The British Colonial System

There was a pattern basic to all colonial governments and a general framework of imperial control for all the king's overseas plantations. English political and legal institutions took hold everywhere in British America. While the colonists and the home authorities often had different motives in establishing new settlements, their motives seldom conflicted. Ruler and ruled alike sought prosperity, political, and economic expansion, and the reproduction of Old World civilization.

In the earliest days of any settlement, the need to rely on home authorities was so obvious that few questioned England's sovereignty. Thereafter, as the fledglings grew strong enough to think of using their own wings, distance and British political inefficiency combined to allow them a great deal of freedom. External affairs were controlled entirely by London, and royal representatives in America tried to direct colonial policy. But in practice the Crown generally yielded the initiative in local matters to the colonies while reserving the right to veto actions it deemed to be against the national interest.

Each colony had a governor. By the eighteenth century he was an appointed official, except in Rhode Island and Connecticut. Governors were chosen by the king in the case of the royal colonies and by the proprietors of Maryland, Delaware, and Pennsylvania. The governors' powers were much like those of the king in Great Britain. They executed the local laws, appointed many minor officials, summoned and dismissed the colonial assemblies, and proposed legislation to them. They possessed the right to veto colonial laws, but in most colonies, again like the king, they were financially dependent on their "subjects."

Each colony also had a legislature. Except in Pennsylvania, these assemblies consisted of two houses. The lower house, chosen by qualified voters, had general legislative powers, including control of the purse. In all the royal colonies members of the upper house, or council, were appointed by the king, except in Massachusetts, where they were elected by the General Court. The councils served primarily as advisors to the governors, but they also had some judicial and legislative powers. Judges were appointed by the king and served at his pleasure. Yet both councilors and judges were normally selected from among the leaders of the local communities; London had neither the time nor the will to investigate their political beliefs. The system therefore tended to strengthen the influence of the entrenched colonials.

Although the power of the lower houses was severely restricted in theory, they dominated the government in nearly every colony. Financial power (including the right to set the governor's salary) gave them some importance, and as did the fact that they usually had the backing of public opinion.
Most colonial legislators were practical men. Knowing their own interests, they pursued them steadily, without much regard for political theories or the desires of the royal authorities. They extended their influence by slow accretion. They saw themselves as miniature Houses of Commons, steadily "nibbling" at the authority of the Crown. The king appointed their governors, but governors came and went. The lawmakers remained, accumulating experience, building on precedent, widening decade by decade their control over colonial affairs.

The official representatives of the Crown, whatever their powers) whatever their intentions) were prisoners of their surroundings. A royal governor lived thousands of miles from London, alone in a colonial world. Governors had no security of tenure; they served at the whim of the government in London. In their dealings with the assemblies they were often bound by rigid and impractical royal instructions. They had few jobs and favors to offer in their efforts to influence the legislators. Judges might interpret the law according to English precedents, but in local matters colonial juries had the final say. And juries were seldom awed by precedents that clashed with their own conceptions of justice.

Within the British government the king's Privy Council had the responsibility for formulating colonial policy. It could and did disallow (annul) specific colonial laws, but it did not proclaim constitutional principles to which all colonial legislatures must conform. It acted as a court of last appeal in colonial disputes and handled each case individually. One day the council might issue a set of instructions to the governor of Virginia, the next a different set to the governor of South Carolina. No one person or committee thought broadly about the administration of the overseas empire.

At times British authorities, uneasy with their lack of control over the colonies, attempted to create a more effective system. Whenever possible the original, broadly worded charters were revoked. In the 1680s James II brought New York, New Jersey', and all of New England under one administration, the Dominion of New England; he apparently planned to unify the southern colonies in a similar manner. But James's actions were deeply resented by the colonists, and after the Glorious Revolution and the collapse of the Dominion of New England, no further important efforts at unification were attempted. Instead, the tendency was in the other direction. Delaware partially separated from Pennsylvania in 1704, and the two Carolinas formally split in 1712.

In 1696 colonial policy was effectively determined by a new Board of Trade, which nominated colonial governors and other high officials. It reviewed all the laws passed by the colonial legislatures, recommending the disallowance of those that seemed to conflict with imperial policy. The efficiency, assiduousness, and wisdom of the Board of Trade fluctuated over the years, but the Privy Council and the Crown nearly always accepted its recommendations.
Colonists naturally disliked having their laws disallowed, but London exercised this power with considerable restraint; only about 5 percent of the laws reviewed were rejected. Furthermore, the board served as an important intermediary for colonists seeking to influence king and Parliament. All the colonies in the eighteenth century maintained agents in London to present the colonial point of view before board members. The most famous colonial agent was Benjamin Franklin, who represented Pennsylvania, Georgia, New Jersey, and Massachusetts at various times during his long career. In general, however, colonial agents were seldom able to exert much influence on British policy.

The British never developed an effective, centralized government for the American colonies. By and large, their American "subjects" ran their own affairs. This fact more than any other explains our present federal system and the wide areas in which the state governments are sovereign and independent.