

And it was declared in the Charter that "The Governor and Company shall have liberty, full power and authority to appoint and establish Governors and all other officers to govern them, and that the Governor and his Council of the several and respective places where the said Company shall have plantations, forts, factories, colonies or places of trade within any the countries, lands or territories hereby granted, may have power to judge all persons belonging to the said Governor and Company or that shall live under them, in all causes whether civil or criminal, according to the laws of this kingdom, and to execute justice accordingly; and in case any crime or misdemeanor shall be committed in any of the said Company's plantations, forts, factories or places of trade within the limits aforesaid, where justice cannot be executed for want of a Governor and Council there, then in such case it shall and may be lawful for the Chief Factor of that place and his Council to transmit the party, together with the offence, to such other plantation, factory, or fort where there shall be a Governor and Council, where justice may be executed, or into this kingdom of England, as shall be thought most convenient, there to receive such punishment as the nature of his offence shall deserve."

It has been contended by some that this last clause of the Charter empowered the Governor and Company to try all offenders, whether in the employ of the Company or not, who were accused of having committed any crime within the limits of their territory, even where the punishment of such crime was death.

The fallacy of this statement is seen at a glance. How could Charles II, *suo motu* delegate to others the right and authority of making laws to punish crimes, when he had not himself the power of legislating without the advice and assistance of Parliament? It was the King, and not the King, Lords and Commons, who granted the Charter to Prince Rupert and his associates.