

1959

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Repository Citation

Swindler, William F., "Common Law at Jamestown Celebration" (1959). *Faculty Publications*. 1615.
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BREVI A ADDENDA

COMMON LAW AT JAMESTOWN CELEBRATION

A PLAQUE commemorating the permanent establishment in the New World of a settlement operating within the legal and political framework of English institutions, was dedicated by the Virginia State Bar at Jamestown Island on May 17, 1959. The plaque, set in the wall of the seventeenth-century church on the island, calls attention to the advent of the common law to the first British colony and cites the language of the charter of 1606 stipulating that the settlers "shall have and enjoy all the liberties, franchises and immunities . . . to all intents and purposes, as if they had been abiding and born within this realm of England."

The May 17th commemoration opened in Williamsburg, Va., six miles from the original settlement at Jamestown, with a convocation at the College of William and Mary, at which honorary degrees were conferred upon Sir Harold Caccia, British Ambassador to the United States; Ross L. Malone, Jr., president of the American Bar Association; and the Hon. J. Lindsay Almond, Jr., governor of the Commonwealth of Virginia. First formal instruction in the common law began at the college with the establishment of the chair of "law and police" on December 4, 1779. George Wythe, later chancellor of the Commonwealth and a leading American attorney of the period, became the first law professor, and John Marshall one of his first students.

The first practical administration of the Jamestown colony, founded in 1607, was under what was essentially a military code, largely adapted from Continental usages—STRACHEY'S *Articles, Laws, and Orders, Divine, Politique & Martiall, for the Colony of Virginia*. Nevertheless, the theory of English civil institutions, royalist-oriented, is reflected in the instructions given by James I to the local council that they

should draft laws "as near to the common laws of England and the equity thereof, as may be."

The early institution of jury trials and the convening of the first legislative assembly in 1619, as well as the continual complaint against the officers of the Virginia Company that they were disregarding the "free laws which his Majesty's subjects live under in England," further attest to the assumption that the prevailing principles of the mother country were to be transplanted to the New World. The Crown appears to have given tacit recognition to this fact by permitting the continuation of local elections and the drafting of local laws after the abolition of the Virginia Company in 1624.

The General Assembly act of 1660-61 formally recognizing the common law in Virginia merely gave official effect to what had long been the general practice. The Virginia "reception statute" of 1776—the model for legislation of the Northwest Territory and other new areas of settlement in the United States—declared an unbroken continuity of the English common law from 1607 to the present; the statute continues in the current Virginia Code.

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