

LEX LOCI'S TRAVELS

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An irregular one-pager from The Public Land Consultancy



Lex and Squizzy Taylor in Brunswick Street, Fitzroy

One night in 1919 Constable Paddy Danaher was on duty at the corner of Brunswick and Gertrude Streets, speaking to a man known as 'Joe the Pieman' when he heard a shot fired. Then six more shots.



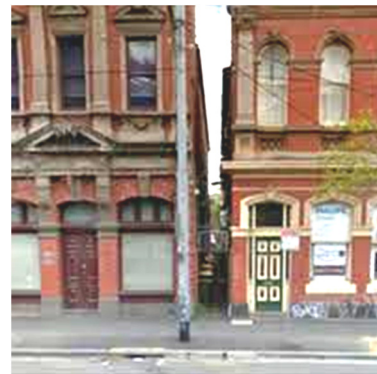
The constable and the pieman ran to a lane leading from Brunswick Street through to Fitzroy Street... The victim was eventually found, but was quite unable to remember anything about who had shot him.

Jumping forward a century, the lane in question has been fenced off at both ends. Lex would be unable to traverse it, even in pursuit of (or pursued by) some modern-day Squizzy Taylor.

This fencing has been the subject of [litigation in the Supreme Court](#). Constable Danaher and Joe the Pieman were not

available to give evidence, but their 1919 adventure was cited in testimony to establish that the lane was, and therefore is, a public highway.

The Court found that the strip of land had been *dedicated* to the public (various cadastral documents described it as 'way' or 'footway') and what's more it had been *accepted* by the public over many decades. Pertinently, it served as a thoroughfare between two streets: it 'sits between many destination points.'



Thus, although narrow, the passageway is a *public highway*, and consequently its true owner is the City of Yarra.

What next, Lex wonders? Will the plaintiffs appeal? Will Yarra Council just remove the gates? And will we ever find out who fired those shots? ♦

Fitzroy is Wurundjeri country
[\(click here\)](#)

See you there! Lex Loci

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