

clear and certain instance of separating from one Colony a portion of its territory and erecting it into a distinct Province. The Charter of South Carolina was cancelled in 1720. The succeeding Commission to F. Nicholson as Governor contained no alteration of the former boundaries, which included the whole of what was afterwards Georgia. The following extracts from the Charter of Georgia in 1732 show how advisedly this separation was made. "And whereas the said Corporation intend to settle a Colony, and to make an habitation and plantation in that part of our Province of South Carolina, in America, hereinafter described: Know ye, therefore, that we, greatly desiring the happy success of the said Corporation, for their further encouragement in accomplishing so excellent a work, have, of our especial grace, certain knowledge, and mere motion, given and granted, and by these presents, for us, our heirs, and successors, do give and grant, to the said Corporation, and their successors under the reservations, limitations and declarations hereafter expressed, seven undivided parts (the whole into eight equal parts to be divided) of all those lands, countries and territories, situate, lying and being in that part of South Carolina in America which lies from the northern stream of a river there commonly called the Savannah, all along the sea coast to the southward, unto the most southern stream of a certain other great water called the Alatomaha, and westward from the heads of the said rivers respectively, in direct lines to the South Seas, and all that space, circuit and precinct of land lying within those boundaries. . . . All which lands, countries, territories and premises hereby granted or mentioned, or intended to be granted, We do by these presents make, erect and create one independent and separate Province, by the name of Georgia; by which name we will the same henceforth be called, and that all and every person and persons who shall at any time hereafter inhabit or reside within our said Province, shall be and are hereby declared to be free, and shall not be subject to, or be bound to obey, any laws, orders, statutes or constitutions which have been heretofore made, ordered or enacted, or which hereafter shall be made, ordered or enacted, by, for, or as the laws, orders, statutes, or constitutions by our said Province of South Carolina (save and except only the Commander-in-Chief of the Militia of our said Province of Georgia to our Governor for the time being of South Carolina, in manner hereinafter declared); but shall be subject to, and bound to obey such laws, orders, statutes, and constitutions, as shall from time to time be made, ordered and enacted for the better government of the said Province of Georgia, in the manner hereinafter directed."

The Eastern and all other Colonies of Great Britain, though of too recent an origin and too peculiar a condition to afford any precedents of importance upon the present question, do not, it is believed, offer any example unfavourable to the Petitioners' case. The separation, however, of the Island of Van Diemen's Land in 1825, from the government and territory of New South Wales, within the limits of which that Island had been included since the year 1786, may be mentioned as another exercise of the Prerogative to establish a new Colony from within the boundaries of another.

From this review of the usage and exercise of the Royal Prerogative over the Colonies for a period of above two hundred years, the following Conclusions appear to arise:—1st. That several Islands or Provinces, whether acquired by conquest or discovery, may be combined into one Government; and that the power given to the Governor to call General Assemblies within such Government, and by their consent to legislate, may be exercised severally for each Island or Province. 2nd. That such Governments may be dissolved, and others formed with different combinations of several Islands or Provinces, by acts of the Prerogative; but that such acts have no effect upon the separate and distinct existence of each Colony, or of its Legislature. 3rd. That a Colony may be divided or dismembered, by acts of the Prerogative; and such a division or member may be endowed with separate and distinct administration and legislative powers and privileges, and may be separated and erected into a distinct Province or Government. 4th. That when any such division or member of any Government or Province has been so constituted with such separate and distinct administrative

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Conclusions from the foregoing instances.