

Bourke, who at once proclaimed the district¹ as falling within his jurisdiction, and was likewise disavowed by the Colonial Secretary of State, to whom the settlers appealed. The adverse decision of the law officers of the Crown on the legal aspect of the contention, effectually crushed this initial attempt to establish an independent colony.² Governor Bourke soon after took steps to make his assertion of jurisdiction effective by proclaiming the Port Phillip district open for settlement, and by the appointment of a resident magistrate.³ The steady growth of the community together with its remoteness from the capital led the Secretary for the Colonies in 1839 to appoint Mr. Latrobe superintendent of the district. A second proclamation,⁴ issued soon after, defined the extent of his jurisdiction as "that portion of New South Wales which lies to the south of the thirty-sixth degree of south latitude and between the one hundred and forty-first and one hundred and forty-sixth of east longitude," and declared that therein the Superintendent should exercise the powers and functions of a lieutenant-governor.

From the very earliest period the land question has been a burning issue of Australian politics, affecting in its far-reaching consequences the whole polity of the colonial governments. In the Crown colony days it was one of the most difficult problems of the home authorities, as it is to-day one of the most crucial questions in Australian local politics. In issuing instructions⁵ in 1840, for the regulation of the sale of land in the Port Phillip district, Lord John Russell made provision for the division of New South Wales into three separate provinces for all purposes connected with the disposal of land, and regulations were at once issued by the Governor partitioning the colony into the Northern, the Middle or Sydney district and the Southern or Port Phillip district and determining the boundaries of each.⁶ The northern limit assigned to the Southern district was the course of the Murrumbidgee River and from thence along the thirty-sixth degree to the Pacific. The home government was not well advised in proposing this delimitation,⁷ for although it

¹N.S.W. Gov. Gaz., Sept. 2, 1835.

²Jenks, *The Government of Victoria*, p. 25.

³Turner, *Hist. of Vict.*, vol. 1, p. 152.

⁴N.S.W. Gov. Gaz., Sept. 11, 1839.

⁵May 23, 1840. G.B.P.P. 1840, vol. 7, p. 667.

⁶Jenks, *The Government of Vict.*, p. 40.

⁷Lang, *The Coming Event or Freedom and Independence for the Gold Lands*, vol. 1, p. 50.