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The General Court of Virginia, 1619–1776

Introduction

The General Court of Virginia began with the reorganization of the government of the colony of Virginia in 1619. The court was established not for any political motives to control, or for any financial motives to collect lucrative fines, but it was a part of the tradition of good government. Private disputes are better settled in official courts of law rather than by self-help and vendetta. Therefore, access to the courts is good public policy.

From its foundation in 1607 until 1624, Virginia was a private corporation that was created by a succession of royal charters; in its organization, it was similar to an English municipal corporation.¹ The first royal charter and the accompanying instructions set up a Council of government, and this Council was given broad and general judicial powers.² The model for this was the cities and boroughs of medieval England which had their own courts of law for the settlement of local disputes. In 1624, the charter was revoked, and Virginia came under direct royal control, and, thus, after 1624, all of the Virginia courts were continued as royal courts, even though there was never any formal creation of them as such.

The law of Virginia was and is the common law of England except as it has been changed by the Virginians after the bringing of the English law to the new colony in 1607. Virginia was founded and settled initially by Englishmen, and they brought their law with them; once established, immigrants from other parts of the world had to accept the settled legal system as the foundation of the law. Of course, many legal and political changes have been made over the course of time.³ At the beginning, the English law was not

¹ *F. McCarthy*, Participatory Government and Communal Property: Two Radical Concepts in the Virginia Charter of 1606, in: *University of Richmond Law Review*, 29, 1995, pp. 327–380.

² The early charters of Virginia are printed at *W. W. Hening*, *The Statutes at Large; Being a Collection of All the Laws of Virginia, from the first session of the Legislature in the year 1619*, vol. 1, Richmond, Philadelphia, New York, 1809–1823, pp. 57–113; for the judicial jurisdiction of the Council, note pp. 65, 69–71, 96, 112.

³ *W. H. Bryson*, Virginia Civil Procedure, Newark N. J., 2005, pp. 2–4 to 2–45; *W. H. Bryson*, Virginia Law Reports and Records, in: A. Wijffels (ed.), *Case Law in*

applied as strictly as it might have been due to the absence of legally trained lawyers and judges in the infant colony. However, as time went by, properly trained lawyers appeared in Virginia, and the law was better and better understood and applied and recent English developments were frequently copied in Virginia.

As the modern idea of the separation of governmental powers of administration, legislation, and judiciary was not any part of the thinking of the seventeenth century, it is necessary to describe generally the central government of Virginia in the first half of the seventeenth century in order to understand the General Court's position and jurisdiction. The colony of Virginia was subdivided into counties, and the counties were administered by county courts that had judicial, legislative, and administrative powers. The central government was composed of a Governor, who was appointed by the king, a Council of State, who were also appointed by the king, and the House of Burgesses, who were chosen by popular election. The Governor held office during the pleasure of the crown; the Councillors held office during good behavior, which in practice was for life; the Burgesses held office only during the term of the General Assembly to which they were elected.

From 1619 to 1643, the legislature of the colony, the General Assembly, was composed of the Governor, the Council, and the Burgesses acting in concert as a unicameral body. In 1643, the General Assembly was divided into a lower house, the House of Burgesses, and an upper house, composed of the Council and the Governor. The Council also acted administratively as the advisor to the Governor, and the Governor and the Council acted judicially as the General Court. Thus legislation after 1643 required passage by both houses of the legislature and approval by the Governor upon the advice of the Council.⁴ (Acts of the General Assembly could be vetoed by the king in council.)

1. Origin and jurisdiction

The General Court of Virginia came into existence in 1619 when the government of the English colony of Virginia was reorganized. Before this time, there are no official records of any court, and the surviving anecdotal evidence is sparse and questionable as to accuracy. From 1619 onwards, the Governor and the members of his Council sat in judicial sessions, which

the Making, vol. 1, Berlin, 1997, pp. 99–108; *W. H. Bryson*, *The Prerogative of the Sovereign in Virginia: Royal Law in a Republic*, in: *Tijdschrift voor rechtsge-schiedenis*, 73, 2005, pp. 371–384.

⁴ *P. A. Bruce*, *Institutional History of Virginia in the Seventeenth Century*, vol. 2, New York, 1910, pp. 255–521.

were called the Quarter Court because it first met quarterly each year. By the end of the seventeenth century, however, there were only two sessions a year, in April and October, and the court was thereafter referred to as the General Court. It sat at the capitol, Jamestown until 1700 and then Williamsburg until 1780.⁵

Although a very few of the judges were properly trained in the law, most were not; being learned in the law was not a prerequisite to appointment. The political duties of these gentlemen were more important than their judicial ones. Thus, the judges of this court had to learn the law on their own and had to judge according to the arguments of the lawyers who appeared before them. In general, they were wealthy and well educated persons who were from the political elite of the colony. In 1736, it was said by a visitor to Virginia that the courts were conducted with ‘dignity and decorum’. In 1774, Lord Dunmore, then the Governor and a member of the General Court and himself a layman, wrote that many of the judges were ‘very incompetent in a number of intricate points which must necessarily come before them to decide upon ...’⁶

The General Court, being composed of the same gentlemen who composed the Council, was the Virginia equivalent in this respect of the European and British royal privy councils. In addition, the General Court of Virginia was the court of general jurisdiction and the court of first instance for the colony. It had original jurisdiction over felonies and piracies, common law and equity cases, and ecclesiastical cases including the probate of wills.⁷ As there was no specific act that created this court, there was no official definition of its jurisdiction. Even the first legislative definition of its jurisdiction, which was not made until the general revision of the Virginia statutes in 1705, is vague and general, but it is comprehensive and inclusive:

And be it further enacted that the said General Court shall take cognizance of and are hereby declared to have full power and lawful authority and jurisdiction to hear and determine all causes, matters, and things whatsoever relating to or concerning any person or persons, ecclesiastic or civil, or to any other persons or things of

⁵ See generally *O. P. Chitwood*, *Justice in Colonial Virginia*, Baltimore, 1905; *A. P. Scott*, *Criminal Law in Colonial Virginia*, Chicago, 1930; *H. F. Rankin*, *Criminal Trial Proceedings in the General Court of Virginia*, Williamsburg, 1965.

⁶ *H. F. Rankin*, *The General Court of Virginia, Its Jurisdiction and Personnel*, in: *Virginia Magazine of History and Biography*, 79, 1962, pp. 148, 153.

⁷ A general idea of the scope of the jurisdiction of this court in the eighteenth century before 1776 can be had from the cases reported in *R. T. Barton* (ed.), *Virginia Colonial Decisions*, 2 vols., Boston, 1909, and *T. Jefferson*, *Reports of Cases Determined in the General Court of Virginia from 1730 to 1740 and from 1768 to 1772*, Charlottesville, 1829, and from the seventeenth century from its minute books, see *H. R. McIlwaine/J. Kukla* (eds.), *Minutes of the Council and General Court of Colonial Virginia*, Richmond, 1979.

what nature soever the same shall be, whether the same be brought before them by original process or appeal from any other court or by any other ways or means whatsoever.

Provided always that no person shall take original process for the trial of anything in the General Court of less value than ten pounds sterling or two thousand pounds of tobacco on penalty of having such suit dismissed and the plaintiff being non-suited and paying costs of suit.⁸

There were only two limitations on its jurisdiction. First, it could not hear cases involving claims for very small amounts.⁹ Second, although the Governor and Council, i. e. the General Court, were given admiralty jurisdiction in 1660,¹⁰ a separate Court of Vice-Admiralty was created in 1698.¹¹ The main purpose of this new court was to enforce the English Navigation Acts,¹² which were the source of substantial revenue to the king. Local juries in the General Court were suspiciously lax in this matter; the courts of admiralty did not use juries. Thus, this revenue enforcement was taken from the General Court and given to the Court of Vice-Admiralty with appeals to the Privy Council in London.¹³

2. Appeals from the County Courts

In 1634, Virginia was divided into counties,¹⁴ and there was a court for small claims and for misdemeanors for each county. These local County Courts were collegial courts composed of about fifteen to twenty lay magistrates, who were also called justices of the peace; they were similar to the Quarter Sessions in England. An appeal lay from the County Courts to the General Court.¹⁵

⁸ Act of October 1705, Chap. 19, sects. 5, 6, *Hening*, Statutes at Large, vol. 3, p. 289.

⁹ E.g. Act of November 1647, acts 6, 7, *Hening*, Statutes at Large, vol. 1, pp. 345, 346.

¹⁰ Act of March 1659–60, act 12, *Hening*, Statutes at Large, vol. 1, pp. 537–538.

¹¹ *Bruce*, Institutional History of Virginia, vol. 1, pp. 702–705; see generally *G. Reese* (ed.), Proceedings in the Court of Vice-Admiralty of Virginia, 1698–1775, Richmond, 1983.

¹² Statute of 12 Charles II, c. 4 (Statutes of the Realm, vol. 5, pp. 181–205); Statute of 14 Charles II, c. 11 (Statutes of the Realm, vol. 5, pp. 393–400); Statute of 15 Charles II, c. 7 (Statutes of the Realm, vol. 5, pp. 449–452).

¹³ *G. A. Washburne*, Imperial Control of the Administration of Justice in the Thirteen American Colonies, 1684–1776, New York, 1967, pp. 163–177.

¹⁴ Before 1634, the local government of Virginia was not systematically defined, and, thus, the boundaries of the local small claims courts were somewhat irregular.

¹⁵ See generally, *A. G. Roeber*, Faithful Magistrates and Republican Lawyers: Creators of Virginia Legal Culture, 1680–1810, Chapel Hill, 1981.

The County Courts still exist, but today they are called General District Courts. They are now presided over by a single judge who is required to be learned in the law. They can no longer admit wills to probate, but, otherwise, their basic judicial powers have not changed since early colonial times.

3. Appeals to the General Assembly

Apparently, from its beginning in 1619, the General Assembly, the legislature of Virginia, had judicial sessions. However, because the early records have not survived, very little is known about this court of law. The evidence that dates from the middle of the seventeenth century shows that this court heard only appeals from the General Court, but only in civil cases.¹⁶

These appeals were heard by a standing committee of the General Assembly, the Committee for Private Causes. This committee was composed of burgesses and councillors, and this arrangement continued after the legislature became bicameral in 1643. If the petition for an appeal was allowed by the Committee, the case was reheard by the full General Assembly. After 1643, it was the full House of Burgesses that heard the case, since the Council had already heard the case in their judicial sessions as the General Court.¹⁷ Because of the loss of most of the records of colonial Virginia, little is known of the cases in this court. However, some fragments of cases have survived, and they shed some light on its operation.¹⁸

These appeals ceased in 1679 when the Governor refused to appoint members of the Council to sit on this committee. This refusal was ordered by King Charles II in a deliberate and successful attempt to limit the independence and power of the General Assembly by taking away its judicial powers. It was done over the objections of the Virginians.¹⁹ However, ‘it was inher-

¹⁶ See generally Act of March 1643, act 55, *Hening*, Statutes at Large, vol. 1, p. 272; Act of November 1647, act 6, *Hening*, Statutes at Large, vol. 1, p. 345; Act of March 1659, act 7, *Hening*, Statutes at Large, vol. 1, p. 519; Act of March 1662, act 26, *Hening*, Statutes at Large, vol. 2, p. 65.

¹⁷ *Bruce*, Institutional History of Virginia, vol. 1, pp. 690–696.

¹⁸ *Hening*, Statutes at Large, vol. 1, pp. 405–406, 548–549, vol. 2, pp. 158–162; *W. M. Billings*, Temple v Gerard, 1667–1668: An Example of Appellate Practices in Colonial Virginia, in: *Virginia Magazine of History and Biography*, vol. 94, 1986, pp. 88–107; *W. M. Billings*, The Cases of Fernando and Elizabeth Key: A Note on the Status of Blacks in Seventeenth-Century Virginia, in: *William/Mary Quarterly*, 3rd series, vol. 30, 1973, pp. 467–474 (the case of Elizabeth Key in 1655–1656).

¹⁹ *W. M. Billings*, A Little Parliament: The General Assembly in the Seventeenth Century, Richmond, 2004, pp. 55–58, 171; *J. Kukla*, Robert Beverley Assailed: Appellate Jurisdiction and the Problem of Bicameralism in Seventeenth-Century Virginia, in: *Virginia Magazine of History and Biography*, 88, 1980, pp. 421–429.

ent in imperial administration of justice that lower legislature bodies should not exercise judicial functions'.²⁰ It is interesting to note that, at about the same time, the House of Commons of the English Parliament lost any judicial power it might have had²¹ and also an attempt to have judicial appeals to the Scottish Parliament failed.²²

At this period of time, King Charles II and King James II, who reigned successively from 1660 to 1688, were appointing the English judges to sit during their pleasure only and not during good behavior, the latter being a secure appointment; this was an attempt to control the judiciary and to manipulate the course of justice. Where there is an appeal to the legislature, the results of a judicial decision might be controlled by one or another political party in the legislature to the political detriment of the other and/or the king, as well as to the detriment of judicial independence and the rule of law generally. If the politicians were manipulating the courts, the lack of an appeal to a legislative body, which might be in the control of some other political party, would be self-serving and *vice versa*. It is unclear as to who was doing what and to whom. Judicial independence is served by the separation of the judicial from the executive and legislative powers of the government. But, in Virginia, this was not achieved until 1776.

Regardless of politics and governmental policy, large bodies of public representatives are not effective courts of law. They are not chosen for their legal knowledge or expertise, and their great size renders them inefficient and unwieldy. The theory of legislatures is to express the majority opinion of the community not to go against the majority to protect the rights of a single member of the community. In deciding disputes between individuals, courts are more efficient than legislatures. In Virginia, in the early nineteenth century, private bills for divorce became so numerous as to distract the General Assembly from its public duties; this resulted in the Virginia Constitution of 1851 expressly forbidding private legislative acts of divorce.²³

²⁰ *J. H. Smith*, *Appeals to the Privy Council from the American Plantations*, New York, 1965, p. 79.

²¹ *W. S. Holdsworth*, *A History of English Law*, vol. 1, London, 1956, pp. 362–365; *J. S. Hart*, *Justice Upon Petition: The House of Lords and the Reformation of Justice, 1621–1675*, New York, 1991, p. 260: 'By 1675 the upper house [of Parliament] really has become ... the Supreme Court of Judicature ...'; see also the contribution of *Prest* in this volume.

²² *C. Jackson/P. Glennie*, *Restoration Politics and the Advocates' Secession, 1674–1676*, in: *Scottish Historical Review*, 91, 2012, pp. 76–105; see also the contributions of *Godfrey* and *Ford* in this volume.

²³ Virginia Constitution of 1851, Art. 4, sect. 35; this prohibition has been continued in every Virginia constitution since: Virginia Constitution of 1870, Art. 5, sect. 20; Virginia Constitution of 1902, Art. 4, sect. 63; Virginia Constitution of 1971, Art. 4, sect. 14.

4. Appeals to the Privy Council

The English Privy Council evolved in the middle ages out of the Anglo-Norman *curia regis*, which was the amorphous body of political advisors and consultants to the king. As the royal government became more and more systematic, the Privy Council acquired a judicial as well as a political function, even after the rise of the royal courts and of Parliament.²⁴

After the restoration of the monarchy in 1660, the Privy Council created a standing committee to hear appeals in judicial cases. This committee was called the Committee for Trade, then the Council for Trade and Plantations, and later the Lords Commissioners of Trade and Plantations. It was replaced in 1696 by the Committee for Hearing Appeals from the Plantations.²⁵ In 1679, appeals from the General Court of Virginia were transferred from the General Assembly of Virginia to the judicial standing committee of the Privy Council.

It is today generally thought that due process of law requires at least one fair trial and one fair appeal. By making the appeal lie to a court on the other side of the Atlantic Ocean, the right of appeal was made very expensive and this made appeals of cases involving small sums of money impracticable. Between 1679 and 1696, there were only two appeals from Virginia; from 1696 to 1776, there were fifty-four.²⁶

Two of these appeals were of particular political importance. The first was the Pistole Fee Case (1754); the second was *Camm v Hansford* and *Mauzy v Fredericksville Parish* (1763), the Parsons' Cause. The first case involved a very contentious dispute between the House of Burgesses and the Lieutenant Governor of Virginia over the right of the Governor to collect a fee or tax of one pistole for putting the seal to each royal patent.²⁷ The fundamental issue was the imposition of a new tax without the consent of the people through their elected representatives, the House of Burgesses-

²⁴ See generally *J. F. Baldwin*, *The King's Council in England During the Middle Ages*, Oxford, 1913; *W. F. Finlason*, *The Judicial Committee of the Privy Council*, London, 1878; *A. V. Dicey*, *The Privy Council*, London, 1887; *Washburne*, *Imperial Control of the Administration of Justice. The Court of Star Chamber was a court of law within the Privy Council*, but it was abolished in 1641 as a result of its improper use for political oppression.

²⁵ *Smith*, *Appeals to the Privy Council*, pp. 64–72.

²⁶ *Smith*, *Appeals to the Privy Council*, pp. 73, 78, 80, 668, 669.

²⁷ *J. Munro* (ed.), *Acts of the Privy Council of England*, Colonial Series, vol. 4, 1911, pp. 232–235; *J. P. Greene*, *The Case of the Pistole Fee: The Report of a Hearing on the Pistole Fee Dispute Before the Privy Council*, June 18, 1754, in: *Virginia Magazine of History and Biography*, 66, 1958, pp. 399–422.

es.²⁸ The Parsons' Cause arose when a statute was enacted that effectively diminished the established salaries of the rectors of the Virginia churches; these related cases involved the payment of the statutory salaries of the parsons in currency or in tobacco, raising political questions about statute law and vested rights.²⁹

Appeals from Virginia lay to the Privy Council (the king in Council) and not to the House of Lords (the king in Parliament) because Virginia was not in England, nor was there representation in Parliament, but the king of England (later of the king of Great Britain) was the king of Virginia, a dominion separate from the kingdom of England. The power of the British Parliament to affect Virginia, which had its own legislature, was a matter of serious constitutional dispute in the eighteenth century. The matter was ultimately settled by secession, warfare, and the Treaty of Paris of 1783.

Upon independence from Great Britain in 1776, appeals from the General Court were transferred from the Privy Council in London to the new Court of Appeals of Virginia.³⁰

5. Denouement

After Independence in 1776, the judges of the General Court were elected by the General Assembly, and they were required to be learned in the law. From 1776 to 1851, there were frequent reorganizations of the Virginia court system, and the jurisdiction of the General Court was constantly being redefined. The General Court continued in existence until 1851, when the court system in Virginia was reorganized yet again, and the General Court of Virginia was gone and heard of no more.³¹

²⁸ Upon Independence, the first Constitution of Virginia in 1776 provided that all bills, including tax bills, must originate in the lower house of the General Assembly and there only. Virginia Constitution of 1776, Art. 8; Virginia Declaration of Rights of 1776, Art. 6.

²⁹ *A. P. Scott*, The Constitutional Aspects of the 'Parson's Cause', in: *Political Science Quarterly*, 31, 1916, pp. 558–577; *G. C. Smith*, The Parsons' Cause, 1755–65, in: *Tyler's Quarterly*, 21, 1940, pp. 140–71, 291–306; *Smith*, Appeals to the Privy Council, pp. 607–626.

³⁰ The Court of Appeals is today called the Supreme Court of Virginia. See generally *M. V. Nelson*, *A Study of Judicial Review in Virginia, 1789–1928*, New York, 1947; *T. R. Morris*, *The Virginia Supreme Court: An Institutional and Political Analysis*, Charlottesville, 1975.

³¹ *F. H. McGuire*, The General Court of Virginia, in: Report of the Virginia State Bar Association, 8, 1895, pp. 187–229; *Nelson*, *A Study of Judicial Review in Virginia*, pp. 14–16, 231–232.

Discussion and conclusion

There was a political motive in the late seventeenth century to having appeals from the General Court of Virginia go to the Privy Council in London rather than to the General Assembly in Jamestown. The Privy Council was a royal institution whose members were appointed and controlled by the king, whereas the lower house of the General Assembly was a democratic body that was popularly elected. In addition, by removing appeals from a local institution to one on the other side of the world, they became more expensive and difficult, making the decisions of the General Court less likely to be appealed. The General Court was believed to be under the control of the royal Governor, who presided there. Thus, democracy might have been partially undermined.

In the eighteenth century, however, matters progressed in two unanticipated ways. First, the Privy Council came under the influence of the London merchant community, and, regardless of the king's personal desires, the Privy Council acted to serve their own personal economic interests, which resulted in the financial oppression of the American colonists.

Second, in the eighteenth century, the Virginia aristocracy, who dominated the Virginia Council of State and, thus, the General Court, established their political independence from the royal Governor. Thus, the Governor could not control the colony by dominating its highest court, and the General Court could not be used as a political tool if it ever had been before. In fact, it functioned properly as a court of law, independent of political pressure.

An unintended, but beneficial, consequence of the taking away of the appellate jurisdiction of the General Assembly was a step in the direction of the separation of the powers of the government. The separation of the legislative power of the government from its judicial power is important in order to assure the independence of the judiciary. The courts of law must have the independence and the power to administer the rule of law, which sometimes means enforcing individual rights against the will of the majority of the polity. This cannot be done when the judiciary is a part of the legislature or the executive branch of the government.

In the seventeenth century, the English political thinkers were very much concerned by the lack of judicial independence from the king, from Charles I onwards.³² This was duly noted and appreciated in eighteenth century Virginia. In 1697, Henry Hartwell, a Virginian, wrote:

³² *C. H. McIlwain*, The Tenure of English Judges, in: *American Political Science Review*, 7, 1913, pp. 217–229; *A. F. Havighurst*, The Judiciary and Politics in the Reign of Charles II, in: *Law Quarterly Review*, 66, 1950, pp. 62–78, 229–252;

It is thought an inconvenient thing in all governments that the justice and policy of the government should be lodged in the same persons, who ought to be a check upon one another ...³³

Therefore, in 1776, upon independence from Great Britain, the first constitution of Virginia sought to assure judicial independence by expressly separating the powers of the government into three independent branches, the judiciary being one of them.

That the legislative and executive powers of the state should be separate and distinct from the judiciary ...³⁴

The legislative, executive, and judiciary departments shall be separate and distinct so that neither exercise the powers properly belonging to the other, nor shall any person exercise the powers of more than one of them at the same time ...³⁵

The result was that neither the Governor nor any member of the legislature could be a member of the General Court, or of any other court of Virginia.³⁶

The primary purpose of the separation of the powers of government is to prevent tyranny. But another major benefit is to protect judicial independence. It allows the courts to prevent arbitrary and illegal actions by the executive, such as imposing taxes without the consent of the taxpayers. It allows the courts to prevent improper actions by the legislature, such as passing *ex post facto* laws and laws that destroy vested rights.

Ultimately, judicial independence is crucial to the administration of the rule of law, the opposite of the rule of men, which usually results in tyranny.

Bibliography

Baldwin, J. F., *The King's Council in England During the Middle Ages*, Oxford, 1913.

Barton, R. T. (ed.), *Virginia Colonial Decisions*, Boston, 1909.

Billings, W. M., 'The Cases of Fernando and Elizabeth Key: A Note on the Status of Blacks in Seventeenth-Century Virginia', *William and Mary Quarterly*, Vol. 30, 1973, 467–474.

A. F. Havighurst, James II and the Twelve Men in Scarlet, in: *Law Quarterly Review*, 69, 1953, pp. 522–546.

³³ *H. Hartwell/J. Blair/E. Chilton*, *The Present State of Virginia and the College*, Williamsburg, 1940, p. 46.

³⁴ Virginia Declaration of Rights of 1776, Art. 5.

³⁵ Virginia Constitution of 1776, Art. 3.

³⁶ For the later history of judicial independence, see *W. H. Bryson*, *Judicial Independence in Virginia*, in: *University of Richmond Law Review*, 38, 2004, pp. 705–720.

- Billings*, W. M., ‘Temple v Gerard, 1667–1668: An Example of Appellate Practices in Colonial Virginia’, *Virginia Magazine of History and Biography*, Vol. 94, 1986, 88–107.
- Billings*, W. M., *A Little Parliament: The General Assembly in the Seventeenth Century*, Richmond, 2004.
- Bruce*, P. A., *Institutional History of Virginia in the Seventeenth Century*, Vol. 2, New York, 1910.
- Bryson*, W. H., ‘Virginia Law Reports and Records’, in: Wijffels, A. (ed.), *Case Law in the Making*, Berlin, Vol. 1, 1997, 99–108.
- Bryson*, W. H., ‘Judicial Independence in Virginia’, *University of Richmond Law Review*, Vol. 38, 2004, 705–720.
- Bryson*, W. H., *Virginia Civil Procedure*, Newark N. J., 2005.
- Bryson*, W. H., ‘The Prerogative of the Sovereign in Virginia: Royal Law in a Republic’, *Tijdschrift voor rechtsgeschiedenis*, Vol. 73, 2005, 371–384.
- Chitwood*, O. P., *Justice in Colonial Virginia*, Baltimore, 1905.
- Dicey*, A. V., *The Privy Council*, London, 1887.
- Finlason*, W. F., *The Judicial Committee of the Privy Council*, London, 1878.
- Greene*, J. P., ‘The Case of the Pistole Fee: The Report of a Hearing on the Pistole Fee Dispute Before the Privy Council, June 18, 1754,’ *Virginia Magazine of History and Biography*, Vol. 66, 1958, 399–422.
- Hart*, J. S., *Justice Upon Petition: The House of Lords and the Reformation of Justice, 1621–1675*, New York, 1991.
- Hartwell*, H./*Blair*, J./*Chilton*, E., *The Present State of Virginia and the College*, Williamsburg, 1940.
- Havighurst*, A. F., ‘The Judiciary and Politics in the Reign of Charles II’, *Law Quarterly Review*, Vol. 66, 1950, 62–78, 229–252.
- Havighurst*, A. F., ‘James II and the Twelve Men in Scarlet’, *Law Quarterly Review*, Vol. 69, 1953, 522–546.
- Hening*, W. W., *The Statutes at Large; Being a Collection of All the Laws of Virginia, from the first session of the Legislature in the year 1619, 13 vols.*, Richmond, Philadelphia/New York, 1809–1823.
- Holdsworth*, W. S., *A History of English Law*, Vol. 1, London, 1956.
- Jackson*, C./*Glennie*, P., ‘Restoration Politics and the Advocates’ Secession, 1674–1676’, *The Scottish Historical Review*, Vol. 91, 2012, 76–105.
- Jefferson*, T., *Reports of Cases Determined in the General Court of Virginia from 1730 to 1740 and from 1768 to 1772*, Charlottesville, 1829.
- Kukla*, J., ‘Robert Beverley Assailed: Appellate Jurisdiction and the Problem of Bicameralism in Seventeenth-Century Virginia’, *Virginia Magazine of History and Biography*, Vol. 88, 1980, 421–429.

- McCarthy*, F., 'Participatory Government and Communal Property: Two Radical Concepts in the Virginia Charter of 1606', *University of Richmond Law Review*, Vol. 29, 1995, 327–380.
- McGuire*, F. H., 'The General Court of Virginia', *Report of the Virginia State Bar Association*, Vol. 8, 1895, 187–229.
- McIlwain*, C. H., 'The Tenure of English Judges', *American Political Science Review*, Vol. 7, 1913, 217–229.
- McIlwaine*, H. R./*Kukla*, J. (eds.), *Minutes of the Council and General Court of Colonial Virginia*, Richmond, 1979.
- Morris*, T. R., *The Virginia Supreme Court: An Institutional and Political Analysis*, Charlottesville, 1975.
- Munro*, J. (ed.), *Acts of the Privy Council of England, Colonial Series*, Vol. 4, London, 1911.
- Nelson*, M. V., *A Study of Judicial Review in Virginia, 1789–1928*, New York, 1947.
- Rankin*, H. F., 'The General Court of Virginia, Its Jurisdiction and Personnel', *Virginia Magazine of History and Biography*, Vol. 70(2), 1962, 142–153.
- Rankin*, H. F., *Criminal Trial Proceedings in the General Court of Virginia*, Williamsburg, 1965.
- Reese*, G. (ed.), *Proceedings in the Court of Vice-Admiralty of Virginia, 1698–1775*, Richmond, 1983.
- Roeber*, A. G., *Faithful Magistrates and Republican Lawyers: Creators of Virginia Legal Culture, 1680–1810*, Chapel Hill, 1981.
- Scott*, A. P., 'The Constitutional Aspects of the "Parson's Cause"', *Political Science Quarterly*, Vol. 31, 1961, 558–577.
- Scott*, A. P., *Criminal Law in Colonial Virginia*, Chicago, 1930.
- Smith*, G. C., 'The Parsons' Cause, 1755–65', *Tyler's Quarterly Historical and Genealogical Magazine*, Vol. 21, 1940, 140–171, 291–306.
- Smith*, J. H., *Appeals to the Privy Council from the American Plantations*, New York, 1965.
- Washburne*, G. A., *Imperial Control of the Administration of Justice in the Thirteen American Colonies, 1684–1776*, New York, 1967.

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