

1852—1853.

VICTORIA.

## DESPATCHES.

### SALE OF CROWN LANDS BY PRIVATE CONTRACT.

#### APPLICATION OF THE UNAPPROPRIATED MOIETY OF THE LAND FUND.

*Ordered by the Council to be printed, together with the accompanying Enclosures,  
7th February, 1853.*

C. J. LA TROBE,

*Lieutenant Governor,*

*Message No. 65.*

The Lieutenant Governor hastens to transmit to the Legislative Council, before the termination of the Session, copies of two Despatches just received from the Right Honorable the Secretary of State for the Colonies, viz. :—

1st. No. 58, dated 16th September, 1852, on the subject of sales of large blocks of land to private individuals, under the 15th section of the Imperial Act, 5th and 6th Viet., cap. 36.

2nd. No. 62, of the 2nd October, 1852, relative to the application of the unappropriated moiety of the Land Fund.

*Government Offices,*

*Melbourne, 7th February, 1853.*

No. 58.]

[COPY.]

Downing-street,  
16th September, 1852.

SIR,

I have carefully considered the contents of your Despatches, Nos. 19 and 20, of the 30th January and 2nd February last, reporting on the subject of the sale of a large block of land in the neighbourhood of Melbourne, to Mr. Clarke, and on the appeal of Mr. Walter Riddell against it, as well as stating, that as the sale had been completed and the money for it paid, you had declined to comply with an application to withhold the issue of the formal Deed of Grant to Mr. Clarke.

I approve of the various steps which you have taken in all these proceedings. As the sale to Mr. Clarke was legal and valid, you acted quite right in declining to withhold the issue of his grant. On the other hand, I think that you judged rightly in the objections which you urged beforehand to making the sale; and I have to express my cordial approval of your having refused, after the subject became one which you could dispose of by your own authority, to make a further sale to Mr. Clarke or to make similar sales of large blocks of land by private contract to several other persons who applied to you for the purpose. Such sales appear liable to entail hardship on third parties, unless very carefully guarded by special stipulations; and, in the present circumstances of Victoria and New South Wales, with large deposits of gold scattered over the territory, it is evident that the indiscriminate sale of large tracts of land without their being subjected to public competition, would be likely seriously to prejudice the public interests.

I am, Sir,

&c., &c., &c.

(Signed)

JOHN S. PAKINGTON.

Lieutenant Governor La Trobe,  
&c., &c., &c.

No. 62.]

[COPY.]

Downing-street,  
2nd October, 1852.

SIR,

I have to acknowledge your Despatch, No. 21, of the 4th of February last, transmitting a Memorial from the Mayor, Aldermen, and Councillors of the Town of Geelong, calling the attention of my predecessor to the claims which they consider themselves to possess to having the unappropriated moiety of the receipts from the sale of Crown Lands within their Municipal boundary placed at their disposal.

2. Although this Memorial, addressed to Lord Grey, relies mainly on the language contained in Despatches of His Lordship's, yet I need scarcely say, that Her Majesty's present Government would not only feel themselves bound to fulfil any pledge given by their predecessors, but most reluctant to disappoint any reasonable expectations which might have been raised by their expressions, although not amounting to such a pledge.

3. But I am bound to state that I cannot perceive that any such claim or expectation can be grounded on the Despatches to which I am referred, or on any other documents which have been brought to my notice. I observe, indeed, that Lord Grey was very anxious for the extension of Municipal Institutions; that he hoped that this might be effected by the establishment of District Councils; but that this establishment never took place through causes which were not within the control of Her Majesty's Government. The Corporations of Melbourne and Geelong were founded—as the Memorial of the latter to Sir Charles Fitz Roy, of the 14th May, 1851, recounts—as separate bodies, wholly independent of this general scheme of municipal organization. To interpret Lord Grey's general expressions as applying to these bodies of an exceptional kind, would be, as it appears to me, not only to extend those expressions beyond their meaning, but in a manner really inconsistent with it.

4. But while arriving at this conclusion with respect to the claim preferred by the Memorialists, I am bound to add that I feel, in common with yourself, that the statements of fact contained in their former Memorial to Sir Charles Fitz Roy, are deserving of much consideration. The principle that the unappropriated moiety of the Land Fund, after defraying the ordinary establishments maintained by it, should be applied, as far as possible, to meet the wants of the respective districts in which it arises, is a very equitable one, in the absence of any object of general interest to the community which may absolutely require pecuniary support from this source.

But I am disposed to go farther, and to think that important improvements in the towns of the Colony are, in its present condition, matters of not local only, but general interest. The trade of the interior passing almost wholly through them, and being facilitated by any improvement in their capability for receiving and promoting traffic, I think that the whole community has a special interest in their welfare.

5. I therefore consider that grants may be very justly made from time to time towards these purposes without exact regard to their reaching or exceeding the amount levied within the municipal limits. As to your farther proposal, that these grants should be made by way of assistance to the corporate bodies of Melbourne and Geelong, I do not feel myself able to pronounce an opinion without farther knowledge than I possess of the circumstances of these bodies and of the towns which they represent. I feel also uncertain how far your views on this subject may possibly have been modified by the great changes which must have taken place since the date of your Despatch, and in particular by the concession since made by Her Majesty's Government of the Gold Revenue to the Legislative Council. I believe, however, that I shall be best consulting the advantage of the Colony by leaving this to be decided by your own discretion and that of your Executive Council.

6. I approve (with the concurrence of the Lords Commissioners of the Treasury) of your proposed appropriation of £10,000 from this fund to the purposes of internal improvement.

I have, &amp;c.,

(Signed)

JOHN S. PAKINGTON.

To Lieutenant Governor La Trobe,

&amp;c. &amp;c., &amp;c.