The political career of Sir John Harvey: Governor of Virginia from 1629 to 1639

Merrill R. Stewart

Follow this and additional works at: http://scholarship.richmond.edu/honors-theses

Recommended Citation
Stewart, Merrill R., "The political career of Sir John Harvey: Governor of Virginia from 1629 to 1639" (1939). Honors Theses. Paper 774.
TABLE OF CONTENTS.

Chapter I. Commissioner Harvey. ........ Page 1
Chapter II. Governor Harvey. .......... Page 9
Chapter III. Governor Harvey; His Second Term. Page 34

Bibliography. .................................. Page 1
BIBLIOGRAPHY

General histories:

Andrews, C. M.,


Andrews, M. P.,

Virginia, the Old Dominion, Doubleday, Doran & Co. Inc., Garden City, New York, 1937.

Blanton, Wyndham B.,


Campbell, Chas.,


Craven, W. F.,


Dodd, W. E.,


Fiske, John,

Old Virginia and Her Neighbors, two volumes, Houghton, Mifflin and Co., New York, 1898.

Fiske, John,


Semmes, Raphael,

Captains and Mariners of Early Maryland, Johns Hopkins Press, Baltimore, 1937.

Smith, M. V.,

BIBLIOGRAPHY

General histories:

Stanard, M. N.,

The Story of Virginia's First Century, J. B. Lippincott

Wertenbaker, T. J.,

Virginia Under the Stuarts, Princeton University Press,
Princeton, New Jersey, 1914.
Periodicals:

Chandler, J. A. C., and Swem, E. G., Editors,
William and Mary College Quarterly, second series, William and Mary College, Williamsburg, Va.

Stanard, W. G., editor,
Virginia Magazine of History and Biography, Richmond, Va.

Tyler, L. G., editor,
William and Mary College Quarterly, first series, William and Mary College, Williamsburg, Va.
BIBLIOGRAPHY.

Manuscript Collections:

McIlwain, H. R., editor,
Minutes of the Council and General Court of Colonial Virginia, Virginia State Library, Richmond, 1924.

McIlwain, H. R., editor,

Hening, W. W., editor,
Statutes at Large; a Collection of all the Laws of Virginia from the First Session of the Legislature in the Year 1619, printed for the editor by R. W. and G. Bartow, New York, 1823, first edition.

Calendar of State Papers; America and the West Indies, 1574 to 1660.

Miscellaneous:

Swem, E. G., editor,
The Virginia Historical Index, two volumes, Stone Printing Co., 1934 and 1936.
Chapter I

Commissioner Harvey
Sir John Harvey first became connected with the colony of Virginia in 1623, when he was appointed to a commission to investigate the administration of the colony. James I, having had numerous disagreements with the London Company, owing to the subscription to a different political philosophy by its leaders, had determined to have the colony of Virginia for the crown. He used the fiction of colonial expansion to gain popular approval and bad administration on the part of those in control for his reason. The purpose of this board was to gain some sort of evidence to give justification for the seizure of the territory.

This commission was composed of John Porey, Abraham Piersey (Pierce), Samuel Mathews, and John Jefferson, and, of course, John Harvey. Harvey and Porey were sent over from England, while Mathews and Piersey were already present in Virginia. Very little is known of Jefferson. No one can say accurately whether he was in Virginia at the time, or not. However, this much is certain, that he was not influential in the proceedings of the commission. It is very probable that this John Jefferson and the Mr. Jefferson who was a member of the first Assembly in 1619 as a representative of Flower de Hundred are one and the same person.

2. Ibid.
4. Ibid.
5. Ibid.
The activities of the commission immediately upon arriving at the colony are rather uncertain. That they went from plantation to plantation interviewing the people is, however, known. It is supposed that this was the means taken by them to gather the information for which they were delegated by the King. Soon after their arrival, finding that the people were either not possessed of much valuable information, or were not willing to divulge it, they sent Governor Wyatt a note, requesting answers to the following questions:

"1. What places in the country are best to be fortified against Indians or enemies by sea?
2. How does the colony now stand in respect to savages?
3. What hopes may truly and really be conceived of this Plantation?
4. And, lastly, which be the directest means to attain these hopes?"

This note was written by a clerk for the commission, and signed by them.

On May 2, 1623, the General Assembly made formal answer to this note, signing the reply with signatures of the entire Assembly.

8. Ibid.
Having received the answer of the General Assembly, the commission sent, on the same day, another note to the Assembly, again requesting their signature. This was a subscription, thanking the King for his interest in the colony and asking him to remove it from the administration of the Company, and to place it under his personal jurisdiction. The members of the Company were to be given land in proportion to the number of years and amount of aid given the Company and colony. In a separate note of the same date, the commissioners urged the Assembly to accept this note, sign it, and send it to the King. In reply, the Assembly wrote, asking the commission, before they should adjourn on the third of March, to satisfy the Assembly of the depth of authority possessed by them, which allowed them to send and urge such a resolution. At the same time, the Assembly returned the subscription to the commission, stating that whatever business they had to conduct with the King, they would conduct thru their own representatives. They continued, saying that they were thankful for the King's interest, and hoped that it would continue but that the proper time to make answer about the surrendering of the colony to the crown would be when the patents to the land were taken away.

10. Ibid.
They expressed the belief that the King's plan for the colony was the result of much misinformation.

Following their plan to handle their own business with the crown, the Assembly prepared letters to send to the King himself, or to his council. These letters were entrusted to one Pountis for delivery. When the commission was denied the opportunity to read these letters, they resorted to bribery, and paid the secretary of the Assembly, Sharpless, to obtain for them a copy. This treachery, as it was called, cost Sharpless one of his ears. In these letters, the Assembly requested that the governors whom the King might send to Virginia, if he should take over control of the colony "...may not have absolute authority. But above all, we humbly intreat your Majesty that we may have still the libertie of our General Assemblies."

Meanwhile, the commission, fearing some sort of retribution for attempting to take the situation in their own hands and requesting the Assembly to invite the King to take over the colony, wrote the Assembly in answer to their last note. They attempted to forestall any act on the part of the Assembly by admitting that they had not the authority to force or urge any such resolution, but denied saying or intimating that they did have.

14. Ibid.
Excusing themselves for suggesting it, they stated that royal control of the colony was the probable ultimate outcome and that a previous petition on the part of the Assembly would gain favor in the eyes of the King.  

The King, however, was determined to take over the colony for the crown and immediately gave his intentions to the public. The administration of the colony in England was equally stubborn and forced the issue. In order to validate his act, the King had the case taken to court. June 26, 1624, the court handed down the verdict "the right of a Company of English merchants trading to Virginia and pretending to exercise a power and authority over his Majesty's good subjects there should henceforth be null and void,"  

July 15, the Mandeville Board was formed by the crown and given a patent to govern the colony until such time that it could prepare a report on the advisability of issuing a new charter to the Company. The support received by the Company had made such an issue of the situation that the King was willing to allow the Board to investigate, hoping to prolong the affair for such a long time that the parties in support would lose interest.

On this Board, Wyatt was made Governor of the colony and John Harvey was delegated, since he was already in Virginia, to gather the information upon which the Board was to base its report. Harvey returned to England in February of 1625 with his report, but the proceedings were cut short by the death of King James I in March. The next King patterned his colonial policy much as James had. Charles I did away with the Mandeville Board, and arranged for the rule of Virginia by a sort of commission appointed by him and the Privy Council.

The King, in 1625, in the month of March, issued a commission to Yeardley for the governorship of Virginia with a council, the members of which were appointed by the same commission. These councillors were Francis West, John Harvey, George Sandis, Dr. John Pott, Roger Smith, Ralph Hamor, Samuel Mathews, Abraham Percey, William Claybourne, William Tucker, Jabes Whitakers, Edward Blaney and William Farrar. It was provided that if Governor Yeardley should die or resign, then John Harvey should succeed to his place, and in case of his death, or resignation, Francis West should be the next in succession. This last will account for the appointment of West to the governorship when Harvey was deposed in 1635.

18. Ibid.
Yeardley governed the colony of Virginia but a short time, dying soon after the position had been given him. In this manner, Harvey, after the rule prescribed by the King in his commission of March 14, 1625, became the Governor and Captain-General of His Majesty's colony of Virginia.

The official appointment was not made until March 26, 1628. Sir John even then did not come immediately to Virginia, to take over his gubernatorial duties, but remained in England to be knighted by the King. He left England to arrive in Virginia sometime in the month of March, 1630, and began his authority.

Thus, an unsung former sea-captain became the governor of Virginia. His career had not been one to attract any particular interest and his administrative ability had never been tested other than on the deck of a sailing vessel. Notwithstanding all this, and possibly because of some of it, the term of office held by Harvey was perhaps one of the most restless and unsettled in the history of Virginia up to his time. It surely brought about the most flagrant violation of the authority of the ruler of the empire ever to be accomplished in Virginia, up to the time.

21. Smith, op. cit., p. 91
CHAPTER II

Governor Harvey
Governor Yeardley having died in 1627, it was a necessity that the colony should have an administrative head. The man who was next in position for the office according to the patent of the King was at the time in England. Therefore, circumstances commanding, Francis West, being the next after Sir John in succession, was made Governor of the colony in the same year. His term was uneventful and after serving a year, he was called to England on private business.

The absence of a Governor again forced the appointment of a man to serve until the new ruler should come from England. For this reason, Doctor John Pott, who had been the colony's official physician since July 16, 1621, was made Governor of Virginia. The extent of Pott's term has never exactly been determined. However, it is certain that he was succeeded sometime between October, 1629 and March, 1629/30. The assumption is that he remained in office until Harvey arrived to take over his duties. The fifth day of March, an order was issued by the Quarter Court for the Assembly to meet Sir John Harvey, the new Governor, on the twenty-fourth of the same month. Since this date, no papers have been found that have anything to do with the official business of the colony with the signature of Doctor

27. Ibid.
Pott as Governor.

Sir John Harvey met his first Assembly on the twenty-fifth day of March, 1630. It, of course, consisted of the Governor's Council and the House of Burgesses. The Council was the one appointed by the King in 1625 with Heardley as Governor, with, of course, the exception of Francis West, who was in England, and Yeardley. The House of Burgesses was made up of forty-five members representing twenty-seven different political divisions of the colony. This Assembly was in no way different from those conducted before the advent of Harvey to the office of Governor. They carried on routine business such as the building of a fort at Old Point Comfort, insurance and regulation for a sufficient supply of corn, improvement of the tobacco crop, war against the Indians, rules for the conduct of courts, and provisions for the recording of births, deaths and marriages, making these records permanent for the first time in the colony.

While it has been pointed out by numerous authors that Sir John had no specific sanction from the King for the conducting of this first Assembly and it, therefore, was a departure from his regular policy of strict adherence to royal order, it should be remembered that he had his specific instructions from the crown and they could be interpreted as

31. Ibid.
giving him the authority to hold this Assembly. The instructions with which he assumed office are, in part.... "we doe likewise promise hereby to renewe and confirm unto the said Collonies under our greate Seale of Englande their landes and privileges formerlie granted...." Since the colony had had the privilege of a General Assembly before the crown took over the government of the state it could very easily be taken that the instructions of the King gave the right of the Assembly back to the people. It is true, however, that Governor Harvey sent to the King, later in 1630, a petition requesting the permission to form a General Assembly for the colony of Virginia to be called by the Governor for the good of the colony. It is rather evident that Sir John gained the desired permission. The probability is that Harvey merely wanted written evidence of the crown's willingness to allow this privilege to forestall any misunderstanding that might arise.

In order to account to the reader for some of the rather poorly chosen acts, as they might very readily be construed, perpetrated by Governor Harvey, it might be well to explain in a brief way his previous relations with the colony. He and his colleagues of James I commission had many clashes with the people and the Assembly. After observing the attitude of the people toward strict rule by the Governor,

34. Chas. Campbell, History of the Colony of Virginia, p. 183.
or, indeed, toward strict rule by anyone not of the people, he doubtless had many misgivings about the possible outcome of the application of strict government. However, he had many very unpleasant reflections in his mind, holdovers from his previous visit to Virginia, and believing that the King's word should be the law he began to attempt the impressment upon the minds of the people of the power of the government. The measures he used were quite strict at times and their wisdom has been questioned.

Probably the first unpopular act committed by Sir John was the summoning of Doctor Pott to trial and his subsequent treatment of the episode.

When Harvey arrived in Virginia, some of Doctor Pott's enemies had brought charges against him. While Pott was a somewhat popular man the people thought that he had overstepped his bounds. The charges brought against the Doctor were many. Hogs were reputed to have strayed to his property, and he had, with unfailing consistency, killed them. A poor woman in labor, having no food, sent to the Doctor for some, and he ignored her request. Upon being questioned, she answered that it was her belief that the failure of the Doctor to send her the desired food was the cause of her subsequent miscarriage. Next, the redoubtable Doctor

35. Wertenbaker, op. cit., p. 66.
Pott had trouble in court with the Secretary of the colony, William Claiburne. The trouble once again was livestock which both claimed. This time the Doctor's claim proved stronger and he was the winner. These things all together brought the trial. Harvey arraigned Pott on charges of pardoning wilfull murder, marking other men's cattle for his own, and killing their cattle and hogs. Pott was tried July ninth, 1630, before a jury of thirteen, three of whom were members of the Governor's Council. Harvey pushed the case by demanding a conviction. The jury convicted Doctor Pott of the charges. Having successfully gained Pott's conviction, the Governor then refused to pronounce judgment until the King's pleasure was known. He sent the review of the case to the King. Mistress Pott, meanwhile, had gone to London to plead for her husband. Finally, Harvey granted Doctor Pott a pardon which was really a suspended sentence, with the whole Council as the Doctor's security. The reason for this pardon was, no doubt, two-fold: first, Doctor Pott was the only really skilled physician in the colony; and, second, Mistress Pott was very eloquent with her pleadings.

Needless to say, the handling of this trial did very little to endear Sir John in the hearts of the people of the colony. From then on, without too much effort on

38. Ibid., p. 21.
39. Ibid., p. 23.
41. Tyler, op. cit., vol. XIV, p. 98.
42. Ibid.
his own part, Governor Harvey rapidly became one of the most unpopular men in the colony. He set up the arbitrary type of government then in use in England, attempting to run the colony with the help of only those few members of the Council who chose to attend meetings, similarly as Charles I conducted the government of England with the Privy Council as his only advisors. He put himself above the people, always reminding them of his being knighted by the King. As Governor, and, as Harvey stated, His Majesty's substitute in Virginia, he insisted that he be deferred to even upon ordinary occasions much the same as the monarch in England. He was naturally a hot-tempered man and was very high-handed in the Council meetings, one time knocking out three of Richard Stevens' teeth because of some trivial disagreement. In short, his whole manner, excluding his political actions, was so overbearing that he became very obnoxious to the people, especially to those of limited means who could not afford to meet him on his own social level.

He wasted much money and time and the labor of two hundred men in a futile hunt for silver in the foothills of the Blue Ridge Mountains. He, in a commission to Nathaniel Basse in 1631, gave the right to trade between the

46. Wertenbaker, op. cit., p. 57.
47. Dodd, op. cit., p. 56.
34th and the 41st parallels and to invite the people of New England, Nova Scotia and the West Indies to come to Virginia and settle, agreeing to give them the Delaware Bay region and furnish them with cattle, hogs and flour at good prices. However, because of the efforts of Charles I and Bishop Laud of England, to strictly enforce adherence to the Anglican faith, Harvey was forced to change his ideas and exclude all other faiths. He had laws passed to force the people of the colony to the Anglican religion imposing heavy penalties for not attending the services, and not paying the tithes. He favored some of the members of the Council and discriminated against others at the same time. Harvey's fellow-commissioner, Captain Samuel Mathews, was one of the first to receive evidence of Harvey's favor, being the recipient of new grants of land because of Harvey's intervention with the King.

These acts by Sir John, while scarcely designed to achieve the result that they accomplished, were the rule rather than the exception. For some reason, every decision or more accurately, the majority of his decisions, went contrary to the popular opinion. All his policies proved to be unhappy choices. The only result of these particular acts and others like them was, just as surely as if they had been engineered for the purpose, to increase the

50. McIlwain, Minutes of the Council and the General Court of the Colonial Virginia, p. 484.
52. M. F. Andrews, op. cit., p. 120.
53. Wertenbaker, op. cit., p. 65.
peoples' resentment of him and of his great authority.

Finally, however, the Council and Governor Harvey, after much disagreement which caused many rebukes on the part of the Privy Council in England, made an attempt toward reconciliation. They entered into an agreement December 20, 1631, stating that they would cause the Privy Council no more trouble. They promised not to exceed the Royal commission and to work together. The Council agreed to recognize that Harvey was the King's substitute in Virginia and to give him due aid and respect.

Regardless of the position that Harvey demanded to be placed in, he lived in much the same manner that all the planter, or upper, class lived in the entire colony of Virginia. He made his home on a large plantation near the capital and held great tracts of land, anticipating, along with others, a rise in value. He financed, and profited by, the ventures of many agents who carried on trade with the Indians. The tobacco raised on his plantation was sent to England each year with the regular shipments from the colony.

At the time there was much land available and everything was done to encourage the settlement of particular sections. Harvey was especially interested in the settlement of York County. He owned a plantation in this region named York Plantation, and he caused this

55. Ibid., p. 45.
56. Dodd, op. cit., p. 56.
land to be settled by the colonists by offering rewards. October 8, 1630, Harvey published these specifications for the terms of settlement: For all those who should settle the first year after this patent was published, each person was offered fifty acres, and for all those who should settle the second year there should be for each twenty-five acres. Two tracts of six hundred acres each were given to Captain John Utie and to Captain John West who were made the commanders of this settlement. To continue the theme of the settlement movement disregarding, for the time being, the chronological sequence, Harvey extended his efforts for settlement north of the James River. In 1634, he gave Captain Thomas Younge the right to settle several plantations in this territory and to build, as a protection against Indians, a palisade from the James to the next river to the north. These, as far as the author can determine, were the entire extent of expansion in Virginia during the time, other than the usual migration.

Now, let us turn to Harvey's life: Sir John, as we have said, lived the life usual among the upper class Virginians of the time but there was much of suspicion surrounding his acquisition of wealth. It was the general belief, altho not proved for a long time, that the trade

57. Tyler, op. cit., vol. XXII, p. 75.
58. Ibid., p. 73.
59. Ibid., vol. XVI, p. 3.
duties, which Harvey had caused to be raised, found themselves wholly or partially into his pocket. Finally, in 1633, one of Harvey's acts yielded definite proof of an abuse of his authority. This time, having denied Mr. Fleete, an Indian trader, the right to return to England, he personally confiscated all the funds taken in by Fleete and intended for Fleete's London employers. This, although public knowledge, did not seem to cause any unusual disturbance among the people.

Soon, again the conditions prevailing between Harvey and his Council, became acute. The arbitrary conduct of Sir John in his handling of the government of the colony had not, as he had hoped, impressed the people with the power of the government and the governor to such an extent that they would not try to do something about it if they had the least conception of being wronged. They were resentful of his attitude, and were very near a stage of open revolt. They contended that the Governor could do nothing without their consent and believing this, they began a system of obstruction of any and all measures advanced by Harvey. The Council based their theory concerning this upon the instructions issued by the Privy Council in 1625, which stated that the Council was to be the determining body,
and the Governor the presiding officer, mediator and leader.

Harvey attempted to force his policy, that the Council was merely his advisor, and that he was the King's substitute in Virginia. However, the Council disregarded this previous arrangement and yielded to him the position of being first among equals and no more. Both factions had written to England again, and the Privy Council replied warning them both to cease their disputes or suffer the consequences.

For the time being, at least, this friction was alleviated. Then in 1624, came the difficulty that was the greatest faced by Harvey during his term as Governor if we except the circumstances surrounding his deposition.

George Calvert, the first Lord Baltimore, in 1623, was given the grant for Newfoundland, to be used as an asylum for English Catholics. Finding the climate there too cold for the Englishmen, Baltimore applied to King Charles for a grant to part of Northern Virginia. He and his settlers landed at Jamestown during the year 1629, while Dr. Pott was Governor and was not received at all warmly. His grant was finally made by the King in 1631, and in 1632, he sent his son, he being in ill health, to settle the colony which he named Maryland. The second Lord Calvert settled at St. Mary's on the Potomac.

64. Ibid., p. 65.
68. Smith, op. cit., p. 91.
Naturally, since the grant to Baltimore contained a great tract of land that the colony of Virginia had held since the first charter, feeling ran very high against the nobleman. Necessarily, the religious side of the question entered into the controversy. The people of Virginia, were not, as a whole, sympathetic to the Catholic sect, while the Marylanders were equally intolerant toward the Anglicans. With this feeling at a dangerous height, Harvey executed another of his quite thoughtless mistakes.

When Lord Baltimore arrived to begin settlement, he was nearly out of provisions. He put in at Point Comfort with his expedition to provision his ships. He requested cattle and various necessaries from the people, but they refused to help in any way. They stated that they "would rather knock the cattle in the head than sell it to the Papists." Sir John, seeing the predicament of the Marylanders, helped them with the provisioning from his own herds. This aroused the anger of the Virginians to a very high pitch against their own Governor, as well as against the people of Maryland.

While, as we have said, this aroused the people of the colony against the Governor, still there was nothing done about it that there is any record of now. Of course, 69.

70. Wertenbaker, op. cit., p. 71.
there came a corresponding drop in the dignity of the man insofar as the people were concerned, and his own difficulties were made more acute.

In the meantime, the very aggressive Mr. Claiborne, the secretary of the colony of Virginia, and the possessor of a large and profitable trading business with the Indians, had been doing a very extensive amount of trading with the people of the region in question. In 1631, he had settled, with his men, the small island in the Chesapeake called Kent Island. This island had been settled with the aim in mind of trading with the Indians of that particular territory for beaver and other furs. There were kept there from thirty to forty able-bodied men at all times as a defence against Indians. This venture had, in the beginning, Harvey's sanction, for he had signed a commission giving Claiborne the right to discover and settle new lands for the colony of Virginia. It was soon discovered that this island was over the line of boundary in Maryland territory. Because of this fact, Baltimore declared that the island was under his rule.

Soon after this, the Marylanders captured a provision ship belonging to Claiborne. He immediately went for aid to the Virginia Assembly, and to Governor Harvey. The

71. Raphael Semmes, Captains and Mariners of Early Maryland, p. 28.
72. Ibid., p. 58.
73. McIlwain, Minutes of the Council, p. 484.
74. Semmes, op. cit., p. 143.
Assembly made the disputed island the property of Claiborne by an act of the Burgesses. The Governor stated that he could see no reason why Maryland should have Kent Island. Claiborne, thinking that he had the aid of the Virginia government, began to retaliate against the people of the colony of Maryland. It was soon seen that he had not the necessary resources to combat the Catholics. Upon applying to Governor Harvey for aid, he was refused, because the good Governor had, meantime, changed his ideas on the whole affair. Even Harvey's reception of a letter from the King ordering him to recognize the validity of the Virginian's claims, had no effect upon the policy of Sir John.

Secretary Claiborne, feeling that this injustice should be remedied, arranged thru the Virginia Assembly or some of her members, to have an official commission, consisting of two representatives from each colony, meet and decide title. It can not be said that Claiborne was completely without justification in his great efforts to keep Kent Island, because he had done much to develop that part of Maryland. He had built boats, fed the people, kept the Indians under control, and furnished the people with equipment they couldn't have got otherwise.

75. Dodd, op. cit., p. 64.
76. Semmes, op. cit., p. 143.
77. Ibid.
78. Dodd, op. cit., p. 66.
79. Ibid., p. 54.
80. Semmes, op. cit., p. 74.
This official commission handed down the decision that from then on, Kent Island belonged to Virginia. However, Lord Baltimore paid no attention whatever to the ruling of the commission even after sending the two members to represent Maryland, and receiving a letter from King Charles notifying him that he was to see that no Marylander was to violate the disputed territory. Almost immediately he ordered that the island was to be captured and held by Maryland.

Harvey, hearing from some unknown source beforehand, that the island was to be captured, immediately divested Claiborne of his title as secretary of the colony. He appointed Richard Kemp, one of his cronies, to the now vacant office. This move aroused anew the smouldering resentment existing in the colony. Mathews and West were very near, much nearer now than at any previous time, to the point of attempting something to curb the irresponsibility of Governor Harvey.

Then on the heels of Harvey's latest faux pas came the news of the capture of another one of Claiborne's ships and the capture of Kent Island, both by the cohorts of Calvert. This particular circumstance was very trying to the patience of the people, but not nearly so much so as the report that followed this. While people will become properly outraged

82. Dodd, op. cit. p. 66.
83. Ibid., p. 67.
84. Ibid.
at the idea of an affront to one of their countrymen, they will seldom, without the aid of extensive propaganda, do anything drastic. However, when the situation involves their livelihood, then the story is very different.

The thing next attempted by Harvey, while not nearly so important in a broad sense, caused more direct fury on the part of the people as a whole than did the entire Maryland incident. This was a plan to stabilize the volume of tobacco produced by the colony. When this tobacco control scheme was made public, there was a very general outburst about which there is only one thing which is remarkable. That is the fact that the people did not break out in some attempt at reprisal. The anger of the people was brought to a great height, first by the Kent Island controversy, and then by the new scheme to control the production.

The indignation of the people did manifest itself in the form of an informal meeting of the people for the purpose of forcing Harvey to adhere to the King's laws, established in 1625 when he approved the Charter of 1609. This meeting was held April 28th in the year 1634. It seems, however, that all these storm warnings were merely false alarms for nothing near to the nature of a serious disturbance came about until the next spring.

85. Ibid., p. 59.
86. Ibid., p. 67.
After enumerating the reasons for the anger of the people against Sir John, a question has arisen in the mind of the author for the seeming neglect on the part of any treatment of this term of governorship of what is, in the author's mind at least, the most important neglect of administrative responsibility perpetrated by Harvey. During the entire term of his governorship, both before and after his deposition, he issued acts, or rather, proclamations, making or repealing laws while the assembly was not in session. This habit so displeased the people and the Assembly that a law was passed by the Burgesses declaring it to be the duty of the people of the colony to disregard any proclamation made and published by the Governor if it conflicted in any way with any law of the Assembly, or if it made any law that had not been duly considered by the Assembly.

After all these affronts to the authority and rights of the Assembly had failed to produce action, one thing brought about the inevitable; the uprising of the people against Governor Harvey. The standard which has caused, perhaps more grief and more prosperity for the state and colony of Virginia than any other single thing brought about, for the time, at least, the fall of Sir John Harvey just as it brought about the rise and fall of many another man. This standard was tobacco.

87. Wertenbaker, op. cit., p. 71
88. Ibid., p. 73.
89. Fiske, op. cit., p. 295.
The King had made a proposal to the Assembly of the colony that the crown would purchase all the tobacco grown in the colony and shipped to England. He had sent this proposition to Virginia, and asked for the Assembly's written assent to be sent to him as soon as it was possible. In 1624, importation of tobacco into England had been limited to that grown in Virginia. The elimination of the competition of Spanish tobacco in this year had brought this about. However, there was one difficulty: the crown, under legislation of 1622 by the King, was to get one-third of all the tobacco sent from Virginia and there was to be a tax of six pence a pound put on all the rest. The Assembly, upon receiving the King's proposition, and allowing the people to consider it, was not at all sure that this new method of purchase would, as the King claimed, be much if any improvement over the method already in existence. After this conclusion was reached, they prepared a paper stating that the colony of Virginia did not care to meet the terms of the crown, addressed it to the King, and entrusted it to Governor Harvey, after fixture of the signatures of the entire Assembly, in order to give it the appearance of a petition, to be signed by him, and sent to London, to His Majesty. Harvey neither signed the paper, nor sent it to the King. He excused himself by

90. Wertenbaker, op. cit., p. 74.
91. History 15 notes taken in class conducted in Richmond College 1937-38 by Dr. Woodfin of Westhampton College.
92. Wertenbaker, op. cit., p. 74.
saying that it would have to be sent by the people rather than by the Assembly and would have to contain many more signatures for it to have the desired weight, and, therefore, there was no sensible reason for sending it. The crisis soon arrived. The economic aspect of the situation was very probably the prompting element in bringing about what followed. Thru Harvey's negligence about sending the petition to the King when he was requested to do so, and his refusal to inform the Assembly and the people of the colony of his neglect to do so until it was too late, the possibility of making any profitable sort of arrangement for the then harvested crop of tobacco was gone.

What the good Governor's reason was for not doing the expected thing with the letter entrusted to him by the Assembly will probably never be known. We can, however, surmise. The people had, by their continual acceptance of Harvey's arbitrary deeds, altho they did so with much reluctance and grumbling among themselves, proved to be quite tolerant. It is quite possible that Governor Harvey, hoping to forestall the difficulties that would no doubt have arisen from this refusal to the King's desires, had withheld the paper, disregarding the possibility of an outburst, purposely because of this tolerance on the part of the people.

Regardless of the motive or the thought behind the move, it was a mistake. The people began to take things in their own hands, and during the month of April in 1635, an indignation meeting was held at the home of William W. Warren, of York. At this meeting, a petition was drawn up to be signed by the people of the colony asking for some sort of redress for the wrongs of Governor Harvey. Dr. Pott, who had never professed great love for the Governor, carried the paper around the colony to gather the desired signatures.

The principal speakers at this meeting were hitherto practically unknown in the affairs of the colony. They were Nicolar Martian, Francis Pott, the Doctor's brother, and William English. Governor Harvey learned of this supposedly secret meeting and obtained, in some manner, the names of the speakers. He immediately had the whole group thrown into jail. He then called a special meeting of the Council, and had these men brought before it. He personally questioned them concerning the affair and received absolutely no satisfaction. After much ado, he again threw the prisoners into jail and attempted to force a proclamation thru Council declaring martial law thruout the entire colony. At the same time, he tried to force the Council to sign an order for the immediate execution of the men he had imprisoned.

94. Ibid., p. 296.
95. M. N. Stanard, op. cit., p. 196.
96. Fiske, op. cit., p. 296.
This met with strong resistance and Harvey soon saw the impossibility of success of any such measure. Halted here, he began to question the members of the Council, attempting to intimidate them and force them to adhere to his wishes. He asked each Council member what he thought the prisoners deserved for their affront to the authority of His Majesty's substitute. An impudent answer from Mr. Menefie, a young lawyer just recently admitted to the Bar, brought a long personal interrogatory discussion between the two. Harvey finished the affair by becoming enraged at some remark, no doubt personal, from the very impetuous Mr. Menefie that he ordered him arrested and imprisoned for treason. This outburst on the part of Harvey, touched off the already smouldering spark, and Captain Mathews, who had been standing near to Sir John all thru the discussion, grasped him by the shoulder and informed him that he should consider himself under arrest and charged with the same crime for which he had ordered Mr. Menefie imprisoned.

Harvey was made a prisoner in his own home. A group of the colonial militia guarded the house continually. Soon after his confinement, Captain Mathews called upon him to acquaint him with the situation and to tell him the views of the Council on the subject. He informed Harvey of the high feeling of the people against him, and
told him that he was in danger of some attempt on the part of the people to violate his person. He warned Sir John that unless he would yield to deposition in a peaceable manner, this being the Council's plan, that the Assembly would take no responsibility for the control of the people. Harvey, seeing the impossibility of his position, finally consented to the deposition proceedings.

Taken from the Records of the Assembly for May 7th in the year 1635, is an account of the Assembly's treatment of the affair. They met on this day and received all charges preferred against Harvey by either the people or the Assembly members. A calendar of grievances against Harvey was drawn up and prepared to be sent to the Commissioner of Plantations in London. This paper was entrusted to one Thomas Harwood, to be taken to London. Sent over to plead the case for the colony was the well-known Doctor Pott. All three, Harwood, Harvey and the Doctor, sailed on the same boat to England. Upon arrival in the port of Plymouth, Harvey outguesed the other two, and getting off the boat first, impressed the Mayor of Plymouth with his position and authority, and induced him to arrest the two Virginians.

Harwood's papers have never been found, but it is known that Harvey confiscated them when he had them imprisoned.

Harvey then continued on his way to London, where he took his case before the King and the Privy Council. The King, of course, was enraged at the flouting of his authority by the people of the colony. He had Sir John tried, but the trial was merely a formality. With the weight of the King's wishes behind the whole procedure, the verdict was arbitrarily reached and an order was issued restoring Harvey to his authority as Governor of the colony of Virginia. This acquittal was reached during the month of December, in the year 1635.

Those who had been the chief offenders in the perpetration of the deposition were ordered to come to England, and stand trial before the Star Court Chamber. They were John West, Utie, Mathews, and the belligerent Mr. Menefie.

Harvey, upon his reappointment, prepared to return to Virginia. He borrowed from the King, one of His Majesty's own ships, hoping to impress the people of the colony upon his arrival. However, the King's ship the Black George, leaked like a sieve and Harvey was forced to wait for passage on a merchant vessel. It is believed that he returned and took over his duties

103. Ibid.
104. Wertenbaker, op. cit., p. 77.
105. Ibid., p. 79.
106. Ibid.
107. Ibid.
from the acting Governor, Captain John West, sometime
during April in 1636, since a patent has been found granted
by him in Virginia, and dated April 13, 1636.

Dr. Pott, who had gone to England to work
against Governor Harvey, seeing his work go for naught,
remained to continue his agitating for the Governor's
scalp. Perhaps he was the one responsible for
Harvey's final loss of the governorship of Virginia
three years later.

Chapter III

Governor Harvey:

His Second Term.
Upon his arrival in Virginia after the King's acquittal, Harvey, for reasons best known to himself, called a special meeting of the Assembly at Elizabeth City even before he had made any attempt to reach Jamestown. At this meeting, he had all the members of the Council who had been active in his ejection removed from the body and appointed more friendly successors. He issued formal pardons to all those who participated in the "mutiny" excepting those who had been ordered to come to England to stand trial.

Departing from the chronological sequence for a time, there is very little to be found concerning the legislation passed during the second term Harvey served. In his first regular Assembly after returning from England, the twentieth session, an office was created, the holder of which was to keep a record of all the tobacco and other commodities exported. This was perhaps the first American customs official. In February of 1638, the first act for the regulation of the quantity and quality of tobacco raised in Virginia was passed. So far as is known this is the only legislation of any consequence made during this period. The fact that upon being removed from office in 1639, Harvey took many of the records with him upon his return to England may account for the disappearance of any further legislative records.

110. Wertenbaker, op. cit., p. 80.
111. Ibid.
113. Ibid., p. xxxvi.
What King Charles had no doubt meant as vindication for the authority of the crown, Sir John misinterpreted, from all manifestations, as permission to be even more high-handed and tyrannical than before. When Mathews and the other leaders of the mutiny sailed for England, Harvey began to confiscate their lands and either add them to his already large holdings or give them to his friends, of whom perhaps the greatest beneficiary was Secretary Richard Kemp. Mathews had in England many well-known and influential friends to whom he carried his case. They immediately began to use their influence to aid the unfortunate captain. By reaching the King or some of his more important advisors, Mathews' friends were able to obtain an order which they had sent to Governor Harvey commanding him to restore to Mathews' agents all the lands which rightfully were his and which had been confiscated. Harvey, proving that his previous experience had had no marked effect upon his judgment, completely ignored the order of the crown and refused to convey the desired land to the agents representing the absent captain. After these gentlemen had informed those interested in the return of Mathews' land that the Governor refused to honor the King's command, they again went into action and were successful in obtaining another order similar to the first, but, of course, much more forceful, which the good Governor heeded.

114. Wertenbaker, op. cit., p. 80.
Another event which helped matters none at all was the controversy between Secretary Kemp and an Anglican minister, Reverend Anthony Patton, into which Harvey entered to aid his friend and crony. When Kemp had been made Secretary of the colony to take the dismissed Claiborne's place, Reverend Patton, a very staunch friend of the former Secretary, had ridiculed the appointment, calling the new Secretary many unsavory names and intimating concerning the ability he had to fill the office. Kemp convinced the Governor that he should arraign Patton on charges of speeches of treason and disobedience against the Governor. Patton was tried and, with Harvey pushing the case, was found guilty and sentenced. His sentence was a fine of five hundred pounds, the making of public apology for his speeches in all his parishes, and banishment from the colony on pain of death for ever returning.

Meanwhile, Mathews, Utie, Pearce and West, along with Doctor Pott, who had gone with Harvey on his trip to England, were in the King's court, cultivating the favor of many who were influential in the affairs of the government. They conducted a very intelligent scheme of plotting against the Governor. Their complete success will be noted later.

The Privy Council, having been subject to much Wertenbaker, op. cit., p. 82.
outside influence concerning the dismissal of Harvey from his post, received many reports concerning the totally undue severity on the part of Governor Harvey in dealing with the most insignificant offenses on the part of the people of the colony. These reports, along with the urging of those friends of the mutinous leaders of 1635, finally brought about the dismissal of Sir John from the Governorship of the colony. In 1639, a former Governor of Virginia, Wyatt by name, was appointed by the Privy Council in Harvey's place. Repeated letters by Sir John to men in high places in the London government, brought no sort of result except the refusal of any sort of aid. They were no doubt at the end of their patience because of the repeated dissension created by Harvey all during his term of office.

Governor Wyatt arrived in Virginia soon after his appointment and immediately upon arrival arraigned Sir John before a court to answer the countless charges made against him. Patton's case was re-opened and the Reverend was acquitted, his fine was refunded, and he was allowed to return to the colony at his own convenience. Captain Mathews' had his confiscated lands returned to him.

A special court, meeting in April of 1640, made

117. Ibid.
assignments of Harvey's property to his creditors. His debts were enormous. Even the cost of his second deposition and trial were charged to him. All his lands were to be sold to pay his debts. He was allowed to keep eight cows for his livelihood and four breeding sows. He was to be allowed to keep his house furnishings and if he should leave Virginia, he was to be allowed to take only those things that the Court should decide at the time.

At another meeting of the Court, he was ordered to appoint someone to sell and settle for his Charles River estate, and to appoint George Ludlow to sell the James City estate. By a court order of April 14, 1641, all creditors to Harvey were ordered to appear on June the fifth, to arrange for their settlement. This about completed the stripping of the former Governor of Virginia.

Governor Wyatt, probably because of his desire to keep Harvey from some sort of plotting in England, forced him to remain in Virginia for a time. However, this confinement was not the unpleasant sort that Harvey attempts to make us believe in a letter of a later date. From the Records of the Assembly for 1639, we have the following: "At a Grand Assembly summoned, January 6, 1639: Present: Sir Francis Wyatt, Knt., Gov., etc.; and Sir John Harvey, Knt., etc., Members of the Council." From this record,

120. Ibid., vol. II, p. 99.
we gain proof of a fact concerning a hitherto hazy situation; we learn that Sir John was not divested of all official capacity, at least technically, when he lost his Governorship. He remained a member of the colonial government during his stay in Virginia, and regardless of his authority, he attended meetings of the Council.

Sir John taken care of, Wyatt turned to Richard Kemp, who had been guilty in his own right of many misdeeds. The new Governor proceeded to ruin him financially and then bring him to court to answer for his conspiracy against the Reverend Patton.  

However, Wyatt was fearful of keeping the two in Virginia any longer, because, regardless of their official status, they still possessed many influential friends in the colony. He was rather torn between two poles. If he should let them go to England, they would probably attempt plotting there as well. However, he did the thing that seemed immediately most advisable; he set them free to go and come as they chose. They immediately made their way to England, taking the most important records and letters belonging to the colony with them.

Harvey and Kemp, now in England, began their anticipated plotting and in two years were so successful as to obtain the dismissal of Governor Wyatt and the succession of Lord Berkeley to the position.

121. Wertenbaker, op. cit., p. 84.
122. Ibid.
123. Ibid.
Harvey disappeared from the records, as to personal reference, after 1641. In 1640, we find, he wrote a letter from Virginia to Sir Francis Windebank, then the Secretary to King Charles. He wrote, May sixth:

able:
Right Hon

I am soe narrowly watched that I have scarce had time of privacye for these few lines which do humble crave of you to acquainte his Maj how much I groan under the oppression of my provayling enemies by whom the King's honor hath so much suffered and who are now advanced to be my judges and have soe far already proceeded against me as to teare from me my estate by an unusual way of inviting my creditors to clamor and not so content but I am denyed my passage for England notwithstanding my many infirmities and weaknesses of Body doe crave advice & helps beyond the skill & judgement this place can give. These with many others which I have not time to put into writing are the motives of my most earnest and ty humble Suite to your Honor to move his Maj for his Royall Warrant and mandate for my repayre to England where I shall at the feete of his sacred Maj give account of his service and of my

sufferings therein.

Hymbly resting your Honors.
Humblest Servant,
John Harvey

Poynt Comfort, this 6th day of May, 1640.

From this time on, the activities of Sir John Harvey are totally unknown. The author can only suppose that he returned to his old occupation of ship's-master. The basis for this supposition is the mention in his will of 1646 of his returning to sea after writing it. There has been found some support for this supposition in sailing records but not proved sufficiently to dispel all doubt.

There are, however, two papers pertaining to Harvey to be found. One is a court order of the York County Court, dated July 24, 1646, ordering Christopher Boyse, who was indebted to the estate of Sir John Harvey for 2,284 pounds of tobacco, stripped and smooth, to make payment to a Colonel Ludlow for court charges owed to Ludlow by Harvey for the bankruptcy sale against him.

This other paper of which we speak is the will of Sir John, made in September of 1646 and proved on July 16, 1650. The will is as follows:

125. Ibid., vol. XIII, p. 388.
I am now bound on a voyage to sea. The King owes me 5500 pounds as appears under account of Mr. Orator Bingely and Sir Paul Pinder and several persons in Virginia owe me 2000 pounds. I owe Tobias Dixon, citizen and Haberdasher of London, 1000 pounds and Mr. Micholls of London, Ironmonger, 200 pounds. To my daughter, 1000 pounds. If my daughters die without issue, 500 pounds to my nephew Simon, son of my Brother, the late Sir Simon Harvey, of London, Kn't., and 400 pounds to his two daughters and 400 pounds to poor Saint Dunstana in the West. Executor: Tobias Dixon. Witnesses: Miles Arundell, Henry Wagstaffe, Thomas Smith, servant to Arthur Tirey, Scr., Thomas Bland, Roger Escame.

With this paper, the good Governor passes out of existence for our purpose both figuratively and literally. The only other fact that can be found about Sir John is his death, July 16, 1650. Thus, another chapter in Virginia history is written. This one has the distinction of being a trifle more stormy than some, but, on the other hand, it can by no means be construed as the worst-governed period of the colony, as some historians would have us believe.

129. Ibid., p. 306.