

Hobart Town 25<sup>th</sup> October 1854

Sir,

The application by Messieurs Bethune and Gellibrand for a Grant of the Grange Estate, or rather for 4600 acres of it, will be ready to be heard by the Commissioners on the 5<sup>th</sup> of November.

The land applied for, you are aware, is comprised in the undermentioned location orders —

	acres
James King	2000
Joseph Allport	1200
William Ward	400
George Meredith Jr.	1000

Making together 4600

I enclose you a diagram of the land as measured by Mr Calder. The total quantity within the boundary lines as measured by him, is 10478 acres

Quantity applied for 4600 acres  
Excess over quantity applied for 1878

This is an astounding excess over the quantity applied for, if intended to be granted by the Government.

Of this quantity the diagram shows an excess within the lines of Joseph Allport's Grant, as they have all along stood in the Surveyor General's books, of 80 acres, and in like manner upon King's, of 185 acres;

The excess upon each of these Grants is not objected to, being what generally occurs within the lines laid down by the Survey Department when the area comes to be ascertained upon an actual measurement. Still the excess upon the whole is 1613 acres. As to 800 acres of this excess, adjoining a part of Allports North East boundary, and measured into it as a part of that location, and which is surrounded by a red line, the Surveyor General has accompanied the Schedule with a caveat on the part of the Crown, and a diagram, distinguishing by a red line the portion included by that caveat. But as to the additional excess of 813 acres, upon Meredith's location of 1000 acres, he has entered no caveat; this excess will therefore be included in the new Grant, if it is not lost through any unnecessary agitation, and which, in my opinion, will have the certain effect of inducing the Commissioners to report against it. You will at once see therefore what I mean; I think that you should at once authorise me to abandon the claim for the 800 acres, against which the Surveyor General has entered a caveat.

As this 800 acres however has been included in the measurement of the property by Mr. Calder, expressly upon

your statement of the boundaries, I feel it necessary, on behalf of the Trustees, to make a few observations on this subject, before giving you the notice with which this letter will conclude.

The description and measurement of the land made by ~~Mr. Calder~~ I find has been made entirely upon your information, and at your intercession. This distinctly appears from your letter to the Surveyor General of the 12<sup>th</sup> of April last, in which you hope the Surveyor General will be able to issue any further instructions to Mr. Calder to measure the lands applied for, in consequence of the information afforded by you in that letter; and I find that Mr. Calder did act upon your information.

In your letter to the Surveyor General, you state "In the mean time I may state, that Isles says G. Meredith's Grant of 1000 acres occupies the whole frontage of Kings Bay, and that Allports Grant of 1280 acres is measured adjoining to James Amos's Grant of 280 acres on Moulting Bay, his Northern line being protracted Westward a short distance (40 or 50 chains) and that a line at or near to right angles with

"Kings & North East side line to the  
 "continued line above & Amos's, includes  
 "this Grant. & Allports Grant therefore  
 "is bounded by Kings, Merediths, &  
 "'Amos, and Crown land". Again  
 you say, "On the whole it must be  
 "admitted that Isles's information is  
 "most minute and satisfactory; Allports  
~~Grant, there cannot be the slightest~~  
 "doubt, was located and measured as  
 "described by Isles, for we have found  
 "the line of marked trees to the corner tree  
 "above James & Amos's Grant, but we  
 "cannot as yet discover the return line,  
 "which is not much to be wondered at,  
 "Dr Story's line, marked about the same  
time, having been fairly obliterated.

"To my knowledge, Surveyor Halls was  
 "careless in marking back lines, and his  
 "lines of marked trees were not, in some  
 "cases at least, deeply marked."

As to Dr. Story's land, you say,  
 "John Halls measured said land, and  
 "was shewn the marked trees, perhaps  
 "22 years back", and you state that this  
 was done about the same time that  
 Allports was measured by Mr Halls.

Mr. Allport however did not  
 even receive his order for the land until  
 the 4<sup>th</sup> of July 1833, and when he  
 may have located it I do not know,  
 Even here however, the difference of

three years must go far to shake your confidence in Isles's statements as to Mr Halls' measurement of Allport's location. One thing however is quite plain, that if Mr Halls did measure the location of Mr Allport as stated by Isles, that he either gave to the ~~Survey Department~~ a different Report of that Survey, or he gave none at all. It is immaterial which of the suppositions is correct, because I apprehend there can be no doubt that all parties are bound by the representation of that location as it stands recorded in the plan in the Surveyor General's Office, the same having been acted upon by all parties as correct; The land is there laid down according to the known mode of laying out original locations, when the land permitted that being done; and at the time Mr Allport received his order, the land where he located it did permit this, and accordingly it is located in a parallelogram, with the usual water frontage. Your belief however, in the accuracy of Isles's statements, would cut off the entire water frontage from Mr Allport's land, and throw it all into Mr

Meredith's location, which was nearly all surrounded with water, without entirely cutting off Mr Allports frontage from King's Bay. I would have thought that such an unusual mode of locating land as this, would have made you pause in listening to Isles's statements.

~~On the 15<sup>th</sup> of October 1857,~~ you forwarded Mr Gellibrand a plan of these lands, and by which you represent the 800 acres which the Surveyor General has entered his caveat against, and the land down to the line shown on the Surveyor General's diagram, (of which I enclose you a copy) as the boundary of Mr Meredith's location on the North West, as being <sup>all</sup> Crown land; And indeed you could not well have acted otherwise, as you, or your Sons, was or were, the Lessee or Lessees of nearly the whole of the 800 acres now measured with Allports location, Mr James Amos I think, renting another portion; and as to the remainder, up to the above mentioned boundary line, as shown by the Surveyor General, you then admitted that it was Crown land, whether you leased it or not.

Everything corresponds with the state of things as represented by the Surveyor General. The description of Mr Meredith's

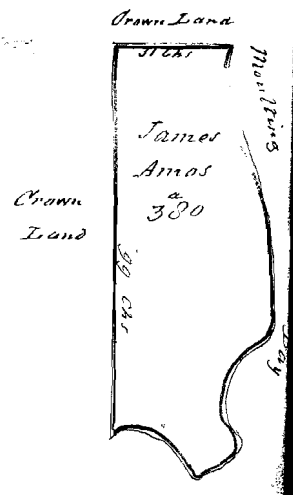
location, as contained in the late  
 Mc Gellibrand's title, is - "All that  
 tract piece or parcel of land containing  
 1000 acres situate at a certain place  
 called Long Point at Great Swan  
 Point in Van Diemen's Land aforesaid  
 fronting on a stream of water which  
 runs into Swan Point to the North  
 thereof, the side line of land belonging  
 to the said Joseph Lici Gellibrand  
 extending Southerly to a certain place  
 called King's Bay". The Conveyance  
 from which this description is taken  
 was made to Mr. Gellibrand on the  
 30<sup>th</sup> of April 1830, which must  
 have been a very short time after  
 the location of Mr. Allport's land,  
 which then belonged to Mr. Gellibrand  
 and you will observe that the Conveyance  
 at the time recognizes that Mr. Gellibrand's  
 side line came down to King's Bay.  
 The parties only interested making  
 this admission at the time, I should  
 think is conclusive evidence against  
 Isles's Statement, and which in other  
 respects, is against the well known  
 rules of the Government in laying  
 out locations.

Again, Mr James Amos's  
 Grant of the 380 acres, was issued  
 on the 14<sup>th</sup> of November 1838,

the boundaries of all these locations  
 must have been fresh in the recollection  
 of all parties. The description in the  
 Grant is as follows - "Bounded on  
 the North by Thirty one chains Westely  
 along Crown land commencing from  
 Moulting Bay, On the West by ninety  
nine chains Southerly at a right angle  
Water Creek. On the South by the fast  
 water Creek to Moulting Bay, and  
 on the East by that Bay to the point  
 of commencement".

You will perceive from this  
 description that the boundary on the  
 West does not state that it was bounded  
 by Allports location, which it would  
 have done, there been any truth in Isless's  
 Statement. In the written description, it  
 is certainly not said on what land it  
 bounds on the West, but the diagram  
 in the margin of the Grant shows that it  
 was Crown land. I have copied  
 this diagram in the margin of this  
 letter.

Here therefore is the most  
 undoubted evidence from all the  
 parties interested at the time, and  
 from all the Official authorities,  
 that there is no truth in Isless's  
 Statements -; and again, there is  
 your own possession up to the





present time, and especially your representation in October 1851, to prove the same state of things, and as you were endeavoring by that communication, to make a new bargain with Mr Gellibrand for the Grange Estate, you will perhaps admit, that you were then better enabled to judge of the real state of facts, than when you wrote your letter to the Surveyor General on the 12<sup>th</sup>. of April last.

I have now therefore to communicate, that the Trustees, Messrs Bethune and Gellibrand, are quite satisfied that they have no claim to the 800 acres added to Mr Allports Grant at your instance, and that they will not prosecute their claim for the same before the Commissioners. They are also quite satisfied, that if this claim is insisted upon, a very considerable portion of the land now included in the present description as belonging to Mr Meredith's location, will be cut off. They would therefore advise, that the claim made by the Surveyor General for the 800 acres, should be at once allowed, and that the Grant should be taken for the residue of the land included in the present description.

I beg that you will communicate with me on this subject as early as possible, as it is important that the Grant should be forthwith obtained in order to close the sale of the land to you, Mr. Bethune being on the eve of leaving the Colony. If you should wish the claim for the 800 acres to be prosecuted, you will see at once from what I have written, that the Trustees cannot do so. If you wish to try this, you must employ your own Solicitor, and do so at your own expense. The Trustees have sold you no part of this land, and cannot be parties to claiming what does not belong to them.

I am Sir  
Your most obt. Servt.  
J. Young.

To  
Francis Cotton Esq.