

# LEX LOCI'S TRAVELS

29 AUGUST 2022

## Lex dances the Flamenco

### *At South Melbourne Market*

Well, he may dance the flamenco soon, when he's finished his *Paella Marisco*, and *Patatas Bravas*, and his glass of *Ribera del Duero*.



Lex is sitting in one of the Spanish tapas-restaurants at South Melbourne Market. Looking around, he sees what other patrons don't: the dining area is divided down the middle by an imaginary line. The stallholder doesn't seem to care: she pays a licence fee to City of Port Phillip, covering both parts of her domain. But our Lex finds it fascinating.

**The tables to the East of that line are in the Cecil St road reserve; the tables to the West are in Crown Allotment 1, section 5, Parish of Melbourne South.**

For the eastern part, City of Port Phillip is Coordinating Road Authority, and issues footpath trading permits under a local law. The western part is more complicated.

In 1867 this land was the subject of a Crown Grant to *The Mayor Councillors and Burgesses of the Borough of Emerald Hill*, which doesn't exist anymore. So what? Neither do scores of old municipalities: but with a bit of work we can figure out who their successors-in-law are today. In this case it's City of Port Phillip.

But what concerns Lex is the Crown Grant, signed in 1867 by Governor Sir

John Henry Thomas Manners Sutton KCMG &C &C on behalf of Queen Victoria. It was a Grant with conditions...

First, Her Majesty (together with her heirs and successors) reserves the right to *search and dig for gold silver and coal* (coal !?). And to build *railways canals watercourses reservoirs drains or sewers*.

**And the land must be maintained and used as and for a General Market and public buildings and offices and conveniences connected therewith. If it's used for any other purpose, Her Majesty can take the land back again.**



So - is eating tapas and dancing the flamenco consistent with *General Market and conveniences connected therewith*? Well, no-one's arguing.

**And is it freehold land or Crown land? Well, in addition to the Crown grant, Lex finds an 1867 permanent reservation under the *Land Act 1862*, from which he figures it is Crown land, not freehold.**

And now there's music! A latter-day Andres Segovia is playing *Granada*, by Albéniz.

Lex reaches for his castanets. ♦

## See you there! Lex Loci

*South Melbourne Market is in  
Bunurong Country.*