

Emergence of Colonial Government

In all 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.

For their part, the colonies had never thought of themselves as subservient. Rather, they 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 traditions of the Englishman's long 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 and the common 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.

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.

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.

Faced with this threat, 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.

Eventually most colonies became royal colonies, but in the mid-17th century, the English were too distracted by the Civil War (1642-1649) and Oliver Cromwell's Puritan Commonwealth and Protectorate 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, and the colonies were left largely to their own devices.

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 back country only slowly, and conditions of anarchy often prevailed on the frontier.

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 on 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.

When news of the Glorious Revolution (1688-1689) that deposed James II 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 colonies that had come under the Dominion of New England quickly reinstated their previous governments.

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

Colonial politics in the early 18th century resembled English politics in the 17th. The Glorious Revolution affirmed the supremacy of Parliament, but colonial governors sought to exercise powers in the colonies that the king had lost in England. The colonial assemblies, aware of events in England, attempted to assert their "rights" and "liberties." By the early 18th century, the colonial legislatures held 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 act on proposals of the governor.

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 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. However, these acts established precedents and principles and eventually became part of the "constitution" of the colonies.

In this way, the colonial legislatures established the right of self- government. In time, the center of colonial administration shifted from London to the provincial capitals.

Source: Federal Research Division of the Library of Congress, Country Studies/Area Handbook Series sponsored by the U.S. Department of the Army between 1986 and 1998.

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