Hobart Town 25th October 1854

Sir,

The application by Messrs. Bethune and Gellibrand for a Grant of the Grange Estate, or rather for 4000 acres of it, will be ready to be heard by the Commissioners on the 5th of November. The land applied for, you are aware, is comprised in the undenominious location orders —

<table>
<thead>
<tr>
<th>James King</th>
<th>2000</th>
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<tbody>
<tr>
<td>Joseph Allport</td>
<td>1200</td>
</tr>
<tr>
<td>William Ward</td>
<td>400</td>
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<tr>
<td>George Needlesh</td>
<td>1000</td>
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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 4738 acres. Quantity applied for 4600 acres except our quantity applied for 1878.

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

Of this quantity the diagram shows an exact 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 1013 acres. As to 800 acres of this excess, adjoining a part of Allport's 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 213 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.

At 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 has been made entirely upon your information, and at your instruction. This distinctly appears from your letter to the Surveyor General of the 12th of April last, in which you hope the Surveyor General will be able to give 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 meantime I may state that Isles says "G. Meredith's Grant of 1000 acres occupies the northern frontage of King's Day, and that Allport's Grant of 1280 acres is measured by joining to James Arnold's Grant of 880 acres on Moulting Bay, his Northern line being protracted Westward a short distance (40 or 50 chains) and that line at or near to right angles with
"Kings North East side line to the continued line above Amos's, includes this Grant. Allport's Grant therefore is bounded by Kings, Meredith, I Amos, and Crown land. Again you say, "On the whole it must be admitted that Isles's information is most minute and satisfactory; Allport's Grant, were 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, "D. Story's line, marked about the same time, having been fairly obliterated. "By 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 D. Story's land, you say, "John Halls measured said land, and was shown the marked trees perhaps 22 years back," and you state that this was done about the same time that Allport's was measured by W. Halls. "Mr. Allport however did not even receive his order for the land until the 26th of July 1832, 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 Idle's statements as to Mr. Hall's measurement of Allport's location. One thing, however, is quite plain, that if Mr. Hall 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 Idle'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. Allport's frontage from King's Bay. I should have thought that such an unusual mode of locating land as this, would have made you pause on listening to its less statements.

On the 13th of October 1857, you forwarded Mr. Gallibrand 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 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 Allport's 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 Mr. Gellibrand's title, is — "All that tract piece or parcel of land containing 1,000 acres situate at a certain place called Long Point at Great Swan Port in Nain Diment Land aforesaid fronting on a stream of water which runs into Swan Port to the North thereof, the side line of land belonging to the said Joseph Rice Gellibrand extending Southernly to a certain place called King's Bay". The Conveyance from which this description is taken was made to Mr. Gellibrand on the 30th of April 1830, which must have been a very short time after the location of Mr. Atwood'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 Mr. Atwood's statement, and which in other respects is against the well-known rules of the Government in laying out locations.

Again, Mr. James Arnold's Grant of the 380 acres, was issued on the 24th of November 1838,
The boundaries of all these locations have been fixed in the recollection of parties. The description of the grant is as follows: "Bounded on the North by Thirty-one Chains Westly along Crown land commencing from Mounting Bay, On the West by ninety-nine Chains Southaly as a right angle to Creek. On the South by the fall water Creek to Mounting Bay, and on the East by that Day 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 all parts of location, which it would have done, then been any truth in Isley'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 Isley's statement; 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 endeavouring by that
Communication, to make a new
classing 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
12th 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. Allport's 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 resisted
upon, every 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. Peshune being on the eve of leaving the Colony. If you should with the claim for the 800 acres be prosecuted, you will bee at once from what I have written, that the Trustees cannot do to. If you wish to try this, you must employ your own Solicitor, and do so at your own expense. The Trustees have told you no part of the land, and cannot be parties to claiming what does not belong to them.

Yours most of 11.

The

To Francis Cotton Esq.