as aforesaid, and being within or between the one-and-fortieth and

thirtieth Degrees of Northerly Latitude; together with all and singular Soils, Lands, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals, Pearls, precious Stones, Quarries, and all and singular other Commodities, Jurisdictions, Royalties, Privileges, Franchises, and Preheminences, both within the said Tract of Land upon the Main, and also within the said Islands and Seas adjoining whatsoever and thereunto or thereabouts, both by Sea and Land being or situate; And which, by our Letters-Patents we may or can grant, and in as ample Manner as We or any our noble Progenitors have heretofore granted to any Person or Persons, or to any Company, Body Politick or corporate, or to any Adventurer or Adventurers, Undertaker or Undertakers of any Discoveries, Plantations, or Traffick, of, in, or into any foreign Parts whatsoever, and in as large and ample Manner as if the same were herein particularly named, mentioned, and expressed. Provided always, that the said Islands or any Premises herein mentioned, or by these Presents intended or meant to be granted, be not actually possessed or inhabited by any other Christian Prince or Estate, nor be within the Bounds, Limits, or Territories of the Northern Colony heretofore by Us granted to be planted by divers of our loving Subjects in the North Parts of Virginia. To HAVE AND TO HOLD, possess and enjoy, all and singular the said Islands in the said Ocean Seas so lying and bordering upon the Coast and Coasts of the Territories of the said first Colony in Virginia, as aforesaid. With all and singular the said Soils, Lands, Grounds, and all and singular other the Premises heretofore by these Presents granted or mentioned to be granted to them, the said Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia, and to their Heirs; Successors, and Assigns, for ever, to the sole and proper Use and Behoof of them the said Treasurer and Company, and their Heirs and Successors and Assigns, for ever; TO BE HOLDEN OF US, our Heirs and Successors, as of our Manor of East-Greenwich, in Free and common Soccage, and not in Capite; YIELDING AND PAYING therefore to Us, our Heirs and Successors, the fifth Part of the Ore of all Gold and Silver which shall be there gotten, had, or obtained for all Manner of Services whatsoever.

And further, Our Will and Pleasure is, and We do by these Presents, GRANT AND CONFIRM, for the Good and Welfare of the said Plantation, and that Posterity may hereafter know who have adventured and not been sparing of their Purses in such a noble and generous Action for the general Good of their Country, and at the Request and with the Consent of the Company aforesaid, that Our trusty and wellbeloved Subjects George Lord Archbishop of Canterbury, latency, Earl of Huntington, Edward Earl of Bedford, Richard Earl of Clanrichard, &c. who since Our said last Letters-Patents are become Adventurers, and have joined themselves with the former Adventurers and Planters of the said Company and Society, shall from henceforth be reputed, deemed, and taken to be, and shall be Brethren and free Members of the Company; and shall and may respectively,

and according to the Proportion and Value of their several Adventures, HAVE, HOLD, and ENJOY, all such Interest, Right, Title, Privileges, Preheminences, Liberties, Franchises, Immunities, Profits, and Commodities, whatsoever, in as large and ample and beneficial Manner, to all Intents, Constructions, and Purposes, as any other Adventures nominated and expressed in any our former Letters-Patents, or any of them have or may have by Force and Virtue of these Presents, or any our former Letters-Patents whatsoever.

And We are further pleased, and We do by these Presents GRANT and CONFIRM, that Philip Earl of Montgomery, William Lord Paget, sir John Starrington, Knt. &c. whom the said Treasurer and Company have since the said last Letters-Patents nominated and set down as worthy and discreet Persons fit to serve Us as Counsellors, to be of our Council for the said Plantation, shall be reputed deemed, and taken as Persons of our said Council for the said first colony, in such Manner and Sort, to all Intents and Purposes, as those who have been formerly elected and nominated as our Counsellors for that Colony, and whose Names have been, or are inserted and expressed in our said former Letters-Patents.

And we do hereby ordain and grant by these Presents, that the said Treasurer and Company of Adventurers and Planters aforesaid, shall and may, once every week, or oftener, at their Pleasure, hold, and keep a Court and Assembly for the better Order and Government of the said Plantation, and such Things as shall concern the same; And that any five Persons of our Council for the said first Colony in Virginia, for the Time being, of which Company the Treasure, or his Deputy, to be always one, and the Number of fifteen others, at the least, of the Generality of the said Company, assembled together in such Manner, as is and hath been heretofore used and accustomed, shalt be said, taken, held, and reputed to be, and shall be a sufficient Court of the said Company, for the handling and ordering, and dispatching of all such casual and particular Occurrences, and accidental Matters, of less Consequence and Weight, as shall from Time to Time happen, touching and concerning the said Plantation.

And that nevertheless, for the handling, ordering, and disposing of Matters and Affairs of greater Weight and Importance, and such as shall or may, in any Sort, concern the Weal Publick and general Good of the said Company and Plantation, as namely, the Manner of Government from Time to Time to be used, the ordering and Disposing of the Lands and Possessions, and the settling and establishing of a Trade there, or such like, there shall be held and kept every Year, upon the last Wednesday, save one, of Hillary Term, Easter, Trinity, and Michaelmas Terms, for ever, one great, general, and solemn Assembly, which four Assemblies shall be stiled and called, The four Great and General

Courts of the Council and Company of Adventurers for Virginia; In all and every of which said Great and General Courts, so assembled, our Will and Pleasure is, and we do, for Us, our Heirs and Successors, for ever, Give and Grant to the said Treasurer and Company, and their Successors for ever, by these Presents, that they, the said Treasurer and Company, or the greater Number of them, so assembled, shall and may have full Power and Authority, from Time to Time, and at all Times hereafter, to elect and chuse discreet Persons, to be of our said Council for the said first Colony in Virginia, and to nominate and appoint such Officers as they shall think fit and requisite, for the Government, managing, ordering, and dispatching of the Affairs of the said Company; And shall likewise have full Power and Authority, to ordain and make such Laws and Ordinances, for the Good and Welfare of the said Plantation, as to them from Time to Time, shall be thought requisite and meet: So always, as the same be not contrary to the Laws and Statutes of this our Realm of England; And shall, in like Manner, have Power and Authority, to expulse, disfranchise, and put out of and from their said Company and Society for ever, all and every such Person and Persons, as having either promised or subscribed their Names to become Adventurers to the said Plantation, of the said first Colony in Virginia, or having been nominated for Adventurers in these or any other our Letters-Patents, or having been otherwise admitted and nominated to be of the said Company, have nevertheless either not put in any adventure at all for and towards the said Plantation, or else have refused or neglected, or shall refuse and neglect to bring in his or their Adventure, by Word or Writing, promised within six Months after the same shall be so payable and due. And whereas, the Failing and not Payment of such Monies as have been promised in Adventure, for the Advancement of the said Plantation, hath been often by Experience found to be dangerous and prejudicial to the same, and much to have hindered the Progress and Proceeding of the said Plantation, and for that it seemeth unto Us a Thing reasonable, that such Persons, as by their Hand Writing have engaged themselves for the Payment of their Adventures and afterwards neglecting their Faith and Promise, should be compelled to make good and keep the same: Therefore, Our Will and Pleasure is, that in any Suit or Suits commenced, or to be commenced in any of our Courts at Westminister, or elsewhere, by the said Treasurer and Company, or otherwise against any such persons, that our Judges for the Time being, both in our Court of Chancery, and at the Common Pleas do favour and further the said Suits so far forth as Law and Equity will in any wise further and permit. And We do, for Us, our Heirs and Successors, further give and grant to the said Treasurer and Company, or their Successors forever, that the said Treasurer and Company, or the greater Part of them for the Time being, so in a full and general Court assembled as aforesaid, shall and may from Time to Time, and at all times forever hereafter, elect choose and admit into their Company, and Society, any Person or Persons, as well Strangers and Aliens born in any Part beyond the Seas wheresoever, being in Amity with us, as our natural Liege Subjects born in any our

Realms and Dominions: And that all such Persons so elected, chosen, and admitted to be of the said Company as aforesaid, shall thereupon be taken, reputed, and held, and shall be free Members of the said Company, and shall have, hold, and enjoy all and singular Freedoms, Liberties, Franchises, Privileges, Immunities, Benefits, Profits, and Commodities whatsoever, to the said Company in any Sort belonging or appertaining, as fully, freely and amply as any other Adventurers now being, or which hereafter at any Time shall be of the said Company, hash, have, shall, may, might, or ought to have and enjoy the same to all Intents and Purposes whatsoever. And We do further of our especial Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Successors, give and grant unto the said Treasurer and Company, and their Successors for ever, by these Presents, that it shall be lawful and free for them and their Assigns, at all and every Time and Times hereafter, out of any our Realms and Dominions whatsoever, to take, lead, carry, and transport in and into the said Voyage, and for and towards the said Plantation of our said first Colony in Virginia, all such and so many of our loving Subjects, or any other Strangers that will become our loving Subjects, and live under our Allegiance, as shall willingly accompany them in the said Voyages and Plantation, with Shipping, Armour, Weapons, Ordnance, Munition, Powder, Shot, Victuals, and all Manner of Merchandises and Wares, and all Manner of Clothing, Implements, Furniture, Beasts, Cattle, Horses, Mares, and all other Things necessary for the said Plantation, and for their Use and Defence, and for Trade with the People there, and in passing and returning to and from, without paying or yielding any Subsidy, Custom, or Imposition, either inward or outward, or any other Duty to Us, our Heirs and Successors, for the same, for the Space of Seven Years from the Date of these Presents.

And We do further, for Us, our Heirs and Successors, give and grant to the said Treasurer and Company, and their Successors forever, by these Presents, that the said Treasurer of that Company, or his Deputy for the Time being, or any two other of the said Council, for the said first Colony in Virginia, for the Time being, or any two other at all Times hereafter, and from Time to Time, have full Power and authority to minister and give the Oath and Oaths of Supremacy and Allegiance, or either of them, to all and every Person and Persons, which shall at any Time or Times hereafter, go or pass to the said Colony in Virginia:

And further, that it shall be lawful likewise for the said Treasurer, or his Deputy for the Time being, or any two or others of our said Council, for the said first Colony in Virginia, for the Time being, from Time to Time, and at all Times hereafter to minister such a formal Oath, as by their discretion shall be reasonably devised, as well unto any Person or Persons employed in, for, or touching the said Plantation, for their honest, faithful and just Discharge of their Service in all such Matters as shall be committed unto

them, for the Good and Benefit of the said Company, Colony and Plantation; As also unto such other Person or Persons as the said Treasurer, or his Deputy, with two others of the said Council shall think meet, for the Examination or clearing of the Truth, in any Cause whatsoever, concerning the said Plantation, or any Business from thence proceeding, or thereunto belonging.

And furthermore, whereas We have been certified, That divers lewd and ill disposed Persons, both Sailors, Soldiers, Artificers, Husbandmen, Labourers and others, having received Wages, Apparel and other Entertainment, from the said Company, or having contracted and agreed with the said Company to go, or to serve, or to be employed in the said Plantation of the said first Colony in Virginia, have afterwards either withdrawn, hid, or concealed themselves, or have refused to go thither, after they have been so entertained and agreed withal: And that divers and sundry Persons also, which have been sent and employed in the said Plantation of the said first Colony in Virginia, at and upon the Charge of the said Company, and having there misbehaved themselves by Mutinies, Sedition, or other notorious Misdemeanors, or having been employed or sent abroad by the Governor of Virginia, or his Deputy, with some Ship or Pinnace, for our Provision of the said Colony, or for some Discovery, or other Business and All airs concerning the same, have from thence most treacherously either come back again, and returned into our Realm of England, by Stealth, or without Licence of our Governor of our said Colony in Virginia, for the Time being, or have been sent thither as Misdoers and Offenders: And that many also of those Persons after their Return from thence, having been questioned by our Council here, for such their Misbehaviors and Offences, by their Insolent and Contemptuous Carriage in the Presence of our said Council, have showed little Respect and Reverence either to the Place or Authority in which we have placed and appointed them; And others for the colouring of their Lewdness and Misdemeanors committed in Virginia, have endeavoured by most vile and slanderous Reports made and divulged, as well of the Country of Virginia, as also of the Government and Estate of the said Plantation and Colony, as much as in them lay, to bring the said Voyage and Plantation into Disgrace and Contempt: By Means whereof, not only the Adventurers and Planters already engaged in the said Plantation, have been exceedingly abused and hindered, and a great Number of other, our loving and well-disposed Subjects, otherwise well affected and inclined to join and adventure in so noble, Christian, and worthy an Action, have been discouraged from the same; but also the utter overthrow and Ruin of the said Enterprize hath been greatly endangered, which cannot miscarry without some Dishonour to Us, and our Kingdom.

Now, forasmuch as it appeareth unto us, that these Insolences, Misdemeanors, and Abuses, not to be tolerated in any civil Government. have, for the most part, grown and

proceeded, in regard our said Council have not any direct Power and Authority, by any express Words in our former Letters-patents, to correct and chastise such Offenders; We therefore, for more speedy Reformation of so great and enormous Abuses and Misdemeanors heretofore practiced and committed, and for the preventing of the like hereafter, do by these Presents for Us, our Heirs, and Successors, GIVE and GRANT, to the said Treasurer and Company, and their Successors for ever, that it shall, and may be lawful for our said Council for the first Colony in Virginia, or any two of them (whereof the said Treasurer or his Deputy for the Time being, to be always one) by Warrant under their Hands, to send for, or cause to be apprehended, all, and every such Person or Persons, who shall be noted, or accused, or found at any Time or Times hereafter, to offend or misbehave themselves, in any the Offences before mentioned and expressed, and upon the Examination of any such Offender or Offenders, and just Proof made by Oath, taken before the said Council, of any such notorious Misdemeanors by them committed as aforesaid; And also upon any insolent and contemptuous, or indecent Carriage and Misbehaviour, to, or against, any our said Council, showed or used by any such Person or Persons so called, converted, and appearing before them as aforesaid; That in all such cases, they our said Council, or any two of them for the time being, shall, and may have full Power and Authority, either here to bind them over with good Sureties for their good Behaviour, and further therein, to proceed to all Intents and Purposes as it is used in other like Cases, within our Realm of England; Or else, at their Discretions, to remand and send back the said Offenders, or any of them, unto the said Colony in Virginia, there to be proceeded against and punished, as the Governor, Deputy or Council there, for the Time being, shall think meet; Or otherwise, according to such Laws and Ordinances, as are and shall be in Use there, for the well-ordering and good Government of the said Colony.

And for the more effectual Advancing of the said Plantation. We do further, for Us, our Heirs, and Successors, of our especial Grace and Favour, by Virtue of our Prerogative Royal, and by the Assent and Consent of the Lords and others of our Privy Council, GIVE and GRANT, unto the said Treasurer and Company, full Power and Authority, free Leave, Liberty, and Licence, to set forth, erect, and publish, one or more Lottery or Lotteries, to have Continuance, and to endure and be held, for the Space of one whole Year, next after the opening of the same; And after the End and Expiration of the said Term, the said Lottery or Lotteries to continue and be further kept, during our Will and Pleasure only, and not otherwise. And yet nevertheless, we are contented and pleased, for the Good and Welfare of the said Plantation, that the said Treasurer and Company shall, for the Dispatch and Finishing of the said Lottery or Lotteries, have six Months Warning after the said Year ended, before our Will and Pleasure shall, for and on that Behalf, be construed, deemed, and adjudged, to be in any wise altered and determined.

And our further Will and Pleasure is, that the said Lottery and Lotteries shall and may be opened and held, within our City of London, or in any other City or Town, or elsewhere, within this our Realm of England, with such Prizes, Articles, Conditions, and Limitations, as to them, the said Treasurer and Company, in their Discretions, shall seem convenient:

And it shall and may be lawful, to and for the said Treasurer and Company, to elect and choose Receivers, Surveyors, Auditors, Commissioners, or any other Officers whatsoever, at their Will and Pleasure, for the better marshalling, disposing, guiding, and governing of the said Lottery and Lotteries; And that it shall likewise be lawful, to and for the said Treasurer and any two of the said Council, to minister to all and every such Person, so elected and chosen for Offices, as aforesaid, one or more Oaths, for their good Behaviour, just and true Dealing, in and about the said Lottery or Lotteries, to the Intent and Purpose, that none of our loving Subjects, putting in their Names, or otherwise adventuring in the said general Lottery or Lotteries, may be, in any wise, defrauded and deceived of their said Monies, or evil and indirectly dealt withal in their said Adventures.

And we further GRANT, in Manner and Form aforesaid, that it shall and may be lawful, to and for the said Treasurer and Company, under the Seal of our said Council for the Plantation, to publish; or to cause and procure to be published by Proclamation, or otherwise (the said Proclamation to be made in their Name, by Virtue of these Presents) the said Lottery or Lotteries, in all Cities, Towns _____ Burroughs, and other Places, within our said Realm of England; And we Will and Command all Mayors, Justices of the Peace, Sheriffs, Bailliffs, Constables, and other Officers and loving Subjects, whatsoever, that in no wise, they hinder or delay the Progress and Proceedings of the said Lottery or Lotteries, but be therein, touching the Premises, aiding and assisting, by all honest, good, and lawful Means and Endeavours.

And further, our Will and Pleasure is, that in all Questions and Doubts, that shall arise, upon any Difficulty of Construction or Interpretation of any Thing, contained in these, or any other our former Letters-patent, the same shall be taken and interpreted, in most ample and beneficial Manner for the said Treasurer and Company, and their Successors, and every Member thereof.

And lastly, we do, by these Presents, RATIFY AND CONFIRM unto the said Treasurer and Company, and their Successors, for ever, all and all Manner of Privileges, Franchises, Liberties, Immunities, Preheminences, Profits, and Commodities, whatsoever, granted unto them in any our former Letters-patent, and not in these Presents revoked altered, changed, or abridged. Although express Mention of the true Yearly Value or

Certainty of the Premises, or any of them, or of any other Gift or Grant, by Us or any our Progenitors or Predecessors, to the aforesaid Treasurer and Company heretofore made in these Presents is not made; Or any Statute, Act, Ordinance, Provision, Proclamation, or Restraint, to the contrary thereof heretofore made, ordered, or provided, or any other Matter, Cause, or Thing, whatsoever, to the contrary, in any wise, notwithstanding.

IN WITNESS whereof we have caused these our Letters to be made Patents. Witness Ourself, at Westminster, the twelfth Day of March, in the ninth Year of our Reign of England, France, and Ireland, and of Scotland the five and fortieth.