

1854-5.

VICTORIA.

PURCHASE OF CROWN LAND

AT

CASTLEMAINE.

RETURN TO ADDRESS.—MR. GREEVES, 7TH MARCH, 1855.

*LAI*D upon the COUNCIL TABLE, by the COLONIAL SECRETARY, by command of HIS EXCELLENCY THE LIEUTENANT GOVERNOR, and ordered by the COUNCIL to be printed, 15th March, 1855.

SCHEDULE OF CORRESPONDENCE.

- Mr. Richard Southee to His Excellency the Lieutenant Governor, complaining that the land he purchased at Castlemaine had been sold to other parties.—Dated 1st May, 1854.
Acting Colonial Secretary to Mr. Southee, stating that the amount of deposit paid by him would be returned.—29th May, 1854.
- Mr. Richard Southee to Acting Lieutenant Governor, declining to receive deposit, but claiming to have the land granted to him.—1st June, 1854.
Acting Colonial Secretary to Mr. Southee, stating that the land would, under the circumstances, be granted to him.—1st June, 1854.
- Mr. Baker to the Acting Lieutenant Governor, requesting an allotment of land at Castlemaine, might be granted to him.—21st June, 1854.
Acting Colonial Secretary to Mr. Baker, declining to grant the land, as it had been sold to him in error.—21st June, 1854.
- Mr. Baker to Colonial Secretary, applying for compensation for non-completion of the sale to him of the land.—6th July, 1854.
Colonial Treasurer to Colonial Secretary, transmitting grant of land at Castlemaine in favor of Mr. Ferres.—13th September, 1854.
- Mr. Larnach to Colonial Secretary, applying for grants of the land at Castlemaine, purchased by Mr. Southee.—16th November, 1854.
Colonial Secretary to Mr. Larnach, informing him that the Deeds would shortly be ready for issue.—22nd November, 1854.
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Castlemaine, 1st May, 1854.

SIR,

I know not whether I am in order in addressing your Excellency upon the wrong I have suffered, but to complain to those who have done the wrong I know would be futile. Therefore I crave your Excellency to institute such enquiry as may meet the justice of the case.

On the 24th February I purchased, at the Land Sale at Castlemaine, five lots of land, situated at Barker's Creek, amounting together to the sum of £58. This amount I remitted to Melbourne by David Kirk, within ten days, who tendered it at the Treasury with the deposit receipts. It was refused, upon the ground that they had not received the books from the Auctioneer. The money was then left with Messrs. D. and R. Morrow, 57, Lonsdale-street west, wine merchants; they made a tender, with the like result, again on the morning of the 25th, when they were told it was too late. I now find that three of the lots, if not the whole, have been taken by clerks in the employment of Government. I do hope, under these circumstances, your Excellency will not consider the smallness of the purchase money, but the principle involved in such proceedings sufficient excuse for the request I make.

I have enclosed the deposit receipts, which may facilitate proving one of the charges who the purchasers are.

I have, &c.,
(Signed) RICHARD SOUTHEE.

His Excellency the Lieutenant Governor.

C.—No. 33.

Colonial Secretary's Office,
Melbourne, 29th May, 1854.

SIR,

In answer to your letter of the 1st instant, I have the honor to inform you that His Excellency the Officer administering the Government having caused due enquiry to be made into the circumstances of the case detailed in your communication, has been pleased to approve of the amount of money deposited by you at the sale of Crown Lands at Castlemaine, held on the 24th February last, being refunded to you. You will therefore receive that sum upon your making the usual application at the Colonial Treasury.

2. The deposit receipts enclosed in your letter are returned herewith.

I have, &c.,
(Signed) J. MOORE,
Assistant Colonial Secretary.

Mr. Richard Southee.

Tarrangower, June 1st, 1854.

SIR,

I addressed a letter to His Excellency the Lieutenant Governor on the 1st May, complaining that some land I had purchased at Barker's Creek had been withheld from me, and such land had been transferred to clerks or officials in the Government service. I am now in receipt of an answer to that communication, dated the 29th May, from the Colonial Secretary's Office, offering to repay the amount of the deposits, upon application to the Colonial Treasury. I wrote fully assured that justice would have been done, for a more gross act could not have been perpetrated by any set of officials. The balance due for the land was twice tendered within the month, and again on the 25th of March, which was one day after the specified time. On all three occasions the money was refused; and I am in a position to prove that lots were not sold (at least two of the lots) before the 29th of March, and these lots to one of the Gold Commissioners, the other three to clerks in the Printing Office or the Colonial Secretary's Office.

It is very evident that I am entitled to the land, or have justly forfeited the deposits; and, feeling satisfied of the former, I most respectfully decline receiving back the latter, and hope your Excellency will cause enquiry to be instituted upon what evidence the Colonial Secretary has formed a decision evidently unjust.

I do not seek commiseration; seven pounds is not an object to me, and if it were it would be no gain to return this sum; for to apply at the Treasury Office, Melbourne, would cost me thrice the sum, besides loss of time.

I have attended many Land Sales, and have bought largely, with the full confidence that the Government would comply with their part of the engagement, and, except in this instance, have found it so.

Should your Excellency withhold the lots, I have no alternative but to take such proceedings as my legal adviser may deem necessary; for I cannot believe, till a jury decides otherwise, that having, to the fullest extent on my part, performed that which was imposed upon me, the subordinate officers of the Government should reap a benefit by gross dishonesty.

I have, &c.,
(Signed) RICHARD SOUTHEE, M.D.
His Excellency the Acting Lieutenant Governor.

Colonial Secretary's Office,
Melbourne, 21st June, 1854.

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 1st instant, having reference to your application to be permitted to complete the purchase of certain portions of Crown Lands at Barker's Creek, purchased by you at auction, and for which you had tendered payment at the Treasury within the period allowed by the Conditions of Sale; and also stating that the land had been afterwards transferred to Government officials.

2. I have the honor to inform you, by desire of the Officer administering the Government, that, having fully considered your application, His Excellency has, under the special circumstances of the case, been pleased to issue instructions to the Honorable the Colonial Treasurer to allow you to complete your purchase, which you will please to do without delay.

3. With reference to the statement that the land had been transferred to Government officials, I am desired to remark, that such land having been declared forfeited, it was, in accordance with the Land Sale Regulations, open for selection to any one who chose to apply for it; and that if such application had been made by yourself, in the first instance, you would have got it upon payment of the balance of the sum at which it was sold.

I have, &c.,
(Signed) J. MOORE,
Assistant Colonial Secretary.

R. Southee, Esq., M.D.,
Tarrangower.

Stanley-street, Collingwood,
21st June, 1854.

SIR,

On or about the 31st of March last, I purchased from the Government an allotment of land at Castlemaine, containing 1a. 2r. 5p., and being allotment 5 of section or portion 1, the Title Deeds to which have not yet been issued. I have therefore most respectfully to solicit that your Excellency will cause the same to issue without delay. The increased value of the land enables me to turn it to advantage so soon as I can show my title to the same.

I have, &c.,
(Signed) CHARLES BAKER.

His Excellency the
Officer administering the Government.

Colonial Secretary's Office,
Melbourne, 21st June, 1854.

SIR,

With reference to the selection by you of the portion of land noted in the margin, on the 29th March last, I have now the honor to inform you that such selection was permitted in error, and that the amount paid by you will therefore be refunded; the necessary directions to that effect having been issued by desire of His Excellency the Officer administering the Government, the refund will be made to you upon application at the Colonial Treasury.

Allotment 5 of section 1,
parish of Castlemaine.
8l. 10s. 0d.

I have, &c.,
(Signed) J. MOORE,
Assistant Colonial Secretary.

Mr. C. Baker,
Collingwood.

Stanley-street, Collingwood,
6th July, 1854.

SIR,

About the end of last month I wrote to request the issue of the Title Deeds to a piece of land I purchased from the Government at Castlemaine. Although I had no reply to that letter, I have received a communication stating that the purchase was allowed in error, and that I could get the money back by applying at the Treasury.

This, Sir, will be a loss to me; and I respectfully submit to you whether it is not a case justly entitled to compensation. The money was duly paid, and many weeks elapsed before any intimation was given me that the sale by Government was an error.

The land in question has risen in value, and now I am deprived of the benefit of the same. Such a transaction, with a private individual, would be good ground for trial, and would soon be redressed; and I doubt not that you will re-consider the matter, and either fulfil the bargain, or grant me compensation.

I have, &c.,
(Signed) CHARLES BAKER.

The Honorable the Colonial Secretary.

Colonial Treasury,
Melbourne, 13th September, 1854.

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SIR,

I have the honor to return herewith a Deed of Grant in favor of the gentleman named in the margin, for 2a. 0r. 28p., in the county of Talbot. The purchase money of which has been refunded to Mr. Ferres in accordance with His Excellency's directions.

Mr. John Ferres.

I have, &c.,
(Signed) For the Colonial Treasurer,
W. H. HULL.

The Honorable the Colonial Secretary, &c., &c.,
Melbourne.

Bank of New South Wales,
Melbourne, 16th November, 1854.

SIR,

I have the honor to solicit your attention to Crown Grants of the following lots purchased by Richard Southee, on the 24th February last, at auction, viz., No. 26, 27, 29, 61, and 62, as I hold authority from the purchaser to obtain possession of the same, which have not yet reached the Treasury.

I have, &c.,
(Signed) W. LARNACH.

The Honorable the Colonial Secretary.

Colonial Secretary's Office,
Melbourne, 22nd November, 1854.

SIR,

I have the honor, by direction of the Lieutenant Governor, to acknowledge the receipt of your letter of the 16th instant, stating that you hold authority from Dr. Southee to receive the Title Deeds of certain land purchased from the Crown, but which are not yet issued, and requesting my attention thereto. In reply, I have to inform you that some delay has necessarily occurred, from the circumstances under which the land was purchased, but the deeds will be issued with as little delay as possible.

I have, &c.,
(Signed) J. MOORE,
Assistant Colonial Secretary.

W. Larnach, Esq.,
Bank of New South Wales.