THE STORY
of
THE ROYAL CHARTER
of
THE COLLEGE of WILLIAM and MARY

by
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In Memoriam
Harold Lees Fowler
1907-1977

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The Royal Charter

The story of the royal charter granted in 1693 to found the College of William and Mary would be simpler, but less interesting, were it not the story of a document which is lost. A copy which the College possessed during the eighteenth century disappeared, during or just after the American Revolution, in a way that has never been satisfactorily explained. The puzzle is compounded by the fact that we cannot even be certain exactly what was lost at that time, as there is no description of a specific formal copy of the charter at the College in its early years. It is no wonder, given these fundamental uncertainties, that a number of misapprehensions about the charter have been and still are current. A good deal of evidence is available about its granting and about later attempts to replace the lost copy, but this evidence has never been brought together and set forth coherently. The identity of the person who is supposed to have carried off the charter has only recently become known. The various texts which do survive, in Latin and in English, have never been carefully examined to determine their interrelationships and origins. These texts now include a copy made for Governor Sir Edmund Andros in 1693 which the College acquired only in 1977. Though much must remain conjectural, enough is known to make a narrative which gives some fascinating glimpses into moments of English, American, and College history.

Our only clue to the disappearance of the original charter is an extract from the Proceedings of the Faculty for 28 March 1791, made by Robert J. Morrison, Professor of History at the College from 1858 to 1861. The minutes themselves no longer survive. The extract reads in full:

The Society being informed by M. Bellini that the original charter of this College which is lost, was some years past seen by him in the possession of a certain Karjavina, a native of Muscovy, who declared that it was his intention to deposit the same among the archives of St. Petersburg in Russia. Resolved etc.¹

1. Photostat in Morrison Memoranda, Faculty-Alumni File, College Archives, Swem Library; published in "Memoranda Relating to the College," William and Mary Quarterly, 1st series, 27 (1918), 233.

One
Of the two men named in this enigmatic record, Carlo Bellini, the first Professor of Modern Languages at the College, is relatively well known. The identity of Karzhavin has until now eluded all but a few students of Russian history.

Carlo Bellini came to Virginia in 1774 under the auspices of Thomas Jefferson’s friend Philip Mazzei, who immediately took Bellini and his wife to visit Monticello.2 Probably on Jefferson’s recommendation, Bellini was appointed by the Council of State and sworn on 30 June 1778 as Clerk of Foreign Correspondence.3 He described himself rather exuberantly in a letter to his family in Florence, written in August 1778, as “Secretary of this State of Virginia for foreign affairs, and Professor of modern languages in this University of Williamsburg.”4 He first appears in the College records as a member of the faculty in the minutes of a meeting on 29 December 1779, and his colleagues (Bishop James Madison, president; George Wythe; James M‘Clurg; and Robert Andrews) appointed him librarian on 20 May 1780.5 He remained a member of the faculty over the next twenty years. In 1799 a student described him as “living now in an old house somewhere, I believe, near the Palace,” subsisting on wine and biscuits and amusing himself by “snuff-taking.”6 He died, in poverty, in 1804.

Karzhavin, the “native of Muscovy,” was without a doubt Fedor Vasil’evich Karzhavin (1745-1812). The memoirs and papers of this complex character survive in the archives at Leningrad.7 The son of a rich St. Petersburg merchant, Karzhavin was educated at Paris under the tutelage of Prince Dmitri Golitzyn, Russian ambassador there from 1765 to 1773. In September 1776 he arrived in Martinique, where he soon became involved in what he calls “the New England trade,” which may have included dealings in military supplies as well as sugar, cotton, and coffee. He embarked in April 1777 on an armed brigantine, Le Gentil, which was captured off Cape Henry by a British frigate but escaped under cover of a heavy fog into Chesapeake Bay. From this ship on the James River “vis-a-vis Williamsburg.” Karzhavin on 15 June addressed a letter in French to the Continental Congress, offering his services as a translator if Russian mercenaries should arrive in America.8 Over the next twenty-two months, according to his account, he traded on various rivers in Virginia, made an amazing journey on foot to Boston early in 1779, and returned via Philadelphia to Williamsburg, where he arrived 29 April. It must have been Karzhavin who placed the following advertisement in the Virginia Gazette for 26 June 1779:

WANTS EMPLOY,

One that is well acquainted with the SLAVONIAN, RUSSIAN, FRENCH, LATIN, and some other learned languages, who is willing to act in either a publick or private capacity, and may be spoke with at Capt. Laporte’s store, next door to Mrs. Vobe’s in this city.

Six years later, on 1 September 1785, he wrote to his parents in Russia this reminiscence of his sojourn in Williamsburg:

Six or seven years ago I lived for about six months in Williamsburg in the service of Virginia’s government, being intended to be sent by the

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7. The best account of Karzhavin is by Nikolai N. Bolkhovitinov, The Beginnings of Russian-American Relations

Two

1775-1815, translated by Elena-Levin (Cambridge, Mass.: 1975), pp. 56-65. Dr. Milton O. Gustafson, Chief of the Diplomatic Branch, Civil Archives Division, National Archives and Records Service, has kindly supplied me with copies from the Russian archives of Karzhavin’s memoir (in Russian) of his travels, of his letter dated 15 April 1780 (in French) recounting to a friend his first sojourn in America, and of letters to him from Carlo Bellini (in Italian) dated 1 March 1788 and from Louis Bernard (in French) dated 1 May 1789. These documents are used with permission of the American editors of the projected joint US-USSR publication The Development of Russian-American Relations 1765-1815. My account of Karzhavin is based on these documents and several other sources noted below.

American Congress to Her Russian Imperial Majesty as a public representative. At the same time they sent Dr. Franklin as Minister Plenipotentiary to the French King. But circumstances of war, some reverses in American affairs, my memory that I have not been in your good graces, the concern of the Russian minister Panin, that I, a Russian subject, might be sent to my Imperial Majesty as a public representative from a foreign crown, and so on caused me to prefer returning to Martinique aboard a French 74-gun ship Le Fendant.9

The French ship, properly Le Fendant, commanded by the Marquis de Vaudreuil, is known to have sailed from Yorktown on 25 January 1780.10 Karzhavin was again in America briefly in 1782, aboard a Spanish ship at New York. After the Revolution, he returned to Virginia in 1784, practiced medicine for seven months in Smithfield, and in April 1785 moved to Williamsburg, where he says he occupied the house of the merchant Pierre de La Croix and served as interpreter for Martin Oster, the French vice-consul. He left Virginia some time after 15 April 1787, which is the date on his passport (signed by Martin Oster) now in the Leningrad archives, and returned via Paris to Russia. He published a number of books, on language, architecture, travel, and fortune-telling, and one describing a house as seen under a microscope, which he dedicated to "M. Bellini, Professor at Williamsburg University in Virginia."11 A letter to him from Bellini, dated 1 March 1788, exists in the Leningrad archives.

What are we to make of this remarkable traveler, adventurer, and polymath? He would seem incredible were it not that the facts, names, and dates in his papers correspond closely to whatever can be checked in public historical documents. But except for his friend Carlo Bellini, no one in Williamsburg seems to have ever written down the name of Fedor Vasil’evich Karzhavin. He was probably not as well known as some of his own remarks imply or as the Russian scholars who have written about him tend to make out. His notion that he was "intended to be sent by the American Congress" as emissary to the court of Catherine the Great seems to be a grandiose dream similar to Bellini’s idea that he was foreign minister of Virginia. The question of a diplomatic mission to St. Petersburg was being debated in 1779-80, but the idea that Karzhavin might head it could have had no more substance than the possibility discussed by him and Carlo Bellini.

No trace of the charter of the College has been found among the papers of Karzhavin now in the archives of Leningrad.12 Whether or not he did carry it off as Carlo Bellini alleged, Bellini himself is certainly implicated in its disappearance. The story he told his colleagues in 1791 is suspect in several ways. It is vague in dating the event as "some years past." Whenever that was, the question arises why Bellini as a member of the faculty from August 1778 onward, and librarian from May 1780, presumably then directly responsible for the custody of the charter, took no steps to prevent its theft or to inform President Madison about it. If Karzhavin carried off the charter aboard the French seventy-four on 25 January 1780 or when he left Williamsburg for the last time in 1787, Bellini by keeping quiet until 1791 was an accomplice at least after the fact. There is something disingenuous about his reference to "a certain Karjavina," as if he did not know the man’s full name, unless perhaps this vagueness is attributable to the unfamiliarity of the name to whoever recorded the minutes. Still another problem is the difficulty of imagining how the charter could have disappeared either in 1779-80 or 1785-87, when Karzhavin was in Williamsburg, without the fact becoming known in short order. During both these periods the College was in normal operation.

But there was one period when the charter could have disappeared with only Carlo Bellini in a position to know about it. As first the British and then the American and French armies moved through Williamsburg toward Yorktown in the summer and early fall of 1781, students, masters, and even the President deserted the College. "I find I must at Length remove from this Place," Madison wrote on 21 July, "The College is entirely broke up."13 On 30 September a chaplain with the French troops found in residence "qu’un seul Professeur, Italien d’origine."14 On 15 October Rector John Blair wrote to General Washington saying that the French infantry had taken possession of the building for a hospital, "except the

9. Quoted by Bolkhotinov, Beginnings, p. 61.


11. A copy of Description du Pou (Carouge: 1789) is in the Academy of Natural Sciences, Philadelphia, according to the National Union Catalog.


13. Photostat of letter in Faculty-Alumni File, College Archives.

Library, the Apparatus Room, & the Rooms of Mr. Bellini, Professor of Modern Languages, & the only Professor who remains in College." Though Blair was proud that the College could be of use, he begged Washington (in vain) to annull the demand of an officer that Bellini should give up the keys to outbuildings containing supplies for gardening and maintenance. The President’s House burned on 23 November. Early in March 1782 Bishop Madison had returned to Williamsburg and wrote to James Madison, Jr., apparently from Bellini’s room in the College:

Our Friend Bellini, who has withstood all the Calamities which surrounded him with a Fortitude worthy of an old Roman Descent, affords me now an Asylum to write you a few lines: otherwise I know not that I could here scarce find a Place. Bellini added a short ceremonious postscript in Italian. The French wounded remained in the College until June.

In such circumstances during the fall and winter of 1781-82, it is easy to imagine the disappearance of the charter. But if it was merely lost or accidentally destroyed in the confusion of those days why did Bellini feel compelled to place the blame, ten years later, on “a certain Karzhavin”? If anyone in 1791 remembered the shadowy Russian, he would have seemed a plausible culprit. And since by that time Karzhavin was beyond reach of the law; Bellini was not in any practical sense betraying his friend. But why the need for a scapegoat? Had Bellini possibly taken the opportunity afforded him in 1781-82 to purloin the charter on his friend’s behalf? Was he admitting half the truth in the story he told? One’s suspicions are not allayed by the curious fact that the only foreign visitor to Williamsburg in this period of 1781-82 who named the professor of modern languages at the College reported his name as “Signor Bernardi.” The Chevalier Dupleix de Cadignan may simply have misunderstood the name he heard, but this does not seem likely. Among the papers of Karzhavin is a letter to him in French, dated 1 May 1789, from a certain Louis Bernard, who had recently returned from Virginia to St. Domingo, and who is presumably the same Bernard named as the owner’s agent for Karzhavin’s ship Le Gentil in 1778. This letter mentions Bellini, and Bellini’s letter to Karzhavin of 1 March 1787 mentions Bernard as an occasional visitor to Bellini in Williamsburg. It is tempting to suspect that Louis Bernard was somehow involved when de Cadignan met Bellini in the autumn of 1781. Was he perhaps a go-between in the disappearance of the charter?

When Bellini finally did reveal his story about the loss of the charter, he was a misfortunate and apparently unhappy man. His wife’s health was “broken greatly” by 1786; he was in “adverse circumstances” and his eyes were “useless” in 1788, so that Jefferson sent him eyeglasses from Paris; in 1790 he asked Jefferson, in vain, to find him a position as clerk or translator in the Department of State. In August 1790 he appealed to St. George Tucker for three guineas due him from the College. One wonders what possible resolution the President and Professors could have adopted on 28 March 1791—it was apparently suppressed to an enigmatic “etc” in the original minutes—when they at last heard his tale about the charter.

However the document disappeared, efforts have been made at several times over the years to replace it. In 1828 President Adam Empie enlisted the aid of James Barbour, former Governor of Virginia, United States Senator, Secretary of War, and at the time Minister to Great Britain. “The original Charter having been lost, as is stated by the President of the College,” Barbour wrote to Lord Aberdeen, the Principal Secretary for Foreign Affairs, “and its want, occasioning


19. “Charles Bellini, First Professor of Modern Languages in an American College,” William and Mary Quarterly, 2nd series, 5 (1925), 1-29; letters from Bellini to Jefferson, pp. 7, 8, and from Jefferson to Bellini, pp. 9, 10.

much inconvenience to the Institution," could His Majesty's Government assist in
securing a replacement? A spokesman for the Foreign Office replied that the
document was to be found in the Rolls Chapel, where it was available to anyone on
payment of the usual fees. Left to his own devices apparently, Barbour seems to
have acquired first a transcript not of the charter itself but of the warrant
authorizing its preparation. This survives in the College Archives. On 27 February
1829 he forwarded to the Secretary of State in Washington "a certified copy of the
Charter granted to the College of William & Mary in Virginia, which this Legation
has been instructed to procure," and requested that it be sent on to the College. In
June the College paid $40.14 for this copy, which also survives in the
archives. It is in Latin, written on twenty-one sheets of parchment, and is
attested by one John Kipling to be a true copy of the original in the Rolls Chapel.

A second attempt to replace the lost charter is fraught with overtones of
emotions in the South on the eve of the Civil War. The excuse for this attempt,
but certainly not its cause, was the disastrous fire which on the morning of 8
February 1859 destroyed the main College building and much of its contents,
including the library. The charter--that is, the certified copy of it acquired in
1829--was not lost but along with some other valuable items that had been kept in
the Blue Room was saved. Within a year, the building had been reconstructed
and the College reopened. Two years later, exact memories of the fire had faded
in the approach of a greater conflagration. On 19 March 1861, the President and
Masters of the College resolved to submit, and drew up, a petition to Queen
Victoria. The petition rehearsed the history which made "this institution... an
enduring English monument in the Old Dominion, a name for Virginia which had
its origin in the loyalty of the Colony to the English Crown." A fire in 1858 (the
date is given erroneously throughout the correspondence) had destroyed the building "planned by Sir Christopher Wren," the library (including a copy of the
Authorized Version of the Bible presented by Her Majesty's grandfather George
III), and the document of transfer whereby in 1729 control of the College had
been made over from the trustees to the President and Masters. As the copy of the
charter "which was sent to this country by Sir Edmund Andros has been lost" also
(this loss is not attributed to the fire), the faculty petitioned the Queen to present
certified copies of both documents to the library of the College. The petition
concludes:

The Faculty of the College would not presume to present this petition
to Your Majesty from any other motive than a desire to renew through
Your Majesty's Royal favour the historic associations of the "Royal
Colledge of William and Mary" with its mother country; and to enrich
the same still further by the possession of Your Majesty's Royal Autograph.

It was not the restoration of articles lost in the fire of 1859, however, that weighed
heavily on the spirits of President Benjamin Ewell and his faculty that day in
the spring of 1861.

The petition was sent to ex-President John Tyler, second American Chancellor
of the College, who in turn forwarded it from Richmond with his personal letter
to Queen Victoria through the British Minister at Washington, Lord Lyons. Lord
Lyons sent the correspondence to Lord John Russell in London on 25 March.
Lord Lyons, whose diplomatic tact was shortly to be demonstrated in the Trent
affair, appreciated the delicacy of the situation. Though somewhat unusual in

21. Endorsement on transcript of the Warrant for the charter, College Archives, Folder 2 (oversize). This is a copy of
Barbour's letter, dated from 34 Devonshire Place on 9 October 1828.


23. Bursar's Accounts, College Archives, Folder 256; the copy of
the charter is in Folder 2 (oversize).

24. Letter of 10 February 1859 by Cynthia Beverley Tucker
Washington, College Archives, Folder 17; "Proceedings of the
President and Masters," William and Mary Quarterly, 2nd
series, 3 (1923), 219. The memorandum about the fire in the
proceedings for 22 November 1859 was written by Professor
Robert J. Morrison.

25. College Archives, Folder 2 (oversize). Photostatic copies of
the originals in the Public Record Office, consisting of: the
faculty resolution of 19 March 1861; petition to Queen
Victoria, same date, signed by Benjamin Ewell and Thomas
McCandlish; letter from John Tyler to Queen Victoria, 22
March; letter from John Tyler to Lord Lyons, same date,
enclosing the preceding; letter from Lord Lyons to John
Tyler, 25 March, acknowledging receipt; letter from Lord
Lyons to Lord John Russell, 25 March, forwarding the
request; and the endorsement on the dispatch dated 26
April, indicating the action taken by the Foreign Office.
form, he wrote, this request from a former President of the United States was one which he could not refuse to forward; he added, however,

Had the communication reached me six months ago, I should not have thought it necessary to say more. But the extraordinary uncertainty which now exists concerning the prospects of this Country in general and of the State of Virginia in particular, appears to call for unusual caution. I therefore venture to suggest that if the things prayed for be sent, it may be left to my discretion to forward them in whatever manner may seem to be proper at the time, or even to withhold them, if political circumstances should render that course advisable. 26

When Lyons' dispatch reached London, Virginia had already seceded. According to an endorsement dated 26 April, the Foreign Office ascertained the location of the charter, but not the document of transfer, and asked the Master of the Rolls to forward certified copies. The request for the Queen's signature on the documents, however, was found to be "quite unprecedented, and one which could not well be complied with." Perhaps this difficulty over the royal autograph was the diplomatic excuse for dropping the matter. If the Master of the Rolls did send copies, Lord Lyons may have exercised his discretion to withhold them. No evidence exists to show they were ever sent.

When the restoration of colonial Williamsburg began in the late 1920s, renewed interest in the early history of the College led to further inquiries about the charter. A London firm of library agents, B. F. Stevens & Brown, Ltd., was employed and in 1929 found in the Public Record Office documents showing all the four stages of the charter as it had evolved within the governmental bureaucracy of late seventeenth-century England. These documents are the Warrant, the King's Bill, the Writ of Privy Seal, and the Patent Roll entry or Enrolment. Together they reflect the centuries-old procedure by which in 1693 the royal will of King William and Queen Mary was translated into a legal instrument. In order to discover what the charter was like that the College obtained in 1693, we need to understand these documents and the procedure which brought them into being. 27 Copies of the first and last of them, the Warrant and the Enrolment, had actually been in the possession of the College ever since

James Barbour acquired them in 1829. The photostatic copies of the King's Bill and the Writ of Privy Seal, obtained just a century later, completed the full set of documents which show the physical form of the charter during its evolution.

By late January 1693, after protracted negotiations, the terms of the charter had been settled and the document itself began to take shape. Because the controversial issues concerned the financial support of the new college, the Warrant and the charter was prepared at the Treasury. The Warrant, which is written in English, rehearses all the provisions which had been agreed upon and directs the Attorney General to incorporate them, with all the necessary legal clauses, into an instrument to pass under the Great Seal of England. It was signed at Kensington on 25 January 1692 (Old Style) with the "sign manual" of royal signature "William R" at the top of the first page, and countersigned at the end by the four Lords Commissioners of the Treasury, Richard Hampden, Stephen Fox, Edward Seymour, and Charles Montague. 28 On the receipt of the Warrant the Attorney General, Sir John Sommers, proceeded to prepare the King's Bill, Written in Latin, in an italic hand, on five large sheets each signed by Sommers, the King's Bill is dated 4 February 1692/3. It was probably not until Monday 6 February, however, that William wrote his royal signature in Latin at the top of each sheet of the Bill. A notation in Latin on the back of the original document says that it was "given out" at Westminster on that date. 29 The same date and place appear on the next document in the series. This is the Writ of Privy Seal, also written in Latin in an italic hand, by which the joint sovereigns directed the Lords Commissioners of the Great Seal to make the document patent under that


28. Sir Edward Seymour is the person of whom Benjamin Franklin told the story that, when James Blair argued the importance of founding the College to provide ministers for the cure of souls in Virginia, "Sould! said he, 'damn your souls! Make tobacco!'" (letter of 18 July 1784 to Weems and Gant, The Works of Benjamin Franklin, ed. John Bigelow [New York: 1904], X, 369). Franklin's story has sometimes been considered apocryphal because he described Seymour as Attorney General; but as one of the Lords of the Treasury, Seymour was involved from the beginning. Franklin probably heard the story when he received an honorary degree from the College in 1756.

29. A note in pencil accompanying the photostatic copy of the King's Bill obtained in 1929 says that on the back of the document is the following: "Expeditr apud Westminster sexto die Februarii anno Regni Guilielmi et Maria Regis et Reginae quarti. [et] Nicholas."
authority. The Lords Commissioners received the Writ of Privy Seal on 8 February, as stated in a note in Latin which appears at the end of the Writ over the signatures of Sir William Rawlinson and Sir George Hutchins, who at the time were the second and third Lords Commissioners of the Great Seal.\(^{30}\) These officials then caused the Enrollment to be made on the Patent Rolls. This entry is a copy of the Latin text of the King’s Bill, done in the traditional chancery hand rather than the italic hand of the Bill and the Writ.

The Enrollment, which would appear to be the final form of the charter, is not that in fact but only the official copy of record. When James Barbour requested a certified copy of the charter, he naturally enough got a transcript of the Enrollment, and no doubt a second transcript of the same document would have been forthcoming in answer to the appeal made in 1861, had Queen Victoria’s government thought it prudent to reply. But no one of the four early forms is in truth the final form of the charter corresponding to the copy which disappeared. The Writ of Privy Seal comes nearest to being that form. When the Writ was discovered in 1929, Henry S. Brown of the London search firm wrote President J. A. C. Chalmers, urging him to have photostats made of the whole of the Writ but to “ignore the Patent Roll altogether which after all was just the convenient official copy for the Home Government.”\(^{31}\) This was knowledgeable advice, for the Writ of Privy Seal is the form which is at once the final expression of the royal will and the source which generated all further issues of the charter.

All the versions of the charter which survive from the seventeenth and early eighteenth centuries, both in Latin and in English, derive from a modification of the Writ of Privy Seal dated 6 February 1693. There are five such versions known to be extant:

1. A manuscript, in English, of the late seventeenth century, which was found in an old trunk in the Harvard College Library and given to the College of William and Mary in 1931.

2. A manuscript, in English, acquired by the College in 1977 from the papers of Sir Edmund Andros, Governor of the Virginia Colony 1692-97.


All five of these versions conclude, as does the Enrollment also, with the notation “By a Writ of the Privy Seal” (or the equivalent in Latin). They differ from the Enrollment, however, in that it does not have any signature after the notation and begins not with the personal names of the sovereigns but with the words “Rex et Regina.” The five surviving versions all agree and differ from the Writ of Privy Seal in three ways. The Writ is dated 6 February and is signed “J. Mathews,” but the surviving versions are dated 8 February and are signed “Pigott.”\(^{32}\) The third difference is in the form of the greeting with which the documents begin. When the Writ of Privy Seal was presented at court for approval on 6 February, it consisted of the Latin text of the King’s Bill, written in the italic hand of a professional scribe and beginning impersonally with the words “Rex et Regina.” When William and Mary gave their final approval, someone (J. Mathews?) wrote in an amateur hand across the top of this text the two lines in Latin which transformed a piece of paper into an instrument of law. They state that William and Mary, by the Grace of God, of England, Scotland, France, and Ireland, King and Queen, Defenders of the Faith, &c, greet the Commissioners of the Great Seal of England and command them to make this document patent under the said Great Seal. In the English and Latin versions dated 8 February, there is no reference to the Commissioners of the Great Seal, but the greeting becomes public, “to all to whom these our present letters may come.” Only in these versions do the personal names of the monarchs, their regal titles, and the public salutation all coincide. The other early forms of the charter—the Warrant, the King’s Bill, the Writ of Privy Seal, and the Enrollment—are all internal documents for the purposes of the governmental bureaucracy. The versions in Latin and English, in manuscript or print, which are dated 8 February and were issued over the signature of Pigott, are the public or “patent” forms of the charter.

It is a common but mistaken assumption that the English version of the charter is translated from an original in Latin. Except in the instance of the Andros copy, quite the reverse is true. The Andros copy is indeed a translation, made in special circumstances which will be explained later. But almost all the language of the other English versions already appears in the earliest form of the charter, the Warrant of 25 January. It is in fact the Latin which is the translation. The artificiality of the Latin version is amusingly evident in the way it handles the local

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31. Typed letter, 11 April 1929, in College Archives, Folder 2. The College in 1951 obtained a photostatic copy of the Enrollment which was deposited with the State Corporation Commission in Richmond. Although the Enrollment is obviously appropriate for the purpose of a legal record, it is not a replacement for the lost form of the charter.

32. I have not been able to identify J. Mathews or Pigott.
Virginia place-names mentioned. At the very beginning of the charter there are two references to the proposed location of the new college on the "south side of York River." Whoever composed the Latin rendered this on the first occasion rather stiltedly as "austrelm partem fluminis cujusdam communitur vocati York River." Apparently it did not occur to him until a few sentences later that the Romans did, after all, have a word for "York." On the second try he wrote "austrelm partem fluminis Eboracensis vulgo vocati York River." This absurd redundancy becomes apparent if we translate exactly into English: "the south side of York River, called in the vernacular York River." When later on he had to mention "Blackwater Swamp" and "Pamunkey Neck," his resourcefulness in Latin proved totally unequal to the task. All he could do was reproduce these barbaric noises and label them as belonging to the vulgar tongue. The Latin version of the charter is undistinguished, artificial, and ceremonial merely.

The English version, on the other hand, though legalistic, is clear and resonant prose. But there are in fact two slightly yet significantly different forms of the English version. One is represented by the Harvard manuscript and the text printed in London in 1727, the other by the text printed in Williamsburg in 1736. Both form clearly derive from a common original, but a careful collaboration shows that the Williamsburg form contains a number of deliberate changes in wording. Someone has attempted to conform its English more closely and literally to the Latin, but without accomplishing this purpose consistently or thoroughly. Three times near the beginning of the charter occurs the traditional formula "well-beloved and trusty," as the purer text of the Harvard manuscript and the London printing always phrases it. In the first two instances the Williamsburg text reads "faithful," rendering the Latin "fidelis" or "fideles;" but in the third instance the word remains "trust." Similarly, the Harvard and London text consistently uses a dozen times the phrase "the longest lives of them" to specify the survivors of the original trustees. The equivalent phrase in the Latin is "dui et viventes," a comparative rather than the superlative construction. The Williamsburg text is literally faithful to the Latin comparative by rendering it "the longer lives" on the first, third, fourth, and fifth occurrences; but the second and the final seven occurrences retain the superlative "longest." Several other readings illustrate the latinate diction of the Williamsburg text in contrast to the native English phrasing of the Harvard manuscript and the London printing. Compare the following:

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<thead>
<tr>
<th>London (8 Harvard)</th>
<th>Latin</th>
<th>Williamsburg</th>
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<tbody>
<tr>
<td>bounty and beneficence, p. 74</td>
<td>gratiam et munificence, p. 7</td>
<td>bounty and munificence, p. 7</td>
</tr>
<tr>
<td>make over, p. 76</td>
<td>ducat et munificientiam</td>
<td>transferer, p. 15</td>
</tr>
<tr>
<td>furnishing, p. 86</td>
<td>adornati</td>
<td>adorning, p. 43</td>
</tr>
<tr>
<td>furnishing, p. 87</td>
<td>adornationem</td>
<td>adorning, p. 44</td>
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<tr>
<td>furnishing, p. 90</td>
<td>adornationem</td>
<td>adorning, p. 52</td>
</tr>
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</table>

As a final illustration of this difference, the Harvard and London texts straightforwardly refer to local place-names, speaking naturally of "the South-Side of York River," for example; but the Williamsburg text renders this on its first occurrence with Slavic fidelity to the Latin: "the south side of a certain river commonly called York River." Whoever made such changes in the English of the charter reveals a mentality more alive to the letter of a dead language than to the vigor of natural English and more aware of words in a document than of the living speech of his geographic neighborhood.

Not only do the Harvard manuscript and the London printing of 1727 preserve the purer English text of the charter; they also bear unmistakable signs of their official derivation and authenticity. At the end of both, after the name of Pigott, appears the notation "For a Fine in the Hamper, Five Marks," over the names of Rawlinson and Hutchins. The "Hamper" or "Hanaper" was the office in the courts of chancery where writs were issued and fees paid. The fee of five marks (equivalent to $ 3/6/8) was presumably for the release of an official version of the charter. Sir William Rawlinson and Sir George Hutchins served as Lords Commissioners until May 1693. Their names therefore date the original manuscript that lies behind the printed text, and the Harvard manuscript, as having issued from the Hamper between February and May 1693.33

The text printed in London in 1727 is appended to a report to the Board of Trade written in 1697 by Henry Hartwell, James Blair, and Edward Chilton. This document was resurrected and published in 1727 at the time when Blair was in England campaigning, against the opposition of ex-Governor Francis Nicholson, to bolster the revenues of his struggling College and to recruit the full faculty of six masters which the charter required before it could be transferred from the trustees to the President and Masters as "a body politic and incorporate." All the known evidence suggests that the charter was not originally associated with the report

33. In the printed text of 1727 the word is spelled "Haniper," which is unusual. The "m" of "Hamper" in the Harvard manuscript could easily be misread as "ni," and it is likely that the manuscript from which the 1727 text was printed showed the same faint ligature between the second and third vertical strokes of the letter. Both manuscripts were probably written by the same scribe.

Fifteen
written in 1697. Three manuscripts of this report are known: the original preserved in the Public Record Office, a copy from which an incomplete form was published in the Collections of the Massachusetts Historical Society in 1798, and the printer's copy used in 1727, which was discovered in London in 1938 and is now in the possession of Colonial Williamsburg. None of the existing manuscripts includes the charter. The tideway of 1727, moreover, clearly states that the charter is "added" to the report of 1697. James Blair is the person most likely to have arranged for the publication of The Present State of Virginia, and the College, of which he was, in 1727, the sole surviving author. He also would have been able to supply the printer, John Wyat, with copy-text for the charter; he surely would have had a copy with him while he was in London negotiating College business and preparing to write the instrument of transfer. The manuscript which Wyat used seems to have been not only faultless but remarkably legible. There is no more than one word in the printed text which is demonstrably an error, and that is clearly a compositor's slip. The manuscript bore the names of Rawlinson and Hutchins, which prove that it issued from chancery prior to May 1693—or else it was an exact duplicate of such a manuscript. No more "official" a text of the charter can well be imagined.

Despite its similarities to the 1727 printing, the Harvard manuscript cannot have been the copy-text used by John Wyat. In several places it omits one or more words which are found in the printed text. There are also several summary abstracts in the margin of one sheet which do not correspond to any of the frequent marginal annotations in the 1727 volume. The Harvard manuscript appears to be either a copy derived from the one used by John Wyat or, perhaps more likely, a twain of it obtained at the same time from the Hamper. Now badly water-stained and partly illegible, it was once a rather handsome document. Written on nine large sheets of parchment stitched together, with a cover sheet across the top, it is the work of a professional scribe who has created an elaborately ornamental "W" to begin the names of "William and Mary" which spread in bold display letters halfway across the first sheet. But marred as it is by omissions and interlineations, the Harvard manuscript is not one which would be prized as a display copy. It could be a first unsuccessful attempt to produce such a handsome and perfect copy. The manuscript used by John Wyat was certainly similar to it in several respects and may have been a second and more successful attempt.

We may now imagine James Blair in London early in 1693 and ask what tangible form of the charter he might have obtained then to carry back with him to Virginia. His expense accounts show that over a period of about eight months he paid out nearly four hundred pounds in connection with securing the charter. This sum went for legal assistance, parchment and other supplies, fees at various offices, gratuities to clerks, tips to porters, and "for a box for the Charter and a Tin box for the Seal." Over the period from 15 October to 28 January he paid £ 22/2/6 for "Soliciting and drawing [sic] the warrant at the Treasury." His major expenses during and just after the first week of February, when the matter of the charter came to a head, are especially informative. They include the following items:

<table>
<thead>
<tr>
<th>£</th>
<th>sh.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To fees at the Signet Office</td>
<td>30</td>
<td>14</td>
</tr>
<tr>
<td>To fees at the Privy Seal</td>
<td>30</td>
<td>14</td>
</tr>
<tr>
<td>To fees at the Hamper</td>
<td>36</td>
<td>18</td>
</tr>
<tr>
<td>To an Under Clerk there</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>To the Secretary of the Great Seal at 6 Guineas at £ 1:1:10</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>To Fees at the Patent Office</td>
<td>24</td>
<td>1</td>
</tr>
<tr>
<td>To Mr. Nichols who wrote the Charter there 2 Guineas</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>To pay for a Copy of Charter presented to the Committee of the Customs</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

February 9th

If five marks was the "fine in the Hamper" which one had to pay per copy, the amount Blair charged to "fees at the Hamper" would have covered eleven copies, with exactly five shillings left over. Did he, perhaps, charge twice in his accounts for his five shilling tip to "an under Clerk there"? Be that as it may, it is likely that he anticipated needing quite a few copies of the charter for various purposes both in London and in Virginia. For some of these purposes, English versions would have been useful. The copy that Mr. Nichols "wrote" may well have been the lost document we have been seeking. Mr. Nichols did not draft or "draw" the charter—that had been done earlier at the Treasury—but "wrote" it in the physical sense of putting ink on parchment. The payment he received, apparently on 9 February, is nearly twice what Blair paid later for the copy he presented to the


35. In a passage concerning revenue from the customs on tobacco, the printed text reads nonsensically "next produc." The Harvard manuscript preserves the correct reading, "next produce," which the compositor misread. The Williamsburg text replaces the somewhat obsolete word with "nett."

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36. William and Mary Quarterly, 2nd series, 10 (1930), 245-46.
Commissioners of the Customs. Mr. Nichols must have produced, probably in Latin, a handsome example of calligraphic art.

When Blair returned to Virginia in April 1693, his ally in securing the charter, Lieutenant Governor Francis Nicholson, had been replaced by Governor Sir Edmund Andros. Blair presented the charter to the new governor and his council at Jamestown on 1 September. The charter was read and Sir Edmund ordered it entered in the Council Book and transmitted to the Secretary's Office to be recorded.37 It was read again on 20 October before the House of Burgesses, but not read into the Journal of that body.38 Unfortunately, as the Council Book for this period no longer exists, there is no direct evidence as to whether Blair presented a Latin or an English version on these occasions. But the copy of the charter found in the papers of Governor Andros and acquired by the College in 1971 was almost certainly made at this time and provides an interesting clue. The Andros copy is a rather plain and utilitarian one, written from extreme margin to margin on both sides of six sheets of ruled paper. It is an English version which differs again and again, in choice and in order of words and phrases, from the other known versions in English. One phrase which occurs several times offers an especially revealing example. The Andros version regularly refers to "a College of Sacred Theology" (rendering quite literally the Latin phrase "collegium sanctae theologiae"), whereas all the other English versions always speak in proper late seventeenth-century Anglican idiom of "a College of Divinity." Whoever translated the Andros version seems to have been a layman unaware of the nuances of ecclesiastical language. Although Blair certainly could have supplied Governor Andros with a copy of the standard English version if he had wished, he apparently on this occasion presented the charter in its Latin form and left it up to the governor to secure his own translation. The Andros copy could conceivably be pages removed from the lost Council Book, but it is more likely a working copy recorded for the governor's use by the secretary, Ralph Woremsley, who may have been responsible for the translation.

There is no reason to think that the Andros copy came to Virginia from England, or indeed that any copies of the charter other than those brought by James Blair arrived from the mother country prior to 1829. The claim in the faculty's petition to Queen Victoria in 1861 that the lost copy was one "which was sent to this country by Sir Edmund Andros" seems to rest on the statement by Robert Beverley in The History and Present State of Virginia (London: 1705) that "With Sir


Edmund Andros was sent over the College Charter."39 This cannot be literally true, because Governor Andros had arrived in Virginia five months before the charter was granted in London.40 Beverley most likely meant only that the charter came to Virginia early in Andros's administration. So far as the evidence goes, James Blair alone brought over whatever copies of the charter came to Virginia in the earliest years of the College.

What conclusions may we draw from this analysis of the facts and the documents as they are now known to us? Certainly there are many questions to which we can give only conjectural answers. But a number of points may be stated with assurance. Aside from the special instance of the recently acquired Andros copy, the charter is not a translation from the Latin. It was framed at first in English, and the English version has at least equal claim to authenticity and better claim to literary quality. The early public issues of the charter, in both languages, are alike in format and differ from the Enrollment and the other forms internal to the process of its evolution within the governmental bureaucracy. For this reason no copy of the charter obtained from London, in 1829, 1929, or 1951, has really been a replacement of the lost document. The Harvard manuscript is the surviving example which best shows the general physical appearance of the early public form. It is the closest thing we have, except probably in its language, to what Mr. Nichols "wrote." The text printed in 1727 is the best surviving version in English. The manuscript from which that text was printed was probably one James Blair had obtained in London in 1693. When for some reason it was not returned after the printing, Blair or someone under his direction altered another manuscript in English to bring it into closer conformity with the Latin text. When William Parks printed both the English and the Latin versions at Williamsburg in 1736, he used the altered manuscript as his copy-text for the English and the charter written by Mr. Nichols, or a copy of it, for the Latin. The handiwork of Mr. Nichols itself, unless perhaps it may indeed still rest somewhere between Williamsburg and Leningrad, has probably in sad truth long since turned to dust or ashes, and passed with the bones of Fedor Karzhavin and Carlo Bellini into oblivion.


BOTETOURT PUBLICATIONS:

1. *The Henley-Horrock's Inventory*, with an Introduction by Fraser Neiman. 1968. $2.00


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