

LEX LOCI'S TRAVELS

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An irregular one-pager from The Public Land Consultancy

Lex avoids Bushrangers on the St Kilda Road



William Strutt – *Bushrangers on the St Kilda Road, 1852*

On Saturday night information was given at the Police Station, that four mounted and armed bushrangers were committing the most daring depredations on the St. Kilda and Brighton road.

About five o'clock in the evening, Mr. and Mrs. Bawtree were stopped, bailed up, and robbed, and upwards of fifteen other persons were also stopped that evening by the same gang.

The Argus, 18 October 1852

Lex prefers to be in interesting places elsewhere in the State, but from time to time he finds it necessary to come back to home base. That's St Kilda Road.

There, he passes the time by checking the title documents to his little *pied-à-terre*. Not just the current title, but its parent documents and grandparent documents.

His title's great-grandparent is an 1865 Crown grant, signed by Governor Sir Charles Henry Darling KCB on behalf of Her Majesty Queen Victoria.

Oh dear, what's this!

As Lex admires the fine copperplate handwriting (by some anonymous clerk, not by Sir Charles), he gets down to a passage which reads...

"... the said land hereby granted shall be at all times hereafter maintained and used only as and for a site for one Villa Residence and its offices to be built of stone or brick..."

What! Lex feels as if he's been done over by bushrangers.

His place is certainly not a single Villa Residence, but a block of apartments. It's not built of stone or brick, but of concrete and glass. So is it legal?

Checking through the legislation on the Victorian statute book (as he does from time to time) Lex comes across the *Crown Grants (Removal of Conditions) Act, 1972*. Here he reads...

Any condition provision declaration or restriction (in the form of such-and-such words) contained in any Crown grant issued in respect of (any land in such-and-such places) shall be null and void.

Whew! Null and Void! So Lex only has to abide by a few dozen other Acts, schemes and regulations introduced since Governor Darling's day...

He'll still be on the watch for St Kilda Road bushrangers. Plenty out there.

See you there! Lex Loci