The Rights of Englishmen

English colonists expected certain rights that came from living under an English government. These “rights of Englishmen” had developed over centuries.

The first step toward guaranteeing these rights came in 1215. That year, a group of English noblemen forced King John to accept the Magna Carta (Great Charter). The king needed the nobles’ money to finance a war. This document guaranteed important rights to noblemen and freemen—those not bound to a master. They could not have their property seized by the king or his officials. They could not be taxed, in most
cases, unless a council of prominent men agreed. They could not be put to trial based only on an official’s word, without witnesses. They could be punished only by a jury of their peers, people of the same social rank.

**A VOICE FROM THE PAST**

No freeman shall be seized, imprisoned, dispossessed, outlawed, or exiled, . . . nor will we proceed against or prosecute him except by the lawful judgment of his peers, or by the law of the land.

*Magna Carta*, translated in *A Documentary History of England*

The Magna Carta limited the powers of the king. Over time, the rights it listed were granted to all English people, not just noblemen and freemen.

**Parliament and Colonial Government**

One of the most important English rights was the right to elect representatives to government. **Parliament**, England’s chief lawmaking body, was the colonists’ model for representative government. Parliament was made up of two houses. Members of the House of Commons were elected by the people. Members of the House of Lords were nonelected nobles, judges, and church officials.

The king and Parliament were too far away to manage every detail of the colonies. Also, like the citizens of England, English colonists in America wanted to have a say in the laws governing them. So they formed

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**CITIZENSHIP TODAY**

**The Importance of Juries**

The right to a trial by jury, established in the Magna Carta, is an important legal right. When you become an adult, you will likely be asked to serve on a jury.

Many young people in Knox County, Illinois, have already served as jurors on a teen court (shown below, with an advisor). They decide the best punishment for other teenagers who have admitted breaking a law. For example, shoplifters might be sentenced to write an apology to the store. Knox County is one of more than 500 U.S. communities that have teen courts.

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**How Can You Serve on a Teen Court?**

1. Search the library or Internet to learn more about teen courts.
2. Ask the police department whether your town has a teen court. If it does, volunteer.
3. If you want to start a teen court, seek advice from a community that has one.
4. Invite a lawyer to your class to talk about a juror’s role.
5. Find a group to sponsor your court, and get support from youth officers and judges.

See the Citizenship Handbook, page 264.

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**RESEARCH LINKS**

*A. Comparing*

What rights from the Magna Carta remain rights in America today?
their own elected assemblies, similar to the House of Commons. Virginia’s House of Burgesses was the first of these. In Pennsylvania, William Penn allowed colonists to have their own General Assembly. These Virginia and Pennsylvania assemblies imposed taxes and managed the colonies.

Although the colonists governed themselves in some ways, England still had authority over them. The king appointed royal governors to rule some colonies on his behalf. Parliament had no representatives from the colonies. Even so, it passed laws that affected the colonies. The colonists disliked these laws, and they began to clash with royal governors over how much power England should have in America. These conflicts became more intense in the late 1600s.

A Royal Governor’s Rule

The reign of James II threatened the colonies’ tradition of self-government. James became king in 1685. He wanted to rule England and its colonies with total authority. One of his first orders changed the way the Northern colonies were governed. These colonies, especially Massachusetts, had been smuggling goods and ignoring the Navigation Acts (see Chapter 4). When challenged, the people of Massachusetts had claimed that England had no right to make laws for them. The previous king, Charles II, had then canceled their charter.

King James combined Massachusetts and the other Northern colonies into one Dominion of New England, ruled by royal governor Edmund Andros. Andros angered the colonists by ending their representative assemblies and allowing town meetings to be held only once a year.

With their assemblies outlawed, some colonists refused to pay taxes. They said that being taxed without having a voice in government violated their rights. Andros jailed the loudest complainers. At their trial, they were told, “You have no more privileges left you than not to be Sold [sold] for Slaves.”

The colonists sent Increase Mather to England to plead with King James (see One American’s Story on page 125). However, a revolution in England swept King James and Governor Andros from power.

England’s Glorious Revolution

The English Parliament had decided to overthrow King James for not respecting its rights. Events came to a head in 1688. King James, a Catholic, had been trying to pack his next Parliament with officials who would overturn anti-Catholic laws. He had dismissed the last Parliament in 1685. The Protestant leaders of Parliament were outraged. They offered
the throne to James’s Protestant daughter, Mary, and her husband, William of Orange. William was the ruler of the Netherlands. Having little support from the people, James fled the country at the end of 1688. Parliament named William and Mary the new monarchs of England. This change in leadership was called England’s **Glorious Revolution**.

After accepting the throne, William and Mary agreed in 1689 to uphold the *English Bill of Rights*. This was an agreement to respect the rights of English citizens and of Parliament. Under it, the king or queen could not cancel laws or impose taxes unless Parliament agreed. Free elections and frequent meetings of Parliament must be held. Excessive fines and cruel punishments were forbidden. People had the right to complain to the king or queen in Parliament without being arrested.

The English Bill of Rights established an important principle: the government was to be based on laws made by Parliament, not on the desires of a ruler. The rights of English people were strengthened.

The American colonists were quick to claim these rights. When the people of Boston heard of King James’s fall, they jailed Governor Andros and asked Parliament to restore their old government.

**Shared Power in the Colonies**

After the Glorious Revolution, the Massachusetts colonists regained some self-government. They could again elect representatives to an assembly. However, they still had a governor appointed by the crown.

The diagram on this page shows how most colonial governments were organized by 1700. Note how the royal governor, his council, and the colonial assembly shared power. The governor could strike down laws passed by the assembly, but the assembly was responsible for the governor’s salary. If he blocked the assembly, the assembly might refuse to pay him.

During the first half of the 1700s, England interfered very little in colonial affairs. This hands-off policy was called **salutary neglect**. Parliament passed many laws regulating trade, the use of money, and even apprenticeships in the colonies. But governors rarely enforced these laws. The colonists got used to acting on their own.
The Zenger Trial

Colonists moved toward gaining a new right, freedom of the press, in 1735. That year, John Peter Zenger, publisher of the New-York Weekly Journal, stood trial for printing criticism of New York's governor. The governor had removed a judge and tried to fix an election.

**A VOICE FROM THE PAST**
A Governor turns rogue [criminal], does a thousand things for which a small rogue would have deserved a halter [hanging], and because it is difficult . . . to obtain relief against him, . . . it is prudent [wise] to . . . join in the roguery.

*New-York Weekly Journal*, quoted in *Colonial America, 1607–1763*

At that time, it was illegal to criticize the government in print. Andrew Hamilton defended Zenger at his trial, claiming that people had the right to speak the truth. The jury agreed, and Zenger was released.

English rights were part of the heritage uniting people in the British colonies. In the next section, you will read about another unifying force—a war against the French and their Indian allies.

**Activity Options**
- **Speech:** Deliver closing arguments
- **Art:** Create a leaflet defending John Peter Zenger and freedom of the press.