



**Building Democracy: The Story of Legislatures**  
**Episode 1: The Virginia Legislature of 1619**  
**January 2020**

[Sound Effects]

MEGAN: July twenty-second, 2018.

Archeologists are working at the site of a colonial church in Jamestown Virginia.

They're about to make a discovery.

JOHN: It's a skeleton, found using ground penetrating radar.

The gravesite is in the middle of the floor in front of the altar, suggesting that the remains belong to someone of great stature.

MEGAN: The team of scientists from *Jamestown Rediscover* and the Smithsonian think they know whose bones they've found.

If right, they have unearthed a key player from a seminal moment in our history.

JOHN: They believe they have found the remains of Sir George Yeardley, a governor with the Virginia company.

MEGAN: You would be forgiven for not recognizing the name.

Yeardley was not the company's first governor... or its greatest... or even its worst.

What set him apart was a series of events that unfolded over just four weeks in the summer of 1619,

Not long after he arrived from England with an extraordinary mandate.

JOHN: From their headquarters in London, the Virginia Company's governing board sent him to the colony with a set of written instructions:

A document that came to be known as *the Great Charter*.

MEGAN: It required Yeardley to organize an assembly to find ways to boost economic growth,

Attract new settlers,

And to create a set of laws for the young colony.

JOHN: The thirty men in that assembly would include Governor Yeardley,

A half dozen appointed councillors,  
and representatives *elected* from each of the colonial villages.

MEGAN: This was the first legislature of what would become the United States.

JOHN: Its inaugural session would last less than a week,

But in that short time it would establish a foundation that would, over time, shape the state legislatures we know today.

[Sound Effects]

MEGAN: Remarkably, less than a month after that short session, in another pivotal moment,

A ship called the White Lion will arrive, carrying the first African slaves to English North America.

JOHN: Join us as we take a deeper dive into this remarkable story

From the National Conference of State Legislatures...

MEGAN: ...this is *Building Democracy*.

**[MUSIC]**

ANNOUNCER: *Building Democracy*, the Story of Legislatures.  
With Megan McClure and John Mahoney.

JOHN: The story of that first legislative assembly doesn't actually begin in Jamestown.

It begins 37 hundred miles away. In London. With a man named Edwin Sandys.

MEGAN: Sandys is perhaps one of the most influential characters in the history of the American colonies that no-one ever heard of.

It's the early 17<sup>th</sup> century, and Sandys is leader of the opposition in the English parliament.

More importantly, at least for our purposes, he's an executive of the Virginia company, which is charged with establishing a successful colony in the Americas.

JOHN: But in 1618, Edwin Sandys has a problem.

MEGAN: The Jamestown colony, which he has spent much of the last decade working tirelessly to keep afloat, is struggling to survive.

The company is deeply in debt and the colonists are ravaged by disease, starvation and attacks from the natives.

Making a bad situation worse is the colony's corrupt and ineffective leadership.

JOHN: With all those obstacles, Sandys could be forgiven for sending ships to Jamestown to return everyone to England.

But he doesn't do it. Because for Sandys, there's more to this great experiment than dreams of gold.

Jim Horn is president of the Jamestown Rediscovery Foundation.

**JIM HORN** On the other side of the coin, Sir Edwin Sandys is very clearly motivated by the desire to develop a society in Virginia that was even better than the one in England because it was fairer it offered employment to everyone (again we have to condition this with the proviso that this all refers to English people to some degree Indian people but certainly not African people) so but nevertheless that's what Edward Sands was aiming for he called it a "perfected, improved" if you like, society that could be established in Virginia it's a new world and maybe this was the place where these kinds of changes could permanently take root and produce a much better society for everyone

JOHN: Sandys has both a financial and perhaps a philosophical reason for seeing this thing through.

As treasurer of the company, his immediate concern is reaping a return-on-investment.

However, as a reform-minded politician, he sees in Virginia a chance to create something which has no chance, at least at that time, of developing in England. A more just, more egalitarian society.

Megan: But in order to turn things around in Virginia, Yeardley had some decisions to make.

Was a leadership change necessary on the ground in Virginia? And did operational improvements need to be made?

The answer to both questions is a resounding yes. And what Yeardley did next would make legislative history.

[Sound Effects]

JOHN: This feels like the place for a little backstory- let's rewind a dozen years or so...

[MUSIC]

To 1606.

James the first is on the throne.

Megan: All the buzz in England was about Guy Fawkes' failed attempt to blow up the king and much of Britain's aristocracy.

The plot was foiled, in part, by a man named William Parker.

JOHN: So when Parker joined a group of businessmen, soldiers, and politicians to pitch King James the idea of forming the Virginia Company...

...the king listened.

This private company, empowered by a royal charter, would colonize the Americas on England's behalf.

MEGAN: History marks the Virginia Colony as the launchpad for democratic legislatures. But that wasn't what motivated those early leaders.

NARDO: I like to think of it as Virginia as the first American startup-

G. Paul Nardo is Clerk of the House and Keeper of the Rolls for the Virginia House of Delegates.

NARDO: -because it was a private venture trying to not only find gold and treasure but also to bring religion to the non-churched, if you will. That was the origin of why they came across in the first place. Not because they wanted to plant a new seed of democracy.

JOHN: The King supported the Virginia Company because it could help expand the empire, give England military advantage, and provide natural resources, with little direct risk or responsibility to England itself.

The company's private investors would assume that risk in exchange for a generous share of any financial returns.

[Music]

Megan: Of those who made that initial voyage across the Atlantic, many were either soldiers, or those known as "second sons."

They belonged to wealthy households but were not “first born” men, who under the laws and traditions of the time, inherited most family titles and property.

So they set off to the new world to try and make their own fortunes.

They were joined by servants and laborers.

JOHN: They set off in December of 1606 in three ships – the *Godspeed*, the *Discovery*, and the oddly named *Susan Constant*.

MEGAN: Aboard were about 120 men and boys, under the command of Christopher Newport, an experienced captain. Newport had lost an arm in battle, and had a reputation as a fearsome privateer during the Anglo-Spanish war.

On this voyage, he carried sealed orders from the company,

to be opened after the expedition arrived in Virginia.

JOHN: One source of irritation to Captain Newport’s was a passenger on the *Susan Constant*, John Smith- the man who later became a folk legend.

Our own Nicholas Birdsong has more on his story.

[MUSIC]

NICHOLAS: John Smith was among the soldiers aboard the *Susan Constant*, and contrary to folklore, he did not work and play nicely with others.

While relevant historical records are scant, he reportedly spent most of the journey in the brig on charges of mutiny.

Newport had planned to hang Smith, going so far as to have gallows built during a stop in the Carribean. The Capitan spared him only after reading sealed orders that revealed the King had chosen Smith to help lead the new colony.

In the following years, Smith would develop bitter rivalries with other colonial leaders. He was again nearly killed not long after landing in Jamestown by the Powhatan Indians, only to be saved by a young princess.

At least according to the story told by Smith, a story that is both beloved, and highly dubious.

It would earn Smith the role, some four centuries later- of Disney prince in the film *Pocahontas*.

And Captain Newport? Some believe he went on to become the inspiration for Captain Hook in J.M. Barrie’s *Peter Pan*.

Megan?

MEGAN: According to Newport's account, they chose the Jamestown location based on strategic military value.

However, it also was swampy, infested with mosquitoes, its water sources were contaminated with saltwater and, well, let's just say they didn't know how to build a proper latrine.

JOHN: Of the original one hundred and twenty colonists, only thirty-eight would survive the first eight months.

They were lost to conflicts with indigenous peoples, famine, disease, drought and contaminated drinking water.

Not to mention a complete lack of air conditioning and WIFI.

Paul Nardo.

NARDO: Well the first dozen or so years of Jamestown were pretty tough for the English and in many ways it was a miracle that the colony survived at all.

As Jim Horn describes it, the rosy picture painted for prospective settlers left them ill-prepared for brutal life in the colony.

HORN: Initially most of them would have been under canvas. During the summer they would have found it very hot and sticky, humid. Quite unlike the environments they come from in England. They suffered as they put it from a lot of biting insects so we know they're suffering from that. The food would have been based on provisions that they brought with them on the ship, supplemented by anything they could get their hands on either through hunting or fishing or from Indian peoples. It would have been probably a little bit more like a military encampment during those first years and than a civilian settlement

People were either tough-as-nails, died, or went back to England. And sometimes all three.

[\[Sound Effects\]](#)

JOHN: Prospects seemed especially bleak for Jamestown during that first winter.

MEGAN: The colonists didn't have enough provisions to last, having arrived too late in the season to grow crops,

And because of conflicts with indigenous people, they didn't benefit from trading.

MEGAN: Half of the colonists died that winter from disease, starvation, and in conflict.

The following winter was worse still, with about eighty percent of the group dying off.

Only in the last decade did archaeologists discover that the Jamestown colonists resorted to cannibalism during this time.

[Sound Effects]

JOHN: Through this difficult early period, the colony's council acted as a branch office serving the crown, with council members hand-picked by King James.

MEGAN: Captain Newport was among them. And, as his orders from the King had revealed, so was John Smith.

JOHN: The struggles continued. A second colony- established in what is now Maine- failed- many of its group lost to hardship, disease and death.

A 'governance' shakeup was in order. So in 1609 a second Charter was issued, giving the Virginia Company power to elect Jamestown's councillors.

MEGAN: Subject to veto by the King, of course. And with that, the council ballooned to 30 members from its original seven.

[Music]

JOHN: Soon after, the colony generated a little good news for a change.

Businessman John Rolfe joined the colony, and managed to grow a large crop of tobacco.

MEGAN: The same John Rolfe who in real life married Pocahontas- whose actual name was 'Amonute.'

JOHN: At the time, tobacco was extremely lucrative due to the Spanish domination of the market.

Soon after, the crown and company approved a third charter in 1612,

...this time expanding the borders of Virginia to include several Atlantic islands, including Bermuda.

MEGAN: But even that wasn't enough to end the parade of scandals, corruption and in-fighting at Jamestown. Problems that the Virginia Company's London-based Treasurer, Edwin Sandys wanted badly to fix.

[Sound Effects]

JOHN: Which takes us back to where we came in- with Sir George Yeardley sailing to the colony in 1618.

And packed neatly in his baggage was the document that came to be known as *The Great Charter*.

MEGAN: 'Great' because it made a fairly radical proposition:

that a governing body should be established to oversee the operations of the Jamestown colony on the ground (not back in London) and that this body would consist of members elected from among the colonists.

JOHN: A direct DNA ancestor of today's legislatures.

MEGAN: With that, George Yeardley became the colony's seventh governor in a dozen years. He was appointed, not elected. Like the district manager of a multinational corporation.

Unlike his predecessors, Yeardley wasn't from a noble background.

He was the son of a London tailor. He first came to Jamestown in 1610 and became one of the colony's pre-eminent military commanders. He played a prominent role in the wars with the Powhatans and led expeditions to search for silver and gold.

JOHN: Which they never found.

MEGAN: In 1617-or-so, he finds himself back in England,

Right around the time that Sandys is writing the great charter, and searching for someone to deliver the document and make sure it's implemented.

Yeardley is the obvious choice...

JOHN: ...except for one small problem. Mr. George Yeardley is a mere commoner. And it wasn't believed that the colonists would accept the absolute authority of anyone less than a nobleman.

Fortunately, Edwin Sandys is able to convince the King to have Yeardley knighted.

And with that, in 1618, Sir George Yeardley- his 'mister' days behind him- set sail for the colony. Where elections were held among the colonists, and the stage set for the first legislative assembly in the Americas.

[\[Sound Effects\]](#)

MEGAN: They gathered here, in a sweltering little church in the summer of 1619. Some 30 men are about to make history and sow the first seeds of democracy in North America.



It was momentous. It was historic. And as Paul Nardo explains, it didn't smell very good.

Paul Nardo: It was July in Virginia a torrid and sickly summer in 1619 very hot and humid. They gathered in a small church about 20 by 50. It would have held at most 50 maybe 60, probably only 25 to 30 were there. It was the only building large enough to hold the men, and it was all men, representing the 11 boroughs, present at that first assembly. Think about it, they all would have been dressed in the clothing of the day which was wool. Daily showers were not an option for them or even customary for the time. So, hot and humid, men, wool, not so many showers. It was, I'm sure ripe with purpose, but also perhaps with smells as well.

But the unicameral assembly was composed of the governor, council, state appointed by the Virginia company and the elected representatives, all whom, like I said, were landowners. They met for five days in that summer to try to forge a more perfect union.

JOHN: What do we know about the men who formed this first general assembly?

MEGAN: First of all, they were all men. White men. And land-owning white men. Which is to be expected at the time.

Each plantation, or 'hundred' as they were known then, was to send two men to the meeting.

JOHN: And what exactly were their qualifications?

MEGAN: They had proved themselves capable of surviving the brutal conditions, and contributing to the success of the colony. But beyond that, the bar wasn't very high.

JOHN: So there they gathered. It's July 30th, 1619. Yeardley is there with his 'councillors of state', an early equivalent to a governor's cabinet today.

MEGAN: And what we know of that first assembly we owe to one of those councillors- sitting right over there.

JOHN: His name is John Pory. And he would provide a contemporary account of that first session.

If Edwin Sandys begat this first legislative assembly, John Pory was the midwife.

He was chosen to be the governor's secretary during this first assembly, though his role is more akin to a modern speaker of the house.

As Paul Nardo explains, the assembly leaned heavily on Pory's experience as a former member of the England's House of Commons.

NARDO Pory was indispensable, his familiarity with parliamentary practices evident in the Assembly's reliance upon committees, English Common Law generally.

Speaker Pory was just an incredible catalyst for making sure that rule-making and governing and lawmaking was done well and done right.

John Pory was born in 1572, educated at Cambridge and quickly became one of the more prominent characters of late 16th/early 17th century England.

He was a journalist, entrepreneur and explorer, and notably for our purpose- a parliamentarian.

MEGAN: Pory split the assembly into two committees, and had the charter broken down into 4 books so the committees could work on pieces of the charter simultaneously.

They wanted to ensure that the charter was practical, and aligned with the reality on the ground in Jamestown.

JOHN: The use of committees was already a tried and true method of breaking down large tasks into manageable chunks and allowing members to apply their expertise to specific tasks.

A concept that resonates with Paul Nardo.

NARDO: the committee structure, referring things to committee, having them look at it, having various readings to expeditiously but thoughtfully move through a docket or the business at hand and then, just the subject matter of going and talking to those types of things would sound very familiar to any modern person who pays attention to how state legislatures operate

MEGAN: The committees were generally satisfied with the charter, but made some minor edits, and sent them to the Company in London for review.

MEGAN: Pory records that the assembly's session began on Friday, July 30th and finished on Wednesday, August 4<sup>th</sup>.

And that the oppressive heat and humidity took its toll.

Many fell ill, and one burgess, a Mr. Shelley, even died.

For humanitarian reasons, it seemed prudent to end that first session of the House of Burgesses.

JOHN: Madam speaker, a brief point of order.

It was an assembly. And the elected members were burgesses. But strictly speaking, this wasn't Virginia's first House of Burgesses. Our own Nick Birdsong explains why.

[\[Music\]](#)

NICHOLAS: The word 'burgess' refers to a representative, elected to a legislative body from a 'burg' or town. The general assembly of 1619 consisted of a single legislative chamber, the governor, his appointed council and an elected burgesses would all meet together in a single room- The Jamestown Church to craft laws.

The House of Burgesses would come 23 years later when Virginia established a bi-cameral process modeled after the British Parliament and resembling the modern division between a legislature house and senate.

So that first meeting had burgesses but 1642 was when they got their own house.

John?

### [Sound Effects]

JOHN: As if that first assembly didn't make history enough, later that same month came another pivotal moment in America's story. It began with the arrival of two ships.

MEGAN: They're privateers, finding shore at Port Comfort Virginia, just downstream from Jamestown.

First the *White Lion*. A few days later, the *Treasurer*. And they're both loaded with human cargo from Africa.

JOHN: Now, it's important to know that at this time, commercial slavery was well established among European countries, including England, Portugal, and Spain.

However, the arrival of these two ships marks the introduction of this deplorable practice to English North America.

Mary Elliott is curator of American Slavery at the Smithsonian National Museum of African American History and Culture.

ELLIOTT: They actually start off in their homeland in the Kingdom of Ndongo now known as modern-day Angola and they were kidnapped and enslaved captives by the Portuguese. These men and women were then carried to Veracruz, Mexico and ultimately that ship, the Sao Joao Batista, was pirated by two ships that were captained by the British. And those ships actually originated out of the Netherlands, but they were British ships. And about 50 of the men and women from the Kingdom of Ndongo were split amongst those two ships.

Only now are researchers and archeologists starting to discover more about the enslaved men and women who landed on that August day.

Low on food, the ships' captains opted to barter their captive passengers for supplies, or 'victuals'.

Purchasing those men and women were Governor George Yeardley, William Pierce, and other landowners.

Human beings had become the colony's latest commodity.

Mary Elliott.

ELLIOTT: John Rolfe writes in the record that "20 n odd negroes" had come in to Point Comfort and they were bought (and remember I made the distinction between bought and brought they were bought) bought for victuals. And victuals, while it's not currency as one might think of in terms of money like paper money or coins, there was still this understanding that these people had value and they could be exchanged for something else of value.

JOHN: This arrival, just days after the first session of the Virginia Assembly...

...reminds us that the origin of American representative democracy is challenging. And messy.

Those enslaved men, women, and children, and those who followed were an integral part of the success of the Virginia colony, and eventually, of the United States.

[Sound Effects]

JOHN: So the assembly had adjourned- called on account of heat.

MEGAN: And they got a lot done, all things considered, though it may have felt more like a corporate meeting than the birth of American democracy.

Its committees reviewed the charter. And the assembly created a set of laws and procedures for the colony and its inhabitants.

JOHN: The laws fell into three broad categories. The first was economic development. Here they passed a set of famine-proofing regulations, with each plantation required to grow and maintain a minimum number of staple plants and crops. Including a variety of crops to help the colony discover which could be its most lucrative.

MEGAN: A second class of laws dealt with social conduct. A series of 'thou shalt nots' for the colonists. Being a lazy idler was outlawed- *we'll give you a job if you can't find one*. Gambling and drunkenness were forbidden. Oh, and most importantly, no dressing fancy!

JOHN: The third class of laws dealt with Indian affairs. These followed the familiar template of the time, English imperial assimilation. As Jim Horn explains, these laws were designed to assimilate indigenous peoples into the Anglican church.

DR. HORN: I think this is quite genuine on the part of the English, although they were completely misguided, of course, from our perspective today, the English wanted to bring the Powhatan into the Anglican Church the entire nation. And I think the story of Pocahontas and her eventual marriage to John Rolfe is all about redemption. Redeeming Indian peoples and then converting them not only to Christianity and Anglicanism, the Church of England, but also to English ways. By doing that you convert a small colony of a few hundred English people to a colony of more than fifteen to twenty thousand people.

MEGAN: After this the assembly adopted its judicial role and heard cases between the colonists.

As Paul Nardo notes, it was one-stop shopping for public services.

NARDO: Remember we weren't just a legislature, we were legislative, executive, quasi-judicial so they heard judicial cases but only after hearing testimony at the bar.

[Sound Effects]

One laborer was so lazy and rude and accused of wantonness with a female servant, he was sentenced to having his ear nailed to the pillory for 4 days, and to be publicly whipped each day.

JOHN: Still, Paul Nardo believes it wasn't laws and judgements that distinguished this first assembly.

PAUL NARDO I think the biggest accomplishment was that they met in the first place. The right of individuals to exercise their free will to gather and sort out their own affairs is no easy task. I've always talked about us having an ongoing experiment in representative self-government, and its ongoing that's true, but it began in Virginia and I just think that the practices and what we do because they first met there and the ways in which they did it set the course for the most dynamic and resilient democracy the world has ever seen and that's the American Democracy, the national level in the representatives of 50 states, that's quite an accomplishment I think.

JOHN: It seemed the Virginia Company's fortunes were changing. It was finally starting to turn a profit. Tobacco and slavery would provide economic transformation. And it had convened the first democratic assembly in American history.

Yet all of that wasn't enough to save it.

[Music]

MEGAN: By the mid 1610's, the colony's biggest problems were centred in London.

Sir Edwin Sandys, however conservative in his business dealings, was a champion of the merchant class. That did not endear him to the King, who was very much from the 'divine right' tradition.

His majesty is reputed to have once said, "Choose the devil if you will, do not choose not Edwin Sandys."

JOHN: And Sandys' long-term economic strategy for the colony ran afoul of several investors, who were eager to realize short-term gains.

Sandys' many sins might have been forgivable, had the company turned a reasonable profit. But despite promising returns, growth was sluggish.

Then, in 1622, disaster.

[Sound Effects]

MEGAN: Following a leadership change in the Powhatan tribe, Indians attacked, wiping out nearly a quarter of the colony.

JOHN: And with it, the hope of attracting new colonists from England.

MEGAN: The Virginia Company's royal charter was revoked on May 24th, 1624.

The crown took direct control of the colony.

[Speical Effects]

MEGAN: In 1994, archeologist Bill Kelso began excavating near a 17<sup>th</sup> Century brick tower that had been added to the 4<sup>th</sup> Jamestown church.

Dr. Kelso was able to confirm that it was built on the site of the original church, where that first assembly convened in 1619.

He helped prove that the original Jamestown lay preserved beneath dry land, just a few dozen feet from the brick tower.

JOHN: The digs continue, as the site continues to surrender new information about this period of history.

MEGAN: Which brings us back to that other sweltering summer day in 2018, when an archeological team unearthed what they believe to be the bones of Sir George Yeardley.

A tangible connection to the history of our legislatures and how they were created.

And a reminder that they weren't shaped by abstract, distant figures in some old book.

But actual, living breathing people, who pioneered a new form of government.

JOHN: In conditions that took the lives of nearly 70 percent of the colony in just eight months, leaders had to be strong, flexible and responsive.

MEGAN: That meant they had to govern themselves.

JOHN: The representative legislature, modeled after the English parliament, helped protect against the corrupt authorities that plagued the colony during some of those early years.

In time, the unicameral legislature became bicameral- but not because of any grand design.

MEGAN: The bicameral system was born after the legislators outgrew the church they had met in. They moved to former Governor John Harvey's estate.

There, it made practical sense to have two smaller chambers meet in separate rooms.

With agreement required between the governor's council and the burgesses before any act became law.

JOHN: Though the House of Burgesses changed over the years, it continued to operate until 1774. It was then dissolved by Governor John Murray as a revolution brewed throughout the colonies.

MEGAN: But that didn't stop the burgesses, who formed the first Virginia revolutionary convention to choose delegates to the first continental congress.

Among them: Patrick Henry, George Mason, Thomas Jefferson, and George Washington.

JOHN: These were giants, standing on the shoulders of that small group, gathered in stifling heat within that little church back in 1619.

Looking for ways to energize the struggling Virginia Company.

MEGAN: Passing laws. Trying cases.

JOHN: And *Building Democracy*.

ANNOUNCER: *Building Democracy: The Story of Legislatures* is created by the National Conference of State Legislatures.

Your hosts are Megan McClure and John Mahoney.

Thanks to today's guests Jim Horn, G. Paul Nardo and Mary Elliott. Thanks also to Nicholas Birdsong for his voice, expertise and research; and to Mike Tennant and Tyler Morrisette of Podfly for production and editing.

How did State Legislatures evolve through the time of the American Revolution? That's on our next episode- watch for it in March 2020.

*Building Democracy* is recorded at the House of Pod in Denver.