

the Duke of Hamilton, of the Naraganset Territory, afterwards part of Rhode Island ; to Mason of New Hampshire ; and to Fernando Georges and others, grants on the Kennebec River ; and in 1624 they made a grant of lands at New Plymouth to certain persons who had before settled there. This was called the Colony of New Plymouth. In 1635 this Company surrendered its Charter to the Crown. On this surrender some of the sub-grantees, as the Duke of Hamilton and Fernando Georges, obtained peculiar grants from Charles the First ; the latter was afterwards called the Province of Maine.

Massachusetts Bay.

In 1628 the Company of Plymouth sold a tract to Sir H. Roswell and others, who formed on it a settlement, which in 1629 was incorporated by a Royal Charter, and became the Colony of Massachusetts Bay. In 1639, the Charter of Massachusetts Bay was adjudged in Banco Regis to be seized into the King's hands ; and in 1684 was cancelled in Chancery. That and some of the other Colonies seem to have had from this time no legal Government, except a Governor and Council, till the Revolution of 1688. In 1691 the New Charter of Massachusetts Bay was granted. It contains the following clause :—" We do by these presents incorporate into one real Province, by the name of ' The Province of Massachusetts Bay in New England,' viz. the former Colony of Massachusetts Bay, the Colony of New Plymouth, the Province of Maine, the Territory of Acadia or Nova Scotia, and the tract lying between Nova Scotia and the Province of Maine, and all Islands within ten leagues opposite to the main land within the said bounds." This may seem, at the first glance, an instance of several Provinces, having distinct Legislatures, being without their consent united into one by a Royal Charter ; but a closer examination will show that this Charter had no such operation. None of the Territories so united to Massachusetts had then any separate Government or Legal Constitution. The Province of Maine having been granted by the Council of New Plymouth to Sir F. Georges, he, after the dissolution of that Council, obtained a grant of it from the Crown in 1639, with palatinate powers of Government ; and the Agents of Massachusetts Bay, which had long claimed this tract of country as part of their own Province, and had by the voluntary submission of the inhabitants in Maine since 1652 exercised jurisdiction over it, at length, in 1677, purchased this grant of Georges' heirs or assigns. After which purchase Maine was legally held and possessed by the Company of Massachusetts. The Colony of New Plymouth had never been legally constituted by the Crown : the Charter of the Plymouth Company having been surrendered. The powers of self-government in this Colony were a mere usurpation of a Royal Franchise. The territory of Acadia or Nova Scotia had never been planted, and was at that time in the possession of the French, to whom it had been ceded by the Treaty of Breda. And the tract lying between Nova Scotia and the Province of Maine was the Sagadahoc Territory, which had been granted in 1664 by King Charles the Second to the Duke of York. It was for some time annexed to the Government of New York. It was by the French included in the Territory of Acadia, and at the time of this Charter, 1691, was, with all the rest of Acadia or Nova Scotia, ceded to and in the possession of that Power. On the death of Charles the Second, the right, if any, to this Territory merged in the Crown by the accession of James the Second, and was by the Revolution of King William and Queen Mary at the time of this Charter, and, like Nova Scotia, as yet uninhabited by British subjects. In 1774, by the statute of 14 Geo. III. c. 45, this Charter of Massachusetts was annulled, so far as relates to the Legislative Council being elective, and the Crown was empowered to appoint Councillors, " agreeably to the practice " in Colonies, whereof the Governors are appointed by Commission under the Great Seal."

New Hampshire.

The Council of Plymouth, in 1623, granted to Mason and others the Territories that afterwards became New Hampshire ; but no powers of government passed to these assignees. The settlers in New Hampshire, in 1641, voluntarily submitted to and invited the jurisdiction of Massachusetts, and sent Deputies to its Assembly till 1679. The proprietor, Mason, as well as Georges the proprietor of Maine, complained