

Chapter 3

Government in England and the Colonies

The governments in America today are similar in many ways to the governments of the thirteen colonies. In the original "New England" each town was directed by town meetings and in the South counties were headed by sheriffs or constables. We still have town or representative town meetings and county governments in many states. Like the states today, each colony was run by a government headed by a governor and a legislature. The thirteen colonies were under a legislature, the British Parliament, [similar to the present Congress] and a King whose powers were not that different from those granted the American President.

This chapter asks you to determine the degree of democracy in the colonies by comparing the colonial government to the British rule in England. Each must be analyzed in terms of structure (how the government was organized) and function (how it actually worked). You can then decide whether the colonies were democratic, or if they at least contained more democratic elements than did England.

The Governor and the Assembly

British rule in the colonies was enforced by the colonial governor. He was usually appointed by the King and he served as the chief law enforcement officer in the colony. The governor seemed all powerful. But the royal governors often met determined resistance from colonial assemblies. The power struggle between governor and assembly is described in the following selections.

A Colonial Governor Complains about the Massachusetts General Assembly 1723

Upon arrival in Massachusetts Bay I soon called the General Assembly together. I found the House of Representatives who are chosen by annual elections, possessed of all of the same powers of the English House of Commons, and some greater. They have the power of nominating once a year the persons that constitute your Majesty's council, and also of giving the salary of the governor and lieutenant-governor for six months, rather than for a full year. The House of Representatives also provides the salary of the treasurer once a year and thereby gains sole authority over that important office. They use their authority thus obtained to intimidate the treasurer from obeying proper orders for issuing money, if such orders are not agreeable to their views.

By all of this, the House of Representatives is, in a manner, the whole legislative and in a good measure, the executive power of this province.

Presently, three persons that I have vetoed for nomination to the Council have been elected to the House as representatives for the town of Boston. This practice is so notorious and so widely justified in this town that it is a common belief that a vetoed councilor makes a good representative. Thus constituted, and unsatisfied with the many uncommon privileges they enjoy, the House of Representatives for some years past has been making attempts to take away the few rights of government remaining to the Crown.⁶

⁶Quoted by Robert E. Burns, *Episodes in American History* Ginn & Co., Lexington, Mass., 1973, pp. A119 & A120 from Cecil Headiam, et al, *Calendar of State Papers, Colonial Series, America and West Indies, 1722-1723* (London: Her Majesty's Stationery Office, 1934), pp. 324-330.)

Complaints against the Colonial Governor of Virginia, 1702

To speak of the governor's injustices, oppressions, and insolence to individuals would require a large volume, so we shall limit our observations to his behavior toward the members of our General Assembly.

Formerly the General Assembly was called for meetings at appropriate times. The present governor calls frequent Assemblies at unseasonable times of the year, and at great trouble and expense to the inhabitants. Furthermore, his behavior toward the Upper House of the Assembly has been arbitrary and outrageous. For example:

He has taken upon himself the right to preside over this body and limit debate.

He states the questions and overrules in an arbitrary and threatening manner.

He threatens and abuses all who speak anything contrary to his opinions.

He endeavors to encourage misunderstanding between the two Houses, by siding sometimes with one House, and sometimes with the other.

He meets privately with members and uses all of the arts of cajoling and threatening for his own ends.

His behavior constitutes intolerable encroachments upon the liberties of both Houses.⁷

See this and the next page the following page for an analysis of structure and function of government in England and the colonies. First note the following:

<u>Branch</u>	<u>In England</u>	<u>In the Colonies</u>	<u>In the US Today</u>
Executive (Enforces the laws)	King	Governor	President
Legislative (Makes the laws)	Parliament: House of Lords and Commons	Council and Assembly	Congress: Senate and House of Representatives
Judicial (Decides whether laws were broken)	Courts leading to House of Lords	Courts leading to Council	Courts leading to Supreme Court

⁷Quoted by Robert E. Burns, *op. cit.*, from, *A Memorial Concerning the Maladministrations of His Excellency, Francis Nicholson, Esq.*, printed in *The Virginia Magazine of History and Biography*, III (1895-1896), pp. 373-382

<u>Official Structure in England</u>	<u>Official Structure in Colonies</u>
<p>KING</p> <ol style="list-style-type: none"> 1. Chief executive (law enforcement officer). 2. Appointed ministers to carry out and administer laws passed by Parliament. 3. Power limited after 250 years of dispute with Parliament. Could not: <ol style="list-style-type: none"> a. veto laws passed by Parliament. b. interfere with elections. c. keep a standing army without Parliament's consent. d. deny free speech, etc. 4. Hereditary position, remained in office for life and passed title down to successor. <p>HOUSE OF LORDS</p> <ol style="list-style-type: none"> 1. Chief court of the land. 2. Upper house of legislature has veto power. 3. Membership composed of peers barons, dukes, earls, and bishops of the church, etc. <p>HOUSE OF COMMONS</p> <ol style="list-style-type: none"> 1. All adult males owning property worth more than 40 shillings a year could vote for Commons. About one man in twenty was eligible to vote. 2. All money bills started in Commons. 3. Had to approve of all legislation. 	<p>GOVERNOR</p> <ol style="list-style-type: none"> 1. Usually appointed by King, in few cases by proprietor (owner), and elected in Connecticut and Rhode Island. 2. Could veto law passed by Assembly and Council. 3. Chief Executive (law enforcement officer). 4. Could dissolve lower house (Assembly) and call for new elections. <p>COUNCIL</p> <ol style="list-style-type: none"> 1. Appointed by governor or by Assembly. 2. Acted as "Supreme Court" for Colonies. 3. Could decide on certain appointments made by governor. 4. Often served as "cabinet" (advisors) for governor. <p>ASSEMBLY</p> <ol style="list-style-type: none"> 1. Elected by people (50-80% of white adult males could vote). 2. All money bills started in the Assembly.

For limitations of power of colonial governor and British parliament, see function of government on next page.

<u>Actual Function of British Government</u>	<u>Actual Function of Colonial Government</u>
<p>KING</p> <ol style="list-style-type: none"> 1. Appointed officials to such important offices as tax collector, governor of colony, judge, prime minister, etc. 2. Bolstered by hundreds of years of tradition, pomp and splendor, support from Church, and support and respect of royalty. 3. Could use influence in Parliamentary elections by bribery and distribution of campaign funds. 	<p>GOVERNOR</p> <ol style="list-style-type: none"> 1. Usually an Englishman rather than a colonist and not familiar with colonial politics. 2. Appointed because of influence in England – often lost after coming to America. 3. Average in office 5 years. 4. Received detailed instructions from England which often reduced his bargaining power. 5. Had little power to appoint people to such political offices such as judges, sheriffs, or tax collectors.
<p>LORDS</p> <ol style="list-style-type: none"> 1. Contained many wealthy and powerful noblemen who had a great deal of economic and political influence. 	<p>COUNCIL</p> <ol style="list-style-type: none"> 1. Usually members of upper class. Usually in office longer than governor.
<p>HOUSE OF COMMONS</p> <ol style="list-style-type: none"> 1. Many of England's largest cities could only send one or two representatives to Parliament. 2. Members did not have to live in districts where they were elected, and thought of themselves as representing all of England. 3. Members often willing to trade votes for well-paying government jobs. 	<p>ASSEMBLY</p> <ol style="list-style-type: none"> 1. Sometimes refused to pay salaries of unpopular governors and/or judges. 2. Appointed treasurers. Delegates often came with specific instructions from people they represented. 3. Membership enlarged as new towns were added in the West. 4. Represented actual towns and places, not "rotten boroughs" as in England. 5. Colonists hired agents to represent their views to Parliament.

Suggested Student Exercises:

1. Define or identify and briefly show the importance to the chapter of each of the following:

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| a. 3 branches of govt. | d. governor's complaints | h. compare elections |
| b. function of each | e. assembly's complaints | i. appointing powers |
| c. examples in England and colonies | f. structure of government | j. salaries |
| | g. function of government | k. time in office |

2. Define the term "democracy."

3. Describe the structure of each government taking into account the three branches of each: executive, legislative, and judicial.

4. Identify the differences between structure and function in both England and the colonies.

5. Give your opinion as to whether there was more democracy in England or in the colonies.

6. List facts from the readings that support your conclusion, referring both to structure and function in both England and the colonies.