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THE EXPULSION OF SIR JOHN HARVEY
FROM VIRGINIA.

WM. WARNER MOSS JR.

Submitted in competition for
the
J. Taylor Ellyson Medal in History

University of Richmond
Richmond, Virginia
1923

THE EXPULSION OF SIR JOHN HARVEY

When King James began to fear the preaching of Sir Edwin Sandys and the meetings of the Virginia Company, believing that the seeds they sowed were too democratic, he felt sure that the dissolution or at least the royal control of the Company was a necessity. He therefore attempted to interfere in the election of the treasurer but failed. Enraged, he commanded Captain Nathaniel Butler to write a libel entitled "The Unmasking of Virginia", which held the Virginia Company responsible for all the evils in America.

This served him little better than his interference, so, in April 1623, he appointed a commission of "certayne obscure persons"¹, among them John Harvey and Samuel Matthews, whose duty it was to investigate the colony and furnish evidence against the Company. Failure was his in this also, for the colonists disregarded the commission and addressed all their words to King James himself.

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1. Virginia Under The Stuarts, p.60.

WM. WARNER MOSS
RICHMOND, VA.

May 1st 1923.

Gentlemen:

I herewith submit to you
a treatise on the expulsion of Sir
John Harvey from Virginia.

I beg of you to consider it
in competition for the J. Taylor
Ellyson Medal in History.

Respectfully yours,

A handwritten signature in cursive script, reading "Wm. Warner Moss Jr.", is written over a horizontal line.

Wm. Warner Moss Jr.

Fortunately, James died before he had changed the government of the colony and was succeeded by his less obnoxious son Charles I. This King continued Wyatt in office and he, on his resignation, was succeeded by Yeardley and later by West who resigned also. He was followed by Dr. Pott, the ingenuous doctor who was "the poysoner of the salvages thear".¹

Then, in the spring of 1630, came Sir John Harvey, one of the worst of the many bad colonial governors. He was unscrupulous, and cared little for his sovereign and less for his subjects. In his office he saw no responsibility, but only an opportunity to further his own affairs. Even this he did badly. He opened his administration by requesting favors for Samuel Matthews and arresting his predecessor Dr. Pott. Within a single day (May 29th 1630) he wrote to Secretary Dorchester in favor of Captain Samuel Matthews "who has been one of the Council many years, and has solely undertaken the erection of a fort at Point Comfort, at the entrance of the James River.that he may have the customs of his own tobacco gained by his own industry, for one or two

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1. Calendar of State Papers (1574-1660), p. 69.

years, otherwise he must be a great loser in his undertaking,"¹ and to the Privy Council-"confined him (Pott) to his house at Harrope to answer the charges of pardoning wilful murder, and reinvesting the murderer with his estate, after a legal condemnation."² Even before his arrival he was disliked, for many others besides Sir John Wolstenholme had written that "he stunke in Court and Citty."³ We may well ask why Charles sent this man to be the first real substitute for himself. On January 3rd 1626 Wyatt and the Council had written to the Lords Commissioners that "The Governor has long expected a successor; private affairs compel him not to put off any longer his return to England, which some of the Council purpose also."⁴ and many men in England desired the commission. It is most probable that Charles wished to wait until he had the right man to introduce his government and he felt that he could control Harvey or that Harvey would pledge himself to do the King's every bidding no matter how low the motive. Sir John re-

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1. Calendar of State Papers (1574-1660), p. 116.
2. Calendar of State Papers (1574-1660), p. 117.
3. McDonald Papers, Vol. II.
4. Calendar of State Papers (1574-1660), p. 77.

turning home with the commission, probably convinced the King that he could do this and that he had also a previous knowledge of conditions. It is easy to believe that he gained favor by telling Charles that the remedy needed in Virginia was that the country should feel the hand of the King, even as England itself.

This new administration was the beginning of many things. Harvey wished to court-martial Pott but the Council demanded that he be allowed the first jury trial in America. He was found guilty and his entire estate confiscated, but, upon the advice of the Virginia Commissioners and at the instance of Harvey himself, the King pardoned him. The committee had reported-"are not able to give a perfect account of the state of Dr. Pott's business, the records of the proceedings not having been sent over, but "upon this superficial hearing," are of opinion that condemning him of felony was very rigorous, if not erroneous. Recommend that he be restored to liberty and to his estate, upon caution to follow his profession."¹ This maladministration and obvious injustice was the first of a series of errors which Harvey made.

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1. Calendar of State Papers (1574-1660), p. 133.

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1. Calendar of State Papers (1574-1660), p. 133.

His trouble with Pott was followed by an open friendship towards the Marylanders when their incursion onto the soil of Virginia was sufficient in itself to arouse all the wrath in the Colony. He was thanked by the King for the assistance given Maryland¹ while "many" were "so adverse to that plantation, that they would rather knock their cattle in the heads than to sell them to Maryland"² and Captain Matthews "scratching his head and in a fury stamping cried a pox upon Maryland."²

His next mistake was in seizing another man's servant in direct disobedience of his orders. About the 3rd of July 1634, a certain Captain Young arrived from England³ and brought with him a letter from the King saying that he was upon special service and was to be given every assistance the Colony might afford but that his mission was to be kept secret.⁴ He wished to build two shallops while in Virginia. For this purpose Harvey pressed into service the servant of one of the planters. This was in defiance of the statute of the Assembly which said that the "Governor shall not withdraw the inhabitants from their private labors to any service

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1. Calendar of State Papers (1574-1660), p. 190.
2. Calendar of State Papers (1574-1660), p. 193.
3. Calendar of State Papers (1574-1660), p. 184.
4. Calendar of State Papers (1574-1660), p. 177.

of his own upon any colour whatsoever."¹ Captain Matthews disputed with the Governor in a rather strong manner for Young made a record of the conversation and got witnesses to sign it.²

The last straw came when the colonists refused the King's proposed monopoly of the tobacco trade and Harvey withheld their answer. As a result of these combined wrongs, there were meetings throughout the country during the winter of 1634-5* which culminated in a gathering on the 27th of April at the house of William Warrene at York. Such was the excitement that Captain Puriffee wrote that they were in open rebellion and that he dared not hold a court until he heard from Harvey or the King. The people rushed in troops to sign the petition, carried from place to place by Pott, who with Martin and English "inveighed against the Governor and Government, that no justice was done, that the Governor would bring a second massacre among them."³

Captain Puriffee later denied that the meeting had approached a rebellion.⁴ Upon hearing of all the trouble Harvey called the Council together,

* Robert Beverly errs in stating that the events here told occurred in 1639.

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1. Henning, Vol. I, p. 124.
2. Calendar of State Papers (1574-1660), p. 184.
3. Sainsbury Transcripts, Vol. XIII.
4. McDonald Papers, Vol. II.

issued warrants for the leaders and "constituted a new sheriff at James City, a defamed fellow".¹ To this scoundrel he "committed the keeping of the prisoners in irons. Some of them desiring the cause of their committment, to whom he answered that they should know at the gallows."¹ Being brought before the Council, Pott produced the writing, which called the Governor to account for his delay in sending the letter and said that if he had done wrong he did appeal to his King for he was sure of no justice from Sir John Harvey. That said, back he went to jail.²

Harvey then "declared it necessary that Marshall law should be executed on the prisoners, but it was desired they might have legal triall; soe growing into extreme coller and passion, after many passings and repassings to and fro, at length sate down in the chayre and with a frowning countenance bid all the Councell to sitt. After a long pawse he drew a paper out of his pocket and reading it to himselfe said to the Councell; I am to propound a question unto you, I require every man, in his Majesties name, to deliver his opinion in writing under his hand, and no man to advise or counsell with the other, but to make a direct answer

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1. McDonald Papers, Vol. II.

2. Sainsbury Transcripts, Vol. XIII.

to this proposition (which is this) What do you think they deserve that have gone about to persuade the people from their obedience to his Majesties substitute; and to this I do require you to make your present answer and no man to advise or interrupt with the other. And I begin with you Mr. Minefie; who answered, I am but a young lawyer and dare not upon the suddain deliver my opinion. The Governor replied that should be his answer under his hand: Mr. Farrar began to complaine of that strong command, the Governor cut off his speech saying in his Majesties name I command you not to speake till your turne. Then myself replied, I conceive this a strange kind of proceeding; instantly in his Majesties name he commanded me silence; I said further there was no president for such a command, whereupon he gave me leave to speake further. But it was of a tyrant meaning that passage of Robert the third against the Lord Hastings: after which relation the rest of the Councill begann to speake and refused that course. Then followed many bitter languages from him till the sitting ended. The next meeting in a sterne manner he demanded the reason that we conceived of the Countreyes Petition against him. Mr. Menefie made answeare, the chiefest cause ~~was~~

was the delaying of the Letters to his Majestie and the Lords. Then rising in a great rage said to Mr. Menefie: and do you say soe? he replied, yes: presently the Governor in a fury went and striking him on the shoulder as hard as I can imagine he could said, I arrest you of suspicion of Treason to his Majestie. Then Captayne Utye being neare said, and we the like to you Sir. Whereupon I seeing him in a rage tooke him in my arms and said. Sir, there is no harm intended against you save only to acquaint you with the greivances of the inhabitants and to that end I desire you to sitt downe in your Chayre."¹

They then "consulted about sending the Governor for England, but Captain Brown went home a pain that he had in his belly excused him sufficiently by reason he opposed the Governor as did the rest- Mr. Menefie also lately refused his aid in arresting the Governor alleging reasons that it was not fit to deal so with his Majesty's substitute. Mr. Menefie went not home as he said but to the back river where he debated with himself desiring of God to confirm his resolution but the loss of the country striking in his stomach at last he came

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1. McDonald Papers, Vol. II.

resolved as the rest."¹

Matthews fails to mention one thing that Kemp took special note of. "Must not omit one circumstance which might argue a foreknowledge in some of the Council of this hubbub for when these passages were Dr. Pott held up his hand which was taken as a signal when straight about forty musketeers marched up to the door of the Governor's house."²

The Governor arrested; a guard was placed around him supposedly for the purpose of protecting him from the people whom that arch-liar Captain Puriffee said were ready to do murder. A meeting of the General Assembly was called in May and the grievances of the people collected, but, being found so numerous, they were condensed into a number of general charges.³ These in a trunk were entrusted to Captain Thomas Harwood and Francis Pott, who, together with the Governor left for England.⁴

Upon arrival at Plymouth on the 14th of July, the Governor used the power of the mayor of that port to arrest the two representatives of the colony,⁵ but, Harwood⁶ managed to get to London⁶

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1. Sainsbury Transcripts, Vol. XIII.

2. Sainsbury Transcripts, Vol. XIII.

3. McDonald Papers, Vol. II.

4. Calendar of State Papers (1574-1660), p. 214

5. Calendar of State Papers (1574-1660), p. 214

6. Calendar of State Papers (1574-1660), p. 214

and the testimony of Anthony Browne certainly proves that he got as far as Exeter¹. This is contrary to the usual statement but all evidence points to its truth. On the day of their arrival the mayor wrote to Robert Trelawny and said, "He (Harvey) likewise informed them of divers letters written home by divers of the said mutineers and sent by one Thomas Harwood which he conceives will give great light and manifestation of their said offense- all which they have enclosed and sealed up in a trunk directed to their Lordships of which Harwood hath the key."¹ In August Sir John Harvey's memorial asked that one "Thomas Horewood now in London and one of the late mutinous assembly in Virginia may be restrained of his liberty."² Also in his memorial of the fourth of the same month he asked that "Thomas Horwood be committed; he was one of the chief of the mutineer Burgesses that opposed his Maj. service in the tobacco contract and in stirring up the country to this mutiny."³ Among the testimonials collected was this, "Anthony Browne being at the house of one Ebbettson at the sign of the Valient Soldier in Exeter about 18th of July last Ebbettson spied the post that carried the packet to London and a stranger riding post with him also, whom Ebbettson went into

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1. Sainsbury Transcripts, Vol. XIII.

2. Calendar of State Papers, (1574-1660), p. 214.

3. Sainsbury Transcripts, Vol. XIII.

the street to meet and they went into said house and drank a pint of wine together and so parted. Ebbettson came immediately to Browne and said I have news for you out of Virginia- he you saw out of the window was one Harwood now come from Virginia who informed him that they have had great contention there and have displaced Captain Harvey for he hath done great injuries in that country and Harwood is appointed by the country to carry letters to the King against him and he will make great haste to be up before Sir John that he may make friends and the case good against him- Sir John Harvey had so carried himself in Virginia that if he ever returned he would be pistoled or shot."¹

There is no record that Harwood was ever received by the King or the Lords, and Pott was imprisoned aboard ship. Harwood himself was later in the Fleet prison.

From across the water the colonists thought of a gracious sovereign ready to protect their rights and rectify their injustices. Their dealings with the House of Stuart had never led them to believe that they would receive anything but a ready ear. Yet, the representatives of a free and loyal people were turned aside and not

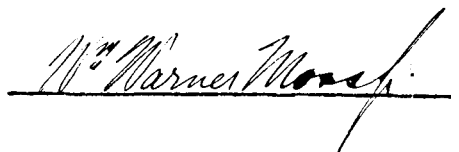
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1. Sainsbury Transcripts, Vol. XIII.

even treated with courtesy while a theiving, lying, and treacherous tyrant was extended every posible courtesy, listened to, and returned with greater power.

Harvey came back to Virginia during or before 1636 but he only stayed until 1639. Wyatt succeeded him but held him in the colony until he had been stripped of his estate. At last he had to let him return to England. There he was so active that within two years Sir William Berkeley came to Virginia as the strongest representative the House of Stuart ever had.

In this manner ended the first American resistance to the British Crown. There had been resistances to authority before, and Bacon's Rebellion during the administration of Berkeley perhaps eclipsed it in many ways, but the expulsion of Harvey remains as the first blow against the Crown. There was no need for bloodshed. It was a legal battle and the colonists used as their weapon the English constitution which guaranteed their rights as Englishmen.

A handwritten signature in cursive script, reading "Wm. Warner Moss Jr.", written over a horizontal line.

Wm. Warner Moss Jr.
April 30th 1923.

(over)

-NOTE ON THE HARWOODS-

Of Dr. Pott and his brother we have known much but history has left us few records of his contemporary, Harwood. From the first organization of the Virginia Company to the Revolutionary War the Harwoods stood out head and shoulders above their fellow men and it is odd that each generation took the leading part during its time.

When the first laws of the colony were drawn up, Sir Edward Harwood, Governor of North Carolina in 1625 and one of Fuller's "Worthies of England", was ^amember of the committee. Thomas Harwood as we have seen played a conspicuous part in this first stroke for American liberty.

Captain Thomas Harwood came to Virginia in 1620 as a member of the council and chief of Martin's Hundred. He received numerous grants of land and represented Mulbury Island (Warwick County) in the House of Burgesses continuously from 1629 to 1642. In 1622 "The adventurers of Martin's Hundred desired that Mr. Harwood might be spared from that office, (as a councilor), their business requiring his presence continuously". In 1642 and 1652 he was again a member of the Council.

It is most probable that he was a relative

of Sir Edward Harwood but he was not mentioned in that gentleman's will. It is certain that his influence in England was great. It took more than a shop keeper or a country squire to come to Virginia as a member of the Council and chief of Martin's Hundred. He must have been very strong at court for there were many men from whom the colonists could have picked one to plead their cause before the King.

Some historians have claimed that he was a Howard but this seems doubtful. I have seen the name spelt in every conceivable manner in old records but never but once has it approached Howard. That one instance was in a list of names which were passed down by heresay. In colonial times the name was pronounced "Horrod". The most conclusive evidence (though I have never been able to find the original) is that the arms of Thomas Harwood were the same as those of the Howards of England.

Humphrey Harwood, a Burgess and a sheriff, played an active part on the side of Governor Berkeley during Bacon's Rebellion.

Humphrey's son William was a Burgess and a justice but his son William outdistanced him by becoming a member of the Committee of Correspondence and the Constitutional Convention of 1776. Among

Thomas Harwood's other progeny was Chancellor Wythe, who, in his later years, did him credit as a judge and teacher. No family of Colonial Virginia served her though this period more continuously. Each son and heir in turn followed his father's footsteps in that body which steadily gained for us our liberties. Each took an active and decided stand in all matters of the commonwealth.

Wm. Warner Moss Jr.
April 30th 1923.



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