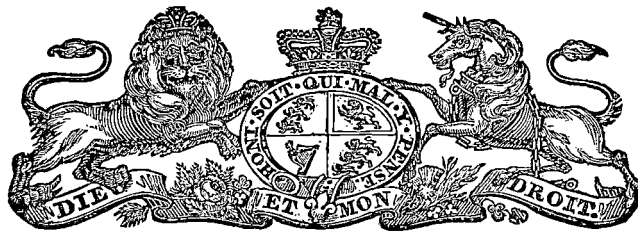


(No. 75.)



1880.

T A S M A N I A.

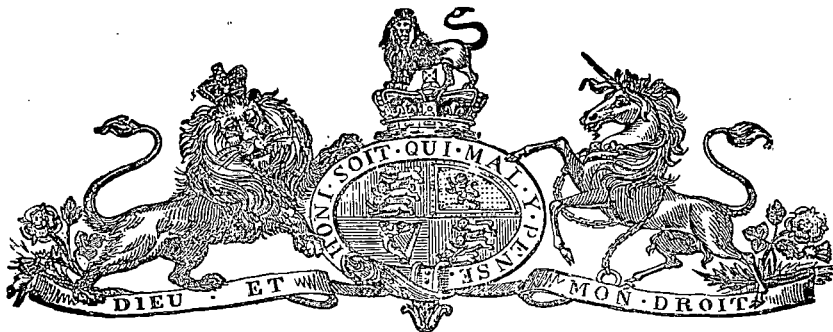
H O U S E O F A S S E M B L Y.

W E S T L A G O O N :

C O R R E S P O N D E N C E B E T W E E N T H E G O V E R N M E N T
A N D M E S S R S . R I T C H I E .

Return to an Order of the House. (Mr. Coote.)

Laid upon the Table by the Minister of Lands, and ordered by the House to be
printed, August 26, 1880.



APPLICATION TO PURCHASE CROWN LAND.

(Post Town), Belmont, Longford,

(Date), 1st April, 1879.

SIR,

I beg to make application to purchase for credit the following (State for Cash or Credit in the blank space.)
Lot of Crown Land under the 24th Section of The Waste Lands Act,
1870.

County of Westmorland.

Parish of Longford.

320 Acres.

(Description)—Being the northern portion of West Lagoon.

I am,

Sir,

Your obedient Servant,

GEORGE RITCHIE.

The Commissioner of Crown Lands.

(State Name in full, and whether or not Applicant is of age, as Minors cannot purchase on credit.
Married females are not eligible to make purchases.)

*The fee of One Shilling has been received by me this 1st day
of April, 1879.*

F. J. B.

[TURN OVER.]

Selection of Land for Purchase.

24 Every person shall have the right of selecting and purchasing by private contract, at the price and upon the terms set forth in the Schedule (1), one lot of Agricultural Land not exceeding Three hundred and twenty acres.

25 The Commissioner shall upon payment of the expense of surveying the same, to be fixed by him, cause every lot of Land so selected for purchase to be surveyed; and after such survey the Commissioner and applicant shall mutually enter into a contract for the sale and purchase of such land, at the price, on the terms, and subject to the conditions in this Act contained in relation to such sale of selected land.

26 The contract for the sale of every lot selected for purchase under this Act shall contain a condition for forfeiture to the Crown of the Land selected unless the Selector, his tenant or servant, shall, within One year after the date of such selection, commence to reside upon such lot and shall continue to reside thereon until the full amount of purchase money for such lot is satisfied.

27 No person shall be capable of holding at any one time more than one such lot for which a grant from the Crown has not issued: Provided that nothing herein contained shall prevent a person who is the holder of any such ungranted lot from taking and holding any second or subsequent ungranted lot which may descend or be devised to him, or to which he may become entitled by marriage.

Conditions of Payment of Purchase-money.

39 Upon the sale of any Lands by auction, if the purchaser, at the time of sale, declares that he is desirous of being allowed credit, such credit shall be allowed on the terms hereinafter mentioned; and unless the purchaser so declares that he is desirous of being allowed credit, he shall pay, in ready money at the time of sale, a deposit of one-fifth of the price, and shall pay the residue of the price within one month next after the time of sale; and unless he pays such residue within such time, the deposit shall be forfeited and the sale void, and the Land shall revert to the Crown.

40 Upon the sale of any Lands by private contract the purchaser shall, at his option, either pay the purchase money in ready money, or shall be allowed credit on the terms hereinafter mentioned.

41 Upon the sale of any Lands whether by auction or by private contract, except Lands selected under the Twenty-fourth Section of this Act, the terms of credit shall be as follows:—A sum equal to one-third of the price shall be added thereto by way of premium for the allowance of credit, and the amount of the price and premium together shall become the purchase money of the Land; and the purchaser shall pay a deposit of one-eighth of such purchase money at the time of sale or signing the contract, as the case may be, and shall contract to pay, and shall pay, the residue of the purchase money by annual instalments of one-thirteenth of the purchase money, the first instalment to be paid at the expiration of one year from the time of sale or signing of the contract, as the case may be.

SCHEDULE.

(1.)

| | | | |
|------------------------------------|-------------|----------|----------|
| 100 Acres at 20s. | £ | s. | d. |
| Add $\frac{1}{2}$ for credit. | 100 | 0 | 0 |
| | 33 | 6 | 8 |
| | <u>£133</u> | <u>6</u> | <u>8</u> |

| | | | |
|--------------------------------|-------------|----------|----------|
| | £ | s. | d. |
| Cash at time of purchase | 3 | 6 | 8 |
| First year | 5 | 0 | 0 |
| Second year | 5 | 0 | 0 |
| Third year | 10 | 0 | 0 |
| Fourth year | 10 | 0 | 0 |
| Fifth year | 10 | 0 | 0 |
| Sixth year | 10 | 0 | 0 |
| Seventh year | 10 | 0 | 0 |
| Eighth year | 10 | 0 | 0 |
| Ninth year | 10 | 0 | 0 |
| Tenth year | 10 | 0 | 0 |
| Eleventh year | 10 | 0 | 0 |
| Twelfth year | 10 | 0 | 0 |
| Thirteenth year | 10 | 0 | 0 |
| Fourteenth year | 10 | 0 | 0 |
| | <u>£133</u> | <u>6</u> | <u>8</u> |

and so in proportion for any greater or smaller area than One hundred Acres.

REGULATIONS under "The Waste Lands Act, 1870."

1. All applications to purchase Crown Land, whether by auction or by private contract, must be made on a printed form, which can be obtained at this Office; at the Branch Office, Launceston; at the various Post and Police Offices throughout the Colony, and from any District Surveyor, on payment of the fee of One Shilling.

2. The applicant must state the area required, describe its position as accurately as possible with reference to some fixed point, and forward the application to the Commissioner of Crown Lands.

3. Should the application be approved, the applicant will be called upon to pay the Survey Fee, in accordance with the following scale of charges, within Sixty days from the date of approval, failing in which the land will be disposed of to the next applicant.

4. After payment of the Survey Fee the land will be marked off, and the applicant will be required to pay the deposit on the purchase money within Sixty days from the date of notice: should he fail to do so, the land will be disposed of to the next applicant, or offered for sale by public auction.

5. After payment of the deposit the necessary contract for the sale of the land will be entered into.

6. Should two or more applications for the same land be received simultaneously, the lots will be disposed of by public auction.

7. Purchasers may transfer their interest in the land, provided they obtain the written consent of the Commissioner, and pay the transfer fee of Threepence in the pound on the purchase money. Application to be made in writing attested by a Justice of the Peace.

8. Lots fronting on a road, river, lake, or the sea will as a general rule, have their width and depth so regulated as not to exceed the proportion of 1 to 2, the first figure representing the width.

9. Lots not having such frontage will, as a general rule, be laid off in square blocks, the lines bearing to the cardinal points of the compass.

10. On the completion of a purchase the purchaser will be required to pay the sum of Fifteen Shillings for the preparation of the Grant Deed.

11. Survey Scale.

| Particulars. | Ordinary Crown Land. | Densely wooded or Scrub Land. |
|--|----------------------------|-------------------------------------|
| | £ s. | £ s. d. |
| 25 acres and under | 2 10 | 3 2 6 |
| Above 25 and not exceeding 50 acres.... | 4 0 | 5 0 0 |
| " 50 " 100 " | 7 0 | 8 15 0 |
| " 100 " 150 " | 8 0 | 10 0 0 |
| " 150 " 200 " | 9 0 | 11 5 0 |
| " 200 " 250 " | 10 0 | 12 10 0 |
| " 250 " 320 " | 11 0 | 13 15 0 |
| " 320 " 640 " | 13 0 | 16 5 0 |
| " 640 " 1000 " | 16 0 | 20 0 0 |
| " 1000 " 1500 " | 19 0 | 23 15 0 |
| " 1500 " 2000 " | 22 0 | 27 10 0 |
| " 2000 " 2560 " | 26 0 | 32 10 0 |
| " 2560 " 3200 " | 30 0 | 37 10 0 |
| (Any larger lot than the last named to be charged for at the rate of £7 10s. extra for every 1000 acres above 3200 if the land be either clear or open forest ground, and £10 per 1000 acres if densely wooded or scrub land.) | | |
| Single Town Allotment | 1 5 | 1 11 0 |
| Ditto Suburban | 2 10 | 3 2 6 |
| For a Section of any Township containing not fewer than five allotments | 6 5 | 7 16 3 |
| Connecting Surveys, for the first mile | 5 0 | 6 5 0 |
| Ditto, every additional chain | 0 1 | 0 1 3 |

SIR,

*Lands and Works Office,
2nd April, 1879.*

YOUR letter of the 1st instant has been duly received, and a reply thereto shall be forwarded as soon as practicable.

I have, &c.

H. J. HULL, Deputy-Commissioner Crown Lands.

To GEORGE RITCHIE, Esq., Belmont, Longford.

SIMILAR letter to T. G. Ritchie, Esq., dated 7th April, 1879.

APPLICATION TO PURCHASE CROWN LAND.

Longford, 5th April, 1879.

SIR,

I beg to make application to purchase for credit the following Lot of Crown Land under the provisions of "The Waste Lands Act, 1870," 24th Section.

County of Westmorland.

Parish of Longford.

200 acres (more or less.)

Description—Being the southern portion of West Lagoon, adjoining and to the south of 320 acres applied for by George Ritchie.

I am,

Sir,

Your obedient Servant,

The Commissioner of Crown Lands.

GEO. THOS. RITCHIE.

The fee of One Shilling has been received by me this 5th day of April, 1879.

F. J. B.

Lands and Works Office, 23rd June, 1880.

SIR,

I REQUEST you will be good enough to deposit in this Office the sum of £13 15s. for survey of 320 acres of agricultural land in the Parish of Longford, County of Westmorland, selected by you under the 24th Section of "The Waste Lands Act, 1870."

I have, &c.

H. J. HULL, Deputy Commissioner of Crown Lands.

Mr. GEORGE RITCHIE, Belmont, Longford.

P.S.—If the Surveyor reports this land to be unfit for agricultural purposes or of an auriferous or mineral-bearing character, it will not be disposed of under the 24th Section of the Act.

MEMO.

Branch Office, Lands and Works, Launceston.

THE sum of Twenty-five Pounds is herewith forwarded as survey fees on the following application :—

| | £ | s. | d. |
|---|-----|----|----|
| George Ritchie, Longford, 320 acres, Parish of Longford..... | 13 | 15 | 0 |
| Geo. Thos. Ritchie, Longford, 200 acres, Parish of Longford | 11 | 5 | 0 |
| | £25 | 0 | 0 |

*F. J. BOOTHMAN.
25 June, 1879.*

The Surveyor-General, Hobart Town.

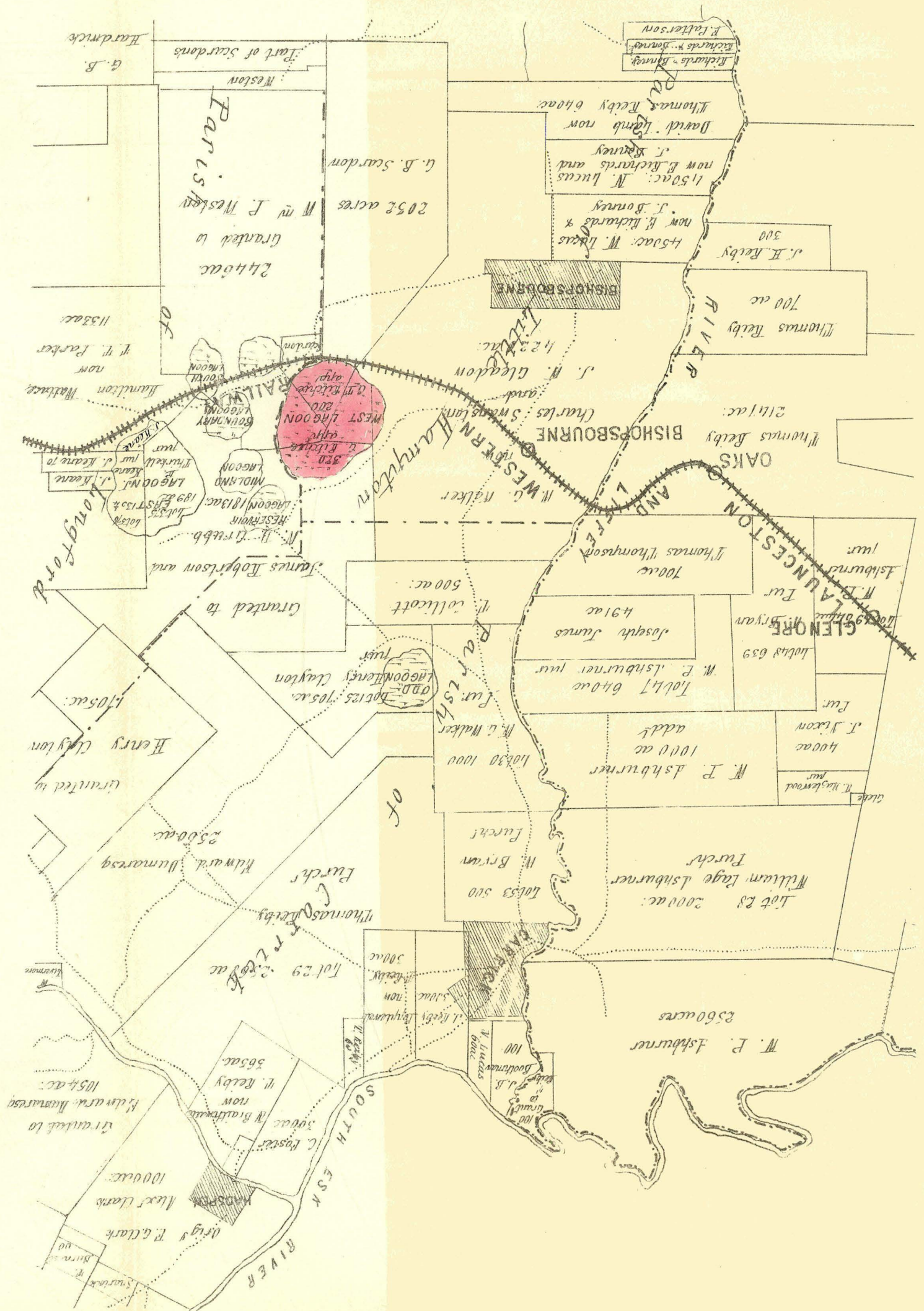
MEMO.

Lands and Works Office, 4th July, 1879.

APPLICATION having been made by the Messrs. Ritchie to purchase the lagoon shown in pink on the enclosed lithographed plan, I shall be glad of Mr. Scott's views as to the advisability of disposing of the lands.

H. JOCELYN HULL.

JAMES SCOTT, Esq., M.H.A., Launceston.



MEMO.

Launceston, 7th July, 1879.

IN August, 1839, I surveyed and divided this lagoon into four equal portions, of 102 acres each, which Messrs. Skardon, Weston, Rowcroft, and Walker then claimed as their frontages for water, and applied for the same to the Government about that time, as the lines on the lithograph plan shows, I having sent a plan of the same to the Survey Office.

These gentlemen had then cut a drain to take off the water, but since then, in consequence of not getting a title thereto, the drain has been filled in, and the water now covers the lagoon. They also erected fences and small drains along the division lines, still remaining; and they looked upon the land as belonging to them, the same as several other smaller lagoons there surrounded by the adjoining locations.

Also, if the Government sell this lagoon they will have to purchase a right of road thereto through one or other of the adjoining lands; and whilst the drain is closed the lagoon is all under water, except in very dry summers, when it is nearly dry, but always has some water.

If sold I apprehend the adjoining owners would strongly object to strangers coming into their frontages on the water in the lagoon. I suppose the correspondence of 1839 will throw some further information on this. Plan returned herewith.

JAMES SCOTT.

H. J. HULL, *Deputy Commissioner Crown Lands, Hobart Town.**7th August, 1879.*

WILL Mr. Scott kindly inform me who the owners are of the property fronting upon the lagoon applied to purchase by the Messrs. Ritchie?

H. J. HULL.

JAMES SCOTT, *Esq., M.H.A., Launceston.**Launceston, 9th August, 1879.*

THE present owners of the lands adjoining the lagoon are as follows:—

- 1st. On the north, Robert Thirkell, of Woodstock, by Longford, owner of Rowcroft's location.
- 2nd. On the east, the executors of the late E. Weston, viz. John Wilmore, of Kinlet, Mrs. E. Weston, of Hythe, near Longford, and T. M. Clerke, on the N.W. Coast, near the Leven River.
- 3rd. The late G. B. Skardon's is on the south part of the lagoon; is now his grandson's, Albert Greenhill, but his present residence I cannot say. The tenant on the farm is Henry Smith, of Little Hampton.
- 4th. On the west portion is the college estate of Bishopbourne, the managers of which I cannot say.

JAMES SCOTT.

H. J. HULL, *Esq., Lands and Works Office, Hobart Town.**12th August, 1879.*

WILL the Solicitor-General have the goodness to advise whether the Commissioner of Crown Lands has the power to refuse to entertain these applications of the Messrs. Ritchie to purchase West Lagoon, assuming that it is now no longer a lagoon, but waste lands.

H. J. HULL.

*The Solicitor-General.**DESCRIPTION from Grant Deed.*

CHARLES SWANSTON and JOHN WARD GLEADOW.

4220 acres. *Little Hampton and Carrick.*

BOUNDED on the north by 118 chains along a location to Thomas Collicot now occupied by or belonging to Richard Kirkham commencing at a drain on the River Liffey and extending easterly to a location to Horace Rowcroft, on the east by 77 chains 80 links southerly along the last-mentioned location and extending to West Lagoon, thence by that lagoon to land granted to George Briscoe Skardon, on the south east by 100 chains 70 links south-westerly along that grant, on the east by 100 chains southerly also along that grant and extending to a location to David Lamb, since granted to Thomas Reibey, on the south by 66 chains 50 links westerly along that grant, on the western side by 57 chains northerly partly along the last-mentioned grant and along a location to Nathaniel Lucas, since granted to Elizabeth Richards and Joseph Bonney, on the south by 1 chain 50 links westerly along the last-mentioned grant, again on the western side by 44 chains northerly along land located to William Lucas, since granted to Elizabeth Richards and Joseph Bonney, again on the south by 94 chains 50 links westerly also along that grant to the River Liffey aforesaid, and thence by that river to the point of commencement.

DESCRIPTION from Grant Deed.

WILLIAM PRITCHARD WESTON.

2246 acres. *Longford.*

BOUNDED on the east by 191 chains and 72 links northerly in four bearings as now fenced along a location to Thomas Wilson, since granted to William Archer, and along a location to Hamilton Wallace now claimed by Thomas Tucker Parker commencing at the south-west angle of the first-mentioned location, on the north by 19 chains and 46 links westerly also along the aforesaid location to Hamilton Wallace to the eastern edge of S. Lagoon, thence by the eastern, southern, and western edges of that lagoon to the south-west boundary of Lot 75 purchased from the crown by Horace Rowcroft, on the north east by 4 chains and 70 links or thereabouts north-westerly as now fenced along that lot to the south-east edge of Boundary Lagoon, thence by the south-eastern, south-western, and north-western edges of that lagoon to the west boundary of Lot 75 aforesaid, thence on the eastern side by 11 chains or thereabouts northerly as now fenced along that lot to the southern edge of Midland Lagoon, thence by the south-western edge of that lagoon to the southern boundary of Lot 75 aforesaid, thence on the northern side by 17 chains or thereabouts northerly as now fenced along that lot to the eastern edge of the West Lagoon, thence by the eastern and south-eastern edges of that lagoon to that part of the said William Pritchard Weston's location now occupied by or belonging to James Greenhill, on the south-west by 15 chains or thereabouts south-easterly as now fenced along the last-named land to the north-western edge of another lagoon, and by a continued south-easterly line of 3 chains and 62 links or thereabouts across part of that lagoon, on the north-western side by 16 chains and 50 links south-westerly as now fenced, also across part of the said lagoon to the southernmost extremity thereof, again on the south west by 4 chains and 27 links south-easterly as now fenced along the before-mentioned part of the said William Pritchard Weston's location, on the northern side by 33 chains and 70 links westerly as now fenced also along the last-mentioned land, thence on the west by 167 chains and 10 links or thereabouts southerly in 3 bearings as now fenced, along land granted to George Briscoe Skardon now occupied by or belonging to James Greenhill, Thomas Scott, and James Henty respectively, and thence on the south by 115 chains and 58 links easterly also along land granted to the aforesaid George Briscoe Skardon now occupied by or belonging to the said William Pritchard Weston to the point of commencement.

Kinlet, Longford, 29th September, 1879.

SIR,

I HAVE the honor to address you respecting a Lagoon in the Parish of Little Hampton, I believe known as the West Lagoon, surrounded by lands of W. P. Weston, late G. B. Scardon's, now Greenhill, W. G. Walker's, now College Estate, and Robert Thirkell, late H. Rowcroft, which I hear some person or persons have applied or are about to apply to purchase.

This Lagoon I always believed belonged to the properties surrounding it, and was fenced in some 35 years ago by the different proprietors, who tried to drain it but did not succeed; and it is now one vast sheet of water. I may, moreover, state there is no road to it,—so do not see how it can be sold; but I should be glad of information on the subject, as, if the Government have the power to sell, I think the parties whose properties surround it should have the opportunity of purchasing the portions fenced in by them, if they feel disposed to do so.

I have, &c.

JOHN WILMORE,

*One of the Trustees Estate late E. Weston.**Hon. C. O'REILLY, Minister of Lands.*

FORWARDED to the Solicitor-General with reference to Messrs. Ritchie's application to purchase this Lagoon, forwarded to Mr. Adams for his opinion on the 13th August last.

The Honorable the Minister of Lands and Works would be glad to have the Solicitor-General's opinion on this matter as early as practicable.

*The Solicitor-General.*H. J. HULL.
1 Oct., 1879.

BEFORE Messrs. Ritchie can claim a right to purchase this land the Commissioner of Crown Lands must have satisfied himself that it is agricultural land (34 Vict. No. 10, Sect. 20); and, if he is not so satisfied, he will state that he has no legal power to sell.

I do not pretend to say whether the owners of land surrounding the Lagoon may have acquired any conflicting interest in the lagoon.

H. J. HULL, *Esq.*ROBT. P. ADAMS.
3. 11. 79.

MEMO.

WILL the Warden of Longford kindly cause enquiry to be made, for the information of the Commissioner of Crown Lands, as to the present state of West Lagoon, shown on the enclosed plan, whether it is now dry and fit for agricultural purposes, or still in its original state.

H. J. HULL, *Deputy Commissioner of Crown Lands.*
Lands and Works Office, 14th November, 1879.

The Worshipful the Warden, Longford.

WEST Lagoon is still under water, and, in its present state, unfit for agricultural purposes.
Longford 17th November, 1879.

WM. DODERY, *Warden.*

UNDER these circumstances I suppose the Honorable the Commissioner of Crown Lands will not approve of Messrs. Ritchie selecting this lagoon under the 24th Section of the Act.

H. J. H.
28. 11. 79.

Not approved.

C. O'REILLY.
20. 11. 79.

Kinlet, 18th November, 1879.

SIR,

I FIND by a tracing forwarded to the Warden of Longford that Messrs. G. and G. H. Ritchie are applying to purchase the West Lagoon. As you are aware it is surrounded by private property, and I always thought it was included in the grants to the different parties: at any rate, it has been fenced for many years, affording water for their stock; and it would be a great injury and injustice that it should go out of the hands of those whose property surrounds it, as, if the Government have the power to sell, those interested would be willing to purchase same. Mr. James Keane informs me he purchased a portion of a lagoon in close proximity to the above-mentioned at £1 per acre a short time since; and he and Mr. R. Thirkell some time since purchased the other portion of it at same price; and I am sure those interested would be willing to do so on the same terms. At any rate, I may mention that the Trustees in Weston's Estate would be willing to purchase their portion of it, and protest against it being sold privately in any other direction. I have spoken to Mr. Reibey, one of the Trustees to College Estate, on the subject, and he is writing you to-day.

I wrote the Minister of Lands on the same subject on the 29th September, but have not received any reply.

I should feel obliged by replying at once to my communication.

I have, &c.

H. J. HULL, *Esq.*

J. WILMORE.

SIR,

Lands and Works Office, 21st November, 1879.

YOUR letter of the 18th instant is duly to hand. From enquiry I have made I find that West Lagoon is still under water, and quite unfit for agricultural purposes. The Messrs. Ritchie therefore cannot select the land under the 24th Section of the Waste Lands Act, and I have so informed them.

If the land is disposed of at all it must be by Public Auction.

Your letter of the 29th September was not answered pending a reference to the Law Officers of the Crown, whose opinion I have only just now received.

I have, &c.

H. J. HULL, *Deputy Commissioner of Crown Lands.*

J. WILMORE, *Esq., Kinlet, Longford.*

Lands and Works Office, 21st November, 1879.

SIR,

REFERRING to your application to purchase 200 acres of land in the Parish of Longford, under the 24th Section of "The Waste Lands Act," "being the southern portion of West Lagoon," I find from inquiry that the Lagoon is still under water, and, in its present state, quite unfit for agricultural purposes.

It therefore cannot be selected under the 24th Section of the Act; and I herewith return the survey free transmitted by you, as I have no desire to put you to the expense of surveying land that you will not be permitted to select.

I have, &c.

H. J. HULL, *Deputy Commissioner of Crown Lands.*

T. G. RITCHIE, *Esq., Longford.*

Lands and Works Office, 21st November, 1879.

SIR,

REFERRING to your application to purchase 320 acres of land in the Parish of Longford, under the 24th Section of "The Waste Lands Act," "being the northern portion of West Lagoon," I find from inquiry that the Lagoon is still under water, and, in its present state, quite unfit for agricultural purposes.

It cannot be selected under the 24th Section of the Act; and I herewith return the survey fee transmitted by you, as I have no desire to put you to the expense of surveying land that you will not be permitted to select.

I have, &c.

H. J. HULL, *Deputy Commissioner of Crown Lands.*

GEORGE RITCHIE, *Esq., Longford.*

Hobart Town, 22nd November, 1879.

SIR,

IN forwarding the enclosed memorial from the tenants of Christ's College Estate in regard to the application to purchase West Lagoon, which proposal has, we are aware, been negatived by you, we would desire to endorse all that has been urged by the tenants against allowing the lagoon to pass out of the hands of the Government, and in justice to the tenants fronting on the lagoon (whose interests in their several holdings would be very seriously affected) trust that the Government may never sanction any future attempt on the part of any person to acquire the lagoon under the 24th Section of "Waste Lands Act, 1870."

On behalf of ourselves, as trustees of the College Estate, we desire to place on record our formal protest against any alienation from the Crown of the lagoon in question.

We are, &c.

W. TARLETON, *Chairman of Trustees of Christ's College Estate.*

FRED^K. M. INNES,

THOS. REIBEY,

CHARLES ARTHUR,

W. LOVETT,

W. H. KERMODE,

} *Trustees of Christ's College Estate.*

The Honorable the Minister of Lands and Works.

Bishopsbourne, 22nd November, 1879.

SIR,

IT having come to our knowledge that certain parties have made application to your Department to "select for purchase" the lagoon known as West Lagoon, Bishopsbourne, contiguous to the Christ's College estate, we, the undersigned tenants of the Christ's College property, which is bounded by that lagoon, desire to express our satisfaction that such proposals were declined on the ground that the lagoon in question was not "agricultural land" within the terms of the Act.

We desire to state that we have been tenants on the College estate for very many years, and are entirely dependent upon the lagoon for watering of our stock, &c., which, being generally a perfect sheet of water, cannot, it is obvious, be available for agricultural purposes; besides no road is in existence by which access to same could be obtained, it being surrounded by the College estate and other private properties.

We trust, therefore, that the advantages we have hitherto enjoyed may be allowed to remain undisturbed, as any alienation from the Crown of the lagoon would be disastrous to a large section of striving farmers living in close proximity to same, whose interests we pray you may protect.

We remain, &c.

John M'Queen.

John Conra.

Rebecca R. Hopkins.

William Edwards.

Daniel Brooks.

John Rudd (his + mark).

John Blair.

James M'Bain.

John Hall.

William Scolyer.

The Hon. the Minister of Lands and Works.

St. John-street, Launceston, 25th November, 1879.

SIR,

WE have the honor, on behalf of Messrs. George Ritchie and Thos. G. Ritchie, to acknowledge the receipt of your letters to them of the 21st inst., with reference to their respective applications under the 24th Section of "The Waste Lands Act," for 320 acres and 200 acres of land, being northern and southern portions of the West Lagoon.

On behalf of the Messrs. Ritchie we have to express our surprise that an attempt should be made to deny their right to select the land referred to. They have, under the 24th Section of "The Waste Lands Act," an absolute right to select and purchase at the price and upon the terms set forth in the schedule (1), each one lot of agricultural land not exceeding three hundred and twenty acres. The land in question is good agricultural land, and in former years a large portion of it was under cultivation. It is dry nearly every summer, and during many months of the present year the whole of it has been dry. It was at one time thoroughly drained, and if the drains which are now partially filled up were opened the land would again be rendered perfectly dry. These facts are not only stated by Mr. Geo. Ritchie, and within our own knowledge, but they are well known in the locality.

If we are not incorrectly informed Mr. Jas. Keane has quite recently been allowed to select and purchase under the 24th Section of "The Waste Lands Act" a portion of the East Lagoon, which is now under water.

We beg to refer you to the Act 22 Vict. No. 15, "An Act to facilitate the drainage and irrigation of land," the policy of which we respectfully submit was to afford facilities for, and to encourage the irrigation and drainage of land similarly situated to that applied for by the Messrs. Ritchie.

You have not assigned any valid reason why the Messrs. Ritchie should not be permitted to exercise their right to make the selections in question; and we therefore return your cheques for £13 15s. and £11 5s., and have to request that you will give the matter further consideration, and inform us at your earliest convenience whether you intend to offer any further objection to the lands being surveyed for the Messrs. Ritchie.

We have, &c.

H. J. HULL, *Esq., Deputy Commissioner of Crown Lands, Hobart Town.*

RITCHIE & PARKER.

Lands and Works Office, 27th November, 1879.

GENTLEMEN,

I HAVE the honor to acknowledge the receipt of your letter of the 25th inst.; and in reply I desire to point out that the right of selection conferred by Section 24 of "The Waste Lands Act" has reference only to agricultural land, as defined by Section 20, and that as the land in question has not as yet been brought within that definition it is not open to your clients to select the same.

I have, &c.

Messrs. RITCHIE & PARKER, *Solicitors, Launceston.*

H. J. HULL,
Deputy Commissioner of Crown Lands.

St. John-street, Launceston, 29th November, 1879.

SIR,

WEST LAGOON.—RITCHIE'S APPLICATIONS.

WE have the honor to acknowledge the receipt of your letter of the 27th inst., in reply to ours of the 25th inst., with reference to the above applications. We do not understand from your letter why the land in question has not been brought within the definition of agricultural lands, unless it is that a surveyor or some person deputed by the Commissioner has improperly reported it to be unsuitable for cultivation. It is within our own knowledge and of that of numerous other persons that the land is not only suitable for cultivation but that a considerable portion of it has actually been cultivated, and with very satisfactory results.

Under the circumstances our clients insist upon their right to select the lands in question, and we have to ask that the Commissioner will cause a proper inquiry to be made as to whether the lands are or are not suitable for cultivation.

We have, &c.

H. J. HULL, *Esq., Lands and Works Office, Hobart Town.*

RITCHIE & PARKER.

St. John-street, Launceston, 21st January, 1880.

SIR,

WEST LAGOON.—RITCHIE'S APPLICATIONS.

WE have the honor to call your attention to our letter of the 29th November last hereon, and also to bring under your notice the fact, which you can easily verify, that the West Lagoon is now, and has been for some time past, perfectly dry, and is likely to remain dry for many months to come. The marks of former cultivation can be easily seen, and the land within the boundaries of the Lagoon is to all intents and purposes agricultural land.

We trust that it will not be necessary to call for a Parliamentary inquiry into the real reason why the applications of the Messrs. Ritchie have hitherto been rejected.

We have, &c.

RITCHIE & PARKER.

H. J. HULL, *Esq.*, *Lands and Works Office, Hobart Town.*

Lands and Works Office, 2nd January, 1880.

SIR,

YOUR letter of the 21st instant has been duly received, and a reply thereto shall be forwarded as soon as practicable.

I am, &c.

H. J. HULL, *Deputy Commissioner of Crown Lands.*

To Messrs. RITCHIE & PARKER, Solicitors, Launceston.

St. John-street, Launceston, 4th March, 1880.

SIR,

Re WEST LAGOON.

WE have the honor to inform you that we have been requested by Messrs. George and George Thomas Ritchie to bring under your notice the following facts :—

1. Mr. David Hall, who resides about 12 miles from Westbury, can testify that he was overseer for the late Alex. Clerke, by whom a considerable part of the Lagoon was cultivated, and that in one year 100 acres were cultivated for oats and produced a crop of 70 bushels per acre; and also that barley, turnips, and potatoes were cultivated with success on the Lagoon.

2. Mr. Greig, who rents part of the late Mr. E. Weston's property, rents the same as 270 acres at £80 per annum. Of the 270 acres 100 acres at least form part of the Lagoon, *i.e.*, part of crown property for which the trustees have never paid anything.

It is not surprising that parties who have so long appropriated to their own use part of the public estate should offer a strong opposition to those who claim a statutory right to select that land under the 24th Section of "The Waste Lands Act."

We have, &c.

RITCHIE & PARKER.

*The Hon. C. O'REILLY, Esq.,
Commissioner of Crown Lands, Hobart Town.*

Launceston, 24th March, 1880.

SIR,

WEST LAGOON.

WE have to request that you will have the goodness to furnish us with a tracing showing the boundaries of the West Lagoon, as shown by the lengths and bearings of adjoining land granted by the crown.

Yours truly,

RITCHIE & PARKER.

H. J. HULL, *Esq.*, *Lands and Works Office, Hobart Town.*

PAPERS forwarded to the Deputy Commissioner.

HUGH M. HULL,
25th March, 1880.

St. John-street, Launceston, 22nd April, 1880.

SIR,

WEST LAGOON.

WE beg to call your attention to our letter of the 24th ult., in which we requested that you would be good enough to furnish us with a tracing showing the boundaries of the West Lagoon, as shown by the lengths and bearings of adjoining lands granted by the crown.

As we have in hand the preparation of a case upon the above matter for the elucidation of which a tracing of the Lagoon is required, we shall be obliged by your causing it to be furnished at your early convenience.

Yours truly,

RITCHIE & PARKER.

H. J. HULL, Esq., *Lands and Works Office, Hobart Town.*

St. John-street, Launceston, 17th May, 1880.

DEAR SIR,

WEST LAGOON.

WE desire again to call your attention to our letters of the 24th March and 22nd ult., to neither of which we have received any reply.

We shall be quite ready to pay for the tracing asked for, but must insist upon being furnished with the information required without further delay.

Yours truly,

RITCHIE & PARKER.

H. J. HULL, Esq., *Lands and Works Office,
Hobart Town.*

Lands and Works Office, 18th May, 1880.

MY DEAR SIR,

I CANNOT supply you with this tracing without the authority of the Minister of Lands and Works.

Your letters are with him, and I have received no instructions to furnish the information you require. I wish you would write direct to Mr. O'Reilly.

Yours very truly,

Messrs. RITCHIE & PARKER, *Launceston.*

H. J. HULL.

St. John-street, Launceston, 25th May, 1880.

SIR,

WEST LAGOON.

WE have the honor to call your attention to the fact that we have already written three times, viz., on the 24th March, 22nd ult., and 17th inst., to Mr. H. J. Hull, of your Department, for a tracing of the West Lagoon, on behalf of Messrs. George and George T. Ritchie, and have received no reply. We trust that the Government will not continue to deny to our clients the information which is usually afforded to applicants, and which in the present case is of special importance, as our clients intend to bring the matter of their applications under the notice of Parliament in the ensuing session, and must to some extent do so at a disadvantage unless the information required is furnished.

We have, &c.

RITCHIE & PARKER.

The Hon. C. O'REILLY, *Minister of Lands and Works,
Hobart Town.*

Lands and Works Office, Hobart Town, 27th May, 1880.

GENTLEMEN,

I HAVE the honor to acknowledge the receipt of your letter of the 25th inst. with reference to a tracing of the West Lagoon, for which you have on three occasions applied.

Your letter shall receive attention at the hands of the Hon. the Minister of Lands and Works on his return to head quarters on or about the 1st proximo.

I have, &c.

Messrs. RITCHIE & PARKER, *Solicitors,*
Launceston.

J. W. AGNEW,
For Minister of Lands and Works, absent.

Approved.

C. O'REILLY.
9. 6. 80.

MR. ABBOTT—Have tracing prepared.

H. J. H.
9. 6. 80.

Lands and Works Office, 5th May, 1880.

SIR,

REFERRING to the Deputy-Commissioner of Crown Lands' memo. of the 14th November last, and your reply thereto, I hereby, pursuant to the provisions of Section 20 of The Waste Lands Act, 34 Victoria No. 10, depute you to examine and report as to whether you deem West Lagoon suitable for cultivation.

I have, &c.

WM. DODERY, *Esq., Warden, Longford.*

C. O'REILLY.

Council Chambers, Longford, 31st May, 1880.

SIR,

I HAVE the honor to acknowledge your letter of 5th inst. deputing me to examine and report as to whether West Lagoon is suitable for cultivation.

This Lagoon forms a water frontage for properties belonging to the College Estate, Mr. Greenhill, Mr. Weston, and Mr. Thirkell, and there is no road through or immediately adjoining it.

In very dry seasons there is little or no water on it. Under the Drainage Act, and with considerable outlay, it could be made available for cultivation. It is now nearly covered with water, and in its present state unfit for cultivation.

I have, &c.

W. DODERY, *Warden.*

Hon. C. O'REILLY, *Commissioner of Crown Lands, Hobart Town.*

Lands and Works Office, 10th June, 1880.

GENTLEMEN,

IN reply to your letter of the 25th ultimo, I have the honor to forward you herewith tracings of West Lagoon, in the Parish of Carrick, in the County of Westmorland.

I have, &c.

C. O'REILLY, *Minister of Lands and Works.*

Messrs. RITCHIE & PARKER, *Launceston.*

*

Lands and Works Office, Hobart Town, 12th June, 1880.

GENTLEMEN,

REFERRING to an application under the 24th Section of the Waste Lands Act, 34 Vict. No. 10, signed by George Thomas Ritchie, under date the 5th April, 1879, to purchase 200 acres (more or less) of the West Lagoon, situated in the Parish of Longford (? Little Hampton), in the County of Westmorland, of which I am reminded by your letter of the 25th ultimo.

I have now to inform you that having deputed a person to examine the Lagoon, in accordance with the requirements of the Waste Lands Act, and such person having reported to me thereon, I must decline to entertain the application or to enter into a contract for the sale of the said area under the 24th Section of the said Act.

I have, &c.

C. O'REILLY, *Minister of Lands and Works.*

Messrs. RITCHIE & PARKER, *Launceston.*

Lands and Works Office, Hobart Town, 12th June, 1880.

GENTLEMEN,

REFERRING to an application under the 24th Section of the Waste Lands Act, 34 Vict. No. 10, signed by George Ritchie, under date the 5th April, 1879, to purchase 320 acres (more or less) of the West Lagoon, situated in the Parish of Longford (Qy. Little Hampton), in the County of Westmorland, of which I am reminded by your letter of the 25th ultimo.

I have now to inform you that having deputed a person to examine the Lagoon, in accordance with the requirements of the Waste Lands Act, and such person having reported to me thereon, I must decline to entertain the application or to enter into a contract for the sale of the said area under the 24th Section of the said Act.

C. O'REILLY, *Minister of Lands and Works.*

Messrs. RITCHIE & PARKER, *Launceston.*

(Letters crossed.) *

St. John-street, Launceston, 12th June, 1880.

SIR,

Re WEST LAGOON.

WE have the honor to refer you to a letter addressed by Mr. H. J. Hull to Mr. T. G. Ritchie, and dated the 21st November last, in which Mr. Hull stated that he found from enquiry that the Lagoon (*i.e.*, the West Lagoon) was still under water, and in its present state quite unfit for agricultural purposes, and that "it therefore cannot be selected under the 24th Section of the Act."

We now beg to enquire why,—if the alleged reason for the opposition to Mr. Ritchie's application by the Lands and Works Department were well founded,—was Mr. James Keane allowed to select under the 24th section of the Waste Lands Act, and to purchase a considerable portion of the East Lagoon, which has never been cultivated?

We are prepared to prove by indisputable evidence that the whole of the West Lagoon is, or at a moderate expense can be rendered, fit for cultivation, and that a large portion of it was formerly under cultivation.

We have, &c.

RITCHIE & PARKER.

The Hon. C. O'REILLY, Minister of Lands and Works.

Lands and Works Office, 18th June, 1880.

SIRS,

I HAVE the honor to acknowledge the receipt of your letter of the 12th instant, on the subject of the selection of the West Lagoon by the Messrs. Ritchie, which shall receive attention on the Minister of Lands' return to head quarters.

I have, &c.

H. J. HULL.

Messrs. RITCHIE & PARKER, *Launceston.*

St. John-street, Launceston, 15th June, 1880.

SIR,

Re WEST LAGOON.

WE have the honor to acknowledge the receipt of your two letters of the 12th instant on the above matter.

We have now the honor to request that you will have the goodness to furnish us, on behalf of Messrs. George Ritchie and George Thomas Ritchie, with a copy of the Report made by the Surveyor or other person deputed by you to examine the Lagoon; and also with the copy of the Report (if any) made by the Surveyor or other person on the application made by Mr. James Keane to purchase (under the 24th Section of 34 Vict. No. 10), a part of the East Lagoon in the same locality.

We have, &c.

RITCHIE & PARKER.

The Hon. C. O'REILLY, Minister of Lands and Works.

Launceston, Tasmania, 9th July, 1880.

SIR,

WE have the honor to enquire of you whether any, and (if any) what portions of the Colony have been proclaimed by the Governor in Council Agricultural Divisions under the 21st Section of the Waste Lands Act?

We have, &c.

RITCHIE & PARKER.

H. J. HULL, Esq., Deputy Commissioner of Crown Lands, Hobart Town.

Launceston, Tasmania, 9th July, 1880.

SIR,

Re WEST LAGOON.

WE have the honor to call your attention to our letter to you of the 12th ult. on the above matter, and to which we are still awaiting a reply.

We have, &c.

RITCHIE & PARKER.

The Hon. C. O'REILLY, Esq.,
Minister of Lands & Works, Hobart Town.

Lands and Works Office, 19th July, 1880.

GENTLEMEN,

I HAVE the honor to acknowledge the receipt of your letter of the 9th instant, enquiring of me whether any and (if any) what portions of the Colony have been proclaimed by the Governor in Council as Agricultural Divisions, under the 21st Section of "The Waste Lands Act."

In reply I beg to inform you that no portion of the Colony has been so proclaimed.

I have, &c.

H. J. HULL, Deputy Commissioner Crown Lands.

Messrs. RITCHIE & PARKER, Launceston.

Launceston, 23rd July, 1880.

SIR,

Re WEST LAGOON.

WE had the honor to address you on the 15th of last month with a request on behalf of Messrs. George Ritchie & George Thomas Ritchie that you would furnish us with a copy of the Report made by the Surveyor, or other person deputed by you to examine the West Lagoon, and also with a copy of the Report, if any, made by the Surveyor or other person on the application of Mr. Jas. Keane to purchase, under the 24th Section of 34 Vict. No. 10, a part of the East Lagoon, in the same locality. Not having received any reply to this letter, we again wrote to you on the same subject on the 9th inst., but, although a fortnight has elapsed since the date of our last letter, we are still awaiting a reply.

We are informed that a Petition was presented to the Government some time since by the Trustees of Christ's College, and other persons in occupation of the West Lagoon, against the applications of the Messrs. Ritchie for the purchase of the Lagoon. May we beg to be furnished with a copy of the Petition referred to. We shall be happy to defray the expense of making the copies asked for.

We have, &c.

RITCHIE & PARKER.

The Hon. C. O'REILLY, Esq.,
Minister of Lands and Works, Hobart Town.

YES. Furnish copies.

C. O'R.
30. 7. 80.

Lands and Works Office, Hobart Town.

MEMO.

THE following Correspondence was also before the Hon. the Minister of Lands and Works when dealing with the applications of the Messrs. Ritchie to select West Lagoon.

G. F. LOVETT,
26. 8. 80.

APPLICATION TO PURCHASE CROWN LAND NOT ADVERTISED FOR SALE

Dated Vron, 4th June, 1839.

SIR,

I BEG leave to request that you will lay before the Lieutenant-Governor this my application to be allowed to purchase of the crown the under-mentioned tract of land, which has not yet been advertised as disposable :—

Description.

Acres 400, more or less, County of Westmorland. Parish of Little Hampton.

Bounded on the north by Horace Rowcroft; on the south by G. B. Skardon; on the east by W. P. Weston; on the west by W. G. Walker; being the whole of a lagoon (except a portion thereof measured to W. G. Walker), known as Herbert's, or the Western Norfolk Plains Lagoon, locally as Skardon's Lagoon.

I have, &c.

W. G. WALKER.

To the Surveyor-General.

The fee of 2s. 6d. due on this form has been received by me this 11th day of June, 1839.—
J. L. B.

The fee of 2s. 6d. returned to Mr. Walker with the cost of the survey; viz.—£10.—J. L. B.

Vron, 8th June, 1839.

SIR,

I HAVE enclosed a draft for £10 2s. 6d., which I suppose will cover all expenses; the scale of charges in the Government Notice, November, 1838, is 320 acres, £8; 640 acres, £10; so I was not aware what the amount would be, as the notice does not say.

I have, &c.

H. WALKER.

EDWARD BOYD, Esq., Surveyor-General, Hobart Town.

Woodstock, Norfolk Plains, 10th June, 1839.

SIR,

An application, I believe, having been made to you to put up for sale by auction, a lagoon commonly called Herbert's Lagoon, forming the water frontage of the grants to Mr. Weston, Mr. W. G. Walker, and myself, my own being a purchase from the crown, and valued at a high rate by the Commissioners for valuing lands, in consequence of its water frontage (being double the rate at which crown lands contiguous were valued), I feel confident you will hesitate before complying with such a request until the whole matter shall have undergone careful consideration before the Lieutenant-Governor in Council, or if found necessary, until it shall have been referred to the Secretary of State. It is my belief that His Excellency cannot from any personal motives be desirous of injuring and attacking the private rights and properties of any class of the Queen's subjects in this colony, much less those who have borne the brunt and privations of the early settlement of the colony, expatriating themselves from their own friends and country, implicitly relying upon the integrity, good faith, and honor of the British Crown; much less then will I believe that Sir John Franklin will knowingly abuse the power delegated into his hands by sanctioning an act of bitter spoliation, as opposed to all right principles of honor and integrity as it would be iniquitous and unjust.

Ten years ago I purchased this land from the crown relying upon its integrity that all the rights and immunities appertaining to it would remain inviolate, and sixteen years ago was the land granted to the individuals who now possess it. A specific limited water frontage (there being no other waters) being allotted to each as a right, with which no just Government would ever after interfere, and a right which I believe I am not wrong in asserting the law will not suffer to be impugned.

The case has been mooted before, and I am aware it has been alleged that the lagoon has totally dried up. I deny the fact, and what if two or three seasons of drought shall have partially dried up the waters? Does it follow that a morseil of bread is not better than none at all, or that an ample supply of water for stock for three months of the year is not better than having none, or that it does not constitute a very considerable proportion of the value of the estates which receive its benefit? Or will it follow that occasional seasons of drought can invalidate our right to that which was severally allotted to each by the crown itself, and that it can be a ground for the Government iniquitously adding to the rigour of the elements by a stretch of power to take away the waters altogether? Is this honest and right? Is it becoming the honor and liberality of the British Crown? Is it in fact a legal act?

As I wish the case to stand broadly upon its honesty and upon the consideration of what is just and right, I will candidly admit that I believe the Government can refuse to give us a title severally to subdivide and partition off our respective portions, but I believe it at the same time to be unalterably evident that no one can interfere with our right of waters without paying dearly for their interference. The recent verdict in the Supreme Court of Launceston against the Government in the person of the Director-General of Roads may be respectfully referred to as a specimen of how dear a British Jury in this colony hold the rights of their neighbours.

An inspection of the map will satisfy His Excellency that the lagoon if sold can be of no value to any person but to the proprietors of the lands adjoining it, as it could not be drained without their consent (not to speak of the injustice committed). Why then to effect the subdivision of four properties are we to be subjected to the necessity of placing the value of our estates in jeopardy by the truckling villainy of the land-jobbers who infest the public sales and who form the standing reproach of the auction system?

I feel so confident in the integrity and uprightness of Sir John Franklin's character that I am sure, on the perusal of this representation, he will at once direct the sale to be suspended, and that if His Excellency may not feel himself authorised, he will be pleased to refer the question to the Secretary of State, recommending that a title may be given to us, by the imposition of a fine, in the same manner as this important question was settled relatively to other grants by his predecessor, Sir George Arthur.

I beg you will take an early opportunity of laying this letter before His Excellency, and favouring me with your reply at your earliest convenience.

HORACE ROWCROFT.

EDWARD BOYD, *Esq.*, *Surveyor-General*.

SUBMITTED for the consideration of His Excellency, with reference to Mr. Walker's application to purchase the Lagoon,—an application I do not feel justified in recommending a compliance with.

EDWD. BOYD.
28th June, 1839.

WILL the Surveyor-General have the goodness to state his reasons for not recommending in this case. The Lieutenant-Governor will feel obliged by Captain Boyd's always adopting this course when submitting his views on any application for His Excellency's decision. It will be necessary that a diagram be also submitted of this Lagoon and the surrounding locations.

M. FOSTER.
2. 7. 39.

Little Hampton Villa, Norfolk Plains, 12th June, 1839.

SIR,

I HAVE the honor to address you on a case, in my estimation, of some importance.

As the subject of the lagoon, on which Messrs. W. P. Weston, W. G. Walker, H. Rowcroft, and G. B. Skardon have their frontages, is revived again, and one of the aforesaid gentlemen; viz. Mr. Walker, has written to you officially to put the land up for sale, I beg leave to call your attention to the following remarks, conclusions, and suggestions, and if not in your province to decide, to lay the same before His Excellency the Lieutenant-Governor, Sir John Franklin, that he may adjudicate or otherwise to bring it before the Council.

I feel quite satisfied that neither yourself, in the high official capacity you hold, or His Excellency the Lieut.-Governor, or his Government, would wish, from the impatient precipitancy of one, to injure any private individual, when the case shall be properly understood, and have therefore to request your urbane disquisition in what I am about to offer.

Indeed I consider it would be personally a heavy grievance should it be hastily put up for sale.

In 1825 the former Lieut.-Governor, Sir George Arthur, gave Mr. Wedge, the Assistant-Surveyor, particular instructions not to give Mr. Weston too much frontage on the lagoons that there might be sufficient for others that might locate afterwards.

In 1826 Mr. Walker and, at the same time, myself took our grants on the Lagoon, and the Assistant Surveyor was extremely particular in equally dividing the frontage to us. Since that Mr. Rowcroft purchased his land with the frontage that remained. Thus it will appear that we four locatees were *bonâ fide* established by the Government on the Lagoon the same as if on a river.

Admitting then that the water has partially receded so as to become land, and reclaimable, would it be equitable to put that land up to public sale when it would actually be requisite, to preserve consistency, that the Government Auctioneer should preface that the purchaser must buy at his own risk? as the Government could not give any authority to cut through the land of the proprietors, who had their frontages on it,—as it would militate against the interest of the grantees, and much injure their private property,—consequently be useless to the purchaser.

Nay, I believe I am correct that although we four gentlemen have our frontages yet only two of them could drain the Lagoon, as having a fall on their own lands, viz. Messrs. Walker and Rowcroft, to the detriment and annoyance of Messrs. Weston and Skardon. Mr. Walker had a portion of the Lagoon measured in his grant, by which it appears he has the power of preventing any one from draining it without his consent; and, I think I am right in the opinion, that we four must be unanimous, for should any one of us drain the Lagoon at our own risk we should become actionable to each other.

My conclusion then is, that the Government could not fairly put the land up to public competition for the reasons assigned, because they could not authorise any individual to cut through the property of another. The injury to myself would be irreparable. The Lagoon is at the bottom of my garden, not more than ten chains from the front of my house; and it is absolutely necessary that that portion contiguous to my house and offices should be purchased by myself, if it justly can be sold; and I honestly aver that I am ready to give its value for it. But honor compels me to say that the other gentlemen have an equal right to their shares on the same principle.

I would respectfully suggest, to enable the Government to be consistent with itself, if they shall decide that the reclaimable land is the property of the Crown notwithstanding the right of our frontages,—which however, with deference, I cannot admit, but that there might be equity on both sides, and that the Government should not break faith with their grantees, neither the grantees encroach on the apparent rights of the Crown to ungranted reclaimable land,—that they permit the locatees on the principles of justice, as being settled by the Government, on the spot to purchase the aforesaid reclaimable land in equal proportions, by which means they will be able to concentrate the receding water as well as drain the Lagoon and make everything advantageous for themselves without infringing on the right of the Crown, as well as prevent a nuisance from the afflictive odour that the locality is impregnated with, and to perform a salutary service to the neighbourhood, and yet enable the Government to reap like advantages as if by a public sale and execute due justice to four private individuals.

I would intimate that the Government should give directions to their Surveyor to survey the Lagoons. That he be instructed to divide it in four equal parts, to the equal advantage of the grantees or locatees, and to furnish them with a title on payment of their respective proportions.

As to the price: under the peculiar circumstances of the case, that the Government, after the Surveyor has made his report, decide what they consider fair and honorable as to its value in its natural and useless state, and what probably it would fetch supposing it could be put up by the Government as any other land. That we might then be fined, according to any former precedent, so much per acre; and, to save unnecessary correspondence, I would willingly submit to be thus charged.

Should this suggestion be considered not feasible, as touching any existing regulations, I trust that His Excellency the Lieutenant-Governor will be pleased to refer it to the Secretary of State, recommending the same, as I feel conscientiously bound to enter my protest, in the most respectful manner that words can convey, that the Lagoon be not put up to public competition on the ground of inflicting private injury and being a sore grievance to four of Her Majesty's subjects.

(Signed) G. B. SKARDON.

EDWARD BOYD, *Esq.*, Surveyor-General.

Colonial Secretary's Office, 9th July, 1838.

SIR,

I AM directed to inform you that the Lieutenant-Governor has had under consideration in the Executive Council the application of Messrs. Walker, Rowcroft, and other, to be allowed to reclaim Herbert's Lagoon, situated near Norfolk Plains; and that His Excellency regrets that he cannot accede to their application, as he considers that such an alienation of land, the property of the Crown, would be inconsistent with the instructions with regard to the disposal of land in the Australian Colonies; and also with the decision recently arrived at in reference to the water frontages in Sullivan's Cove.

JOHN MONTAGU.

The Surveyor-General.

I DID not feel justified in recommending a compliance with Mr. Walker's application, firstly, because Mr. Rowcroft purchased his 500 acre lot with a frontage on the lagoon; and secondly, because it would deprive the surrounding locations of their frontages on it, and right to procure water from it.

The beds of the Macquarie and Elizabeth Rivers have been quite dry in many places during the late drought, and parties might with equal propriety apply to purchase them.

EDWD. BOYD.
July 12, 1839.

A diagram is attached.—E.B.

THE question was considered last year. I do not think that the Government could justly sell this land unless the parties consent, and until it has been assured after proper enquiry that the lagoon may be regarded as a permanently dry lagoon, and then only in some such manner as that suggested by Mr. Skardon in the latter part of his letter.

It might be divided into as many portions as there are frontages, and these portions be put up for sale at a reserved price.

THE Colonial Secretary will have the goodness to inform Mr. Walker that I cannot comply with his application. It is not recommended by the Surveyor-General, and objected to on strong grounds by two of the neighbouring proprietors.

J. F.
July 19, 1839.

THE Surveyor-General's attention is requested to the Lieutenant-Governor's instructions.

M. FOSTER.
20th July, 1839.

RECEIVED 22nd July.—J. L. B.

Survey Office, 22nd July, 1839.

SIR,

I BEG to inform you, in reference to your letter of the 10th ultimo, that the Lieutenant-Governor does not approve of Herbert's Lagoon being put up for sale on the application of Mr. Walker.

EDWARD BOYD, *Surveyor-General.*

H. ROWCROFT, *Esq., Norfolk Plains.*

A CORRECT copy of the original letter in my possession.

HORACE ROWCROFT.
25th September, 1857.

THE foregoing reply of the Surveyor-General's, of the 22nd July, 1839, is in reply to a protest or remonstrance of mine against Mr. Walker's application as interfering with my then rights of water frontage.

HORACE ROWCROFT.
September 25, 1857.

Survey Office, 22nd July, 1839.

SIR,

HAVING submitted for the consideration of the Government your letter of the 12th ultimo, objecting to Herbert's Lagoon being put up for sale on the application of Mr. Walker, I beg leave to acquaint you that His Excellency does not approve of the lagoon being sold, and so Mr. Walker has been informed.

I have, &c.

EDWARD BOYD.

G. B. SCARDON, *Esq., Norfolk Plains.*

Survey Office, 22nd July, 1839.

SIR,

HAVING submitted for the consideration of the Government your application to purchase Herbert's Lagoon, I beg leave to acquaint you that I have this day been informed that the Lieutenant-Governor does not approve of the lagoon above mentioned being put up for sale. I have therefore the honor to return the draft for £10 2s. 6d. which accompanied your application.

I have, &c.

EDWARD BOYD.

W. V. WALKER, *Esq., Norfolk Plains.*