

## 2.6 Emergence of Colonial Government

In the early phases of colonial development, a striking feature was the lack of controlling influence by the English government. All colonies except Georgia emerged as companies of shareholders, or as feudal proprietorships stemming from charters granted by the Crown. The fact that the king had transferred his immediate sovereignty over the New World settlements to stock companies and proprietors did not, of course, mean that the colonists in America were necessarily free of outside control. Under the terms of the Virginia Company charter, for example, full governmental authority was vested in the company itself. Nevertheless, the crown expected that the company would be resident in England. Inhabitants of Virginia, then, would have no more voice in their government than if the king himself had retained absolute rule.

1. What was a striking feature in the early phases of colonial development?

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2. Because the king transferred his sovereignty over North America to others, early English colonists in North America were able to rule themselves under a democratic system of government.

- a. True
- b. False

Still, the colonies considered themselves chiefly as commonwealths or states, much like England itself, having only a loose association with the authorities in London. In one way or another, exclusive rule from the outside withered away. The colonists - inheritors of the long English tradition of the struggle for political liberty - incorporated concepts of freedom into Virginia's first charter. It provided that English colonists were to exercise all liberties, franchises, and immunities "as if they had been abiding and born within this our Realm of England." They were, then, to enjoy the benefits of the Magna Carta - the charter of English political and civil liberties granted by King John in 1215 - and the common law - the English system of law based on legal precedents or tradition, not statutory law. In 1618, the Virginia Company issued instructions to its appointed governor providing that free inhabitants of the plantations should elect representatives to join with the governor and an appointive council in passing ordinances for the welfare of the colony.

3. England's exclusive rule over the North American colonies withered away over time.

- a. True
- b. False

4. The charter of English political and civil liberties granted by King John in 1215 is known as the \_\_\_\_\_.

- a. Bill of Rights
- b. common law
- c. habeas corpus
- d. Magna Carta

These measures proved to be some of the most far-reaching in the entire colonial period. From then on, it was generally accepted that the colonists had a right to participate in their own government. In most instances, the king, in making future grants, provided in the charter that the free men of the colony should have a voice in legislation affecting them. Thus, charters awarded to the Calverts in Maryland, William Penn in Pennsylvania, the proprietors in North and South Carolina, and the proprietors in New Jersey specified that legislation should be enacted with "the consent of the freemen."

In New England, for many years, there was even more complete self-government than in the other colonies. Aboard the *Mayflower*, the Pilgrims adopted an instrument for government called the "Mayflower Compact," to "combine ourselves together into a civil body politic for our better ordering and preservation ... and by virtue hereof [to] enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and offices ... as shall be thought most meet and convenient for the general good of the colony. ..."

Although there was no legal basis for the Pilgrims to establish a system of self-government, the action was not contested, and, under the compact, the Plymouth settlers were able for many years to conduct their own affairs without outside interference.

5. Pilgrim settlers in the Plymouth Colony adopted what legal document?

- a. Bill of Rights
- b. Emancipation Proclamation
- c. Mayflower Compact
- d. Plymouth Pact

A similar situation developed in the Massachusetts Bay Company, which had been given the right to govern itself. Thus, full authority rested in the hands of persons residing in the colony. At first, the dozen or so original members of the company who had come to America attempted to rule autocratically. But the other colonists soon demanded a voice in public affairs and indicated that refusal would lead to a mass migration.

The company members yielded, and control of the government passed to elected representatives. Subsequently, other New England colonies – such as Connecticut and Rhode Island – also succeeded in becoming self-governing simply by asserting that they were beyond any governmental authority, and then setting up their own political system modeled after that of the Pilgrims at Plymouth.

In only two cases was the self-government provision omitted. These were New York, which was granted to Charles II's brother, the Duke of York (later to become King James II), and Georgia, which was granted to a group of "trustees." In both instances the provisions for governance were short-lived, for the colonists demanded legislative representation so insistently that the authorities soon yielded.

6. What colony was granted to the Duke of York (later James II)?

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In the mid-17th century, the English were too distracted by their Civil War (1642-1649) and Oliver Cromwell's Puritan Commonwealth to pursue an effective colonial policy. After the restoration of Charles II and the Stuart dynasty in 1660, England had more opportunity to attend to colonial administration. Even then, however, it was inefficient and lacked a coherent plan. The colonies were left largely to their own devices.

7. Which of the following did not distract the English from ruling the American colonies?
- a. English Civil War
  - b. Irish Potato Famine
  - c. Puritan Commonwealth

The remoteness afforded by a vast ocean also made control of the colonies difficult. Added to this was the character of life itself in early America. From countries limited in space and dotted with populous towns, the settlers had come to a land of seemingly unending reach. On such a continent, natural conditions promoted a tough individualism, as people became used to making their own decisions. Government penetrated the backcountry only slowly, and conditions of anarchy often prevailed on the frontier.

8. individualism:
- a. community
  - b. distinctiveness
  - c. sameness
  - d. totalitarianism

Yet the assumption of self-government in the colonies did not go entirely

unchallenged. In the 1670s, the Lords of Trade and Plantations, a royal committee established to enforce the mercantile system in the colonies, moved to annul the Massachusetts Bay charter because the colony was resisting the government's economic policy. James II in 1685 approved a proposal to create a Dominion of New England and place colonies south through New Jersey under its jurisdiction, thereby tightening the Crown's control over the whole region. A royal governor, Sir Edmund Andros, levied taxes by executive order, implemented a number of other harsh measures, and jailed those who resisted.

9. Why did the Lords of Trade and Plantations move to annul the Massachusetts Bay charter?

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When news of the Glorious Revolution (1688-1689), which deposed James II in England, reached Boston, the population rebelled and imprisoned Andros. Under a new charter, Massachusetts and Plymouth were united for the first time in 1691 as the royal colony of Massachusetts Bay. The other New England colonies quickly reinstalled their previous governments.

10. What two colonies were united as Massachusetts Bay in 1691?

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The English Bill of Rights and the Toleration Act of 1689 affirmed freedom of worship for Christians in the colonies as well as in England and enforced limits on the Crown. Equally important, John Locke's *Second Treatise on Government* (1690), the Glorious Revolution's major theoretical justification, set forth a theory of government based not on divine right but on contract. It contended that the people, endowed with natural rights of life, liberty, and property, had the right to rebel when governments violated their rights.

**11. What served as the Glorious Revolution's major theoretical justification?**

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By the early 18th century, almost all the colonies had been brought under the direct jurisdiction of the British Crown, but under the rules established by the Glorious Revolution. Colonial governors sought to exercise powers that the king had lost in England, but the colonial assemblies, aware of events there, attempted to assert their "rights" and "liberties." Their leverage rested on two significant powers similar to those held by the English Parliament: the right to vote on taxes and expenditures, and the right to initiate legislation rather than merely react to proposals of the governor.

**12. What two significant powers were leveraged by colonial assemblies?**

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The legislatures used these rights to check the power of royal governors and to pass other measures to expand their power and influence. The recurring clashes between governor and assembly made colonial politics tumultuous and worked increasingly to awaken the colonists to the divergence between American and English interests. In many cases, the royal authorities did not understand the importance of what the colonial assemblies were doing and simply neglected them. Nonetheless, the precedents and principles established in the conflicts between assemblies and governors eventually became part of the unwritten "constitution" of the colonies. In this way, the colonial legislatures asserted the right of self-government.

**13. Describe how and why colonial legislatures asserted the right of self-government.**

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