

COPY: OPINION OF DR. LUSHINGTON.

1. I am of opinion that the Grants obtained by the Association are not valid without the consent of the Crown. Legal opinion
re lands at
Port Phillip.
2. and 3. I do not think that the right to this Territory is at present vested in the Crown, but I am of opinion that the Crown might oust the Association; for I deem it competent to the Crown to prevent such settlements being made by British Subjects, if it should think fit.

* Note 110.

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HISTORICAL RECORDS OF AUSTRALIA.

1836.
13 April.
Legal opinion
re lands at
Port Phillip.

4. I think the most advisable course the Association can pursue is to give the Crown the fullest information on all points. I think it unwise and unsafe to hold back any Document or information whatever. Indeed the so doing might invalidate the security the association might derive from the Grants or Acts of the Crown.

I further think that it would not be expedient in the first instance to propose specific terms. The best course would be, after giving full information, to request the countenance, sanction and aid of the Crown; of course afterwards the security of the Lands by confirmation or Grant from the Crown should be obtained, under what conditions or restrictions, must be matter for subsequent negotiation with Government.

The present plan is truly speaking the planting of a new Colony; and nothing can be safely or effectually done but by the authority of the Crown.

STEPHEN LUSHINGTON.

Great George Street, 18th January, 1836.