

of 1823¹ the sovereign was empowered to erect the island of Van Dieman's Land and any islands territories and places thereto adjacent into a separate colony independent of New South Wales.

The Crown did not at once avail itself of the full power conveyed by the act, preferring to set up temporarily a modified form of independent government. Van Dieman's Land was accordingly erected two years later into a separate colony, with an Executive and Legislative Council as in New South Wales, but the head of the executive was not raised to the full gubernatorial rank.² He was created only a Lieutenant-Governor, capable of exercising all the powers and functions of a governor in the absence of the Captain-General and Governor-in-Chief, but subordinate to the representative of the Crown in New South Wales, who retained the superior title and dignity of Governor-in-Chief.³ In all other respects the separation was complete. The relationship thus established between the two colonies, was a peculiar one, for, though their legislative powers were equal and distinct, yet the executive of the little island was subject to an indeterminate control from Sydney.⁴ The English government was apparently seeking to combine the principle of local autonomy, which experience had proved was essential to the development of Van Dieman's Land, with the advantage of a supervisory unity of administrative policy throughout Australia.

This act of separation established an important precedent. Up to this time the history of New South Wales had been the history of Australia. The mother colony now entered upon a process of territorial disintegration by which she was gradually stripped of the most of her territory by her vigorous young offspring, who had gone forth to found new settlements. The history of the next forty years, which may fittingly be denominated the period of separation, is largely a record of the successive struggles of these outlying territories to attain an independent colonial status,—struggles which absorbed the political energies of the colonies to the exclusion of other more important constitutional matters.

In 1829, the unfortunate Swan River settlement was founded

¹ 4 Geo. IV, c. 96.

² Quick and Garran, *Annot. Const. of Aust.*, p. 59.

³ Flanagan, *Hist. of N.S.W.*, p. 265.

⁴ The character of this anomalous relationship is set forth in Lord Bathurst's letter to Sir T. Brisbane, N.S.W., V.P.L.C. 1823, vol. 1, p. 1.