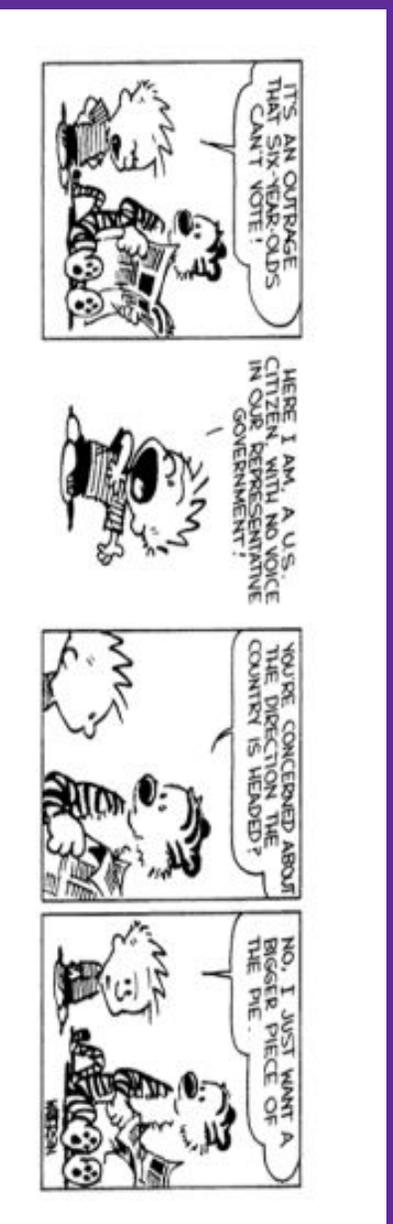


# Representative Government

How did we get here?



# The Enlightenment



The Enlightenment was an intellectual movement in Europe during the 18th century in which people began to change their views on the world and on society.

## Magna Carta:

When the colonists began settling they already had some ideas about government that had been developing in England for centuries. In 1215 English Nobles forced King John to sign the **Magna Carta**, an English charter written to settle disputes with the king. The purpose of the Magna Carta was to limit the power of the king. It also protected the liberties of the nobles. The importance of the document was that it established the principle that the king could not levy (impose) taxes without the consent of his council. It showed that even the king had to obey the law. It also protected the nobles by giving them the right to trial by a jury of their peers.

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## Virginia House of Burgesses:

The first elected representative legislature in the New World was the **Virginia House of Burgesses** established in 1619. English settlers, determined to have a say in the rules and lawmaking of the colony demanded that the Virginia Company give the colonists representation. Under this governing system, men in the Virginia colony voted for representatives (burgesses) to the assembly to make laws for the colony. Each borough (section) of the colony had two representatives, making 22 elected representatives at the first meeting. The assembly was a **two-house legislature** (bicameral) that met on a yearly basis and decided such issues as setting a minimum price for tobacco, amount of taxes collected, and rules for land ownership.

*But forasmuch as men's affaires doe little prosper where God's service is neglected, all the Burgesses tooke their places in the Quire till a prayer was said by Mr. Bucke, the Minister, that it would please God to guide and sanctifie all our proceedings to his own glory and the good of this Plantation ... The Speaker ... delivered in briefe to the whole assembly the occasions of their meeting. Which done he read unto them the commission for establishing the Counsell of Estate and the general Assembly, wherein their duties were described to the life ... And forasmuch as our intente is to establish one equall and uniforme kinde of government over all Virginia &c.*

### Mayflower Compact:

Another example of how the colonists began creating government was shown in the creation of the **Mayflower Compact**. The Pilgrims were supposed to settle in Virginia near Jamestown. The sea voyage was so rough the ship was thrown off course and landed near Cape Cod in present-day Massachusetts. Winter was in full force on Cape Cod so the Pilgrims decided to stay on the Mayflower. They were too exhausted from the trip to go to ashore and build a settlement. Fearing that the colony would not survive if everyone went their separate ways, the Pilgrim leaders wrote the **Mayflower Compact**. The Pilgrims knew that the Jamestown colony in Virginia had struggled because of the lack of a strong government and leadership. The Pilgrims would not make the same mistake, and agreed that once a government had been established, they would obey the commands of its leaders.

The **Mayflower Compact** was a document signed by 41 Pilgrim males, before anyone disembarked (left) the ship. It created a social contract between the Pilgrims and other settlers to work together to ensure the success and growth of the settlement. The **Mayflower Compact** gave the Pilgrims the right to self-govern in Plymouth Colony.<sup>m</sup>

*In the name of God, Amen. We whose names are underwritten, the loyal Subjects of our dread sovereign Lord King James, by the grace of God of Great Britain, France, and Ireland King, Defender of the Faith, etc...*

Having under-taken for the glory of God, and advancement of the Christian Faith, and honor Of our King and Country, a Voyage to plant the first Colony in the Northern parts of Virginia, do by these presents solemnly and mutually in the presence of God and one of another, covenant, and combine ourselves together into a civil body politic [stay together for the common good of all], for our better ordering and preservation, and furtherance of the ends aforesaid: and by virtue hereof to enact, and frame such just and equal Laws, Ordinances, acts, offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony: unto which we promise all due submission and obedience [that they would submit to the will of the majority by creating laws so they could govern themselves]. In witness whereof we have here-under subscribed our names. Cape Cod 11 of November, in the year of the reign of our sovereign Lord King James, of England, France, and Ireland 18 and Scotland 54. 1620.

### The Fundamental Orders of Connecticut:

The colonists saw themselves as English citizens and therefore felt they should have the same rights as they had back in England. But some of the Englishmen, who settled in the American colonies, including the men who founded the colony of Connecticut in 1636, did not have much faith in this approach to government. Unpleasant memories of recent unjust acts by England's rulers prompted the Connecticut settlers to put their plan of government into writing.

The Fundamental Orders of Connecticut was the first written constitution in America. Whereas the Mayflower Compact was a general statement in favor of majority rule and government in the interest of the common welfare (people), the Fundamental Orders provided a detailed scheme (plan) of government in which the sovereign power rested with the people.

No mention was made of the king. This document was a step in the direction of present-day democracy in that it set the example of a written constitution as the basis of government – a constitution which could be read and understood by all and which could not be changed by the will of one man or a small group.

...we, the inhabitants and residents of Windsor, Hartford, and Wethersfield.....that to maintain the peace and union of such a people there ought to be an orderly and decent government established according to God.... Therefore associate... ourselves to be as one public state or commonwealth and do, for ourselves and our successors...And also in our civil affairs to be guided and governed according to the laws, rules, orders, and decrees as shall be made, ordered, and decreed, as follows:

- It is ordered... that there shall be yearly two general assemblies or courts, the Court of Election and the General Court.

- It is ordered... that the election of the governor shall be in this manner, every person present and qualified for choice shall bring in one single sheet of paper with the name of him written in it whom he desires to have as Governor, and that he that hath the greatest number of papers shall be Governor for one year.

- It is ordered... that no person be chosen Governor above once in two years.

- It is ordered... that the Court of Election and the General Court make the laws.

- It is ordered... that in every town, village, or city, that there be a general assembly to meet together to choose members of the General Court and the Court of Election and that all be chosen by a majority of the assembly.

- It is ordered... that there be four freemen chosen from each town, village, or city, to serve in the General Court and the Court of Election.

Set forth on this day 14, January 1639.

## English Bill of Rights:

Another example of English government that influenced the colonists was the **English Bill of Rights**, written in 1689. King James II had not been following the laws of Parliament and denied the rights of the people. The citizens wanted to limit the rule of King James II. After he was dethroned William III and Mary II came to power and the people were determined to protect their rights. Because the previous king had been so controlling the citizens demanded protection and limitations from the king. As part of their oath, the new king and queen were required to obey the laws of Parliament and the Bill of Rights. By accepting the Bill of Rights, the king and queen were agreeing to be subject to the law. The Bill of Rights limited the powers of the throne, beyond that of the Magna Carta, by protecting individual liberties of the people.

*Whereas the Lords Spiritual and Temporal and Commons assembled at Westminster, lawfully, fully and freely representing all the estates of the people of this realm, did upon the thirteenth day of February in the year of our Lord one thousand six hundred eighty-eight [old style date] present unto their Majesties, then called and known by the names and style of William and Mary, prince and princess of Orange, being present in their proper persons, a certain declaration in writing made by the said Lords and Commons in the words following:...*

- By assuming and exercising a power of dispensing with and suspending of laws and the execution of laws without consent of Parliament;*
- By violating the freedom of election of members to serve in Parliament*
- And excessive bail hath been required of persons committed in criminal cases to elude the benefit of the laws made for the liberty of the subjects*
- And excessive fines have been imposed*
- And illegal and cruel punishments inflicted*