

LEX LOCI'S TRAVELS

26 FEBRUARY 2019

An irregular one-pager from The Public Land Consultancy

Lex Hits a Six at the Walhalla Cricket Ground

Lex has had an invigorating climb. The narrow, winding track he's just traversed is only 1k long, but it rises 200 metres vertically. Once, the ridge at the top was even higher, but in the 1880s gold miners levelled it off, to create a cricket ground.

Walhalla is renowned for its rugged topography, and its gold rush origins. These two attributes combine to present modern surveyors with a confused cadastre, and modern land administrators with corresponding policy dilemmas.

In the 1860s the inhabitants just wanted to dig holes, make fortunes, and patronise the town's 10 hotels and 3 breweries. Getting their property boundaries correct was a very low priority – unless those boundaries related to gold.

When four diggers pegged the sliver of land that lay on the line of Cohen's reef between two big mines – the Royal Mint and the Prince of Wales – the dispute went as far as the Privy Council in London. In settling the case, their Lordships rewrote the common law on forfeiture and abandonment.



The Walhalla (mixed gender?) cricket team, 1888.

The common law is still hard at work in Walhalla. The Baw Baw planning scheme encourages titles to be restructured; DELWP is prepared to sell odd bits of Crown land to abutting owners, but ownership may not be correctly reflected on the title documents.

So we see, in the Baw Baw planning scheme, a remarkable (maybe unique) provision: an allowance for 'adverse possession' fencing. No permit is required to put up a 'fence consisting of star pickets not less than 3 metres apart and joined by not more than two strands of plain fencing wire.'

But back to the cricket! In 1907 Australian test cricket captain Warwick Armstrong made a bet that he could belt a cricket ball from the Walhalla ground onto the roof of the Star Hotel in the township 700 feet "over the side." It seems he did not succeed, so Lex is giving it a go. Only trouble is, he left his bat down at the pub. Bother.

See you there! *Lex Loci*

Sources: Walhalla Chronicle, *A Sporting Life*, Feb 1996
Shire of Baw Baw - *Restructure Discussion Paper*, 2013
Armstrong, Henry J - *A Treatise on the Law of Gold Mining in Victoria*, 1891



*Walhalla is in
Gunaikurnai
country*



The Public Land Consultancy
ABN 69 067 045 520
Principal: David Gabriel-Jones
Email: lex.loci@publicland.com.au

27 / 539 St Kilda Road
Melbourne, VIC 3004
phone: (03) 9534 5128

postal: PO Box 2251
St Kilda West, VIC 3182
mobile: 0412 134 243
www.publicland.com.au