

MOORE COLLEGE: BROUGHTON LETTERS

Broughton to Coleridge, 7/10/1844

My dear Coleridge: I am taking great advantage of your expressed desire to hear frequently. Friday last witnessed the despatch of a long letter from myself, enclosing a Letter and a fragment of a Letter from my brethren of N.Z. and Tasmania. You do not often receive a communication jointly the produce (sic) of three bishops. The cause however which principally occasions me to write again, is this matter of the vacant Chair Justiceship. My dread is that you may already be tired of it. If so pray have the goodness to skip all this, or throw it into the fire. But on the other hand shld it happen that you concur with me as to the importance of the subject, and be willing to recommend any one's attention to it, no doubt it will be desirable that you shld know all about it. On Saturday the rival pretensions of Justice Stephen and the Attorney General were submitted by the Governor to the Executive Council, and were carefully weighed. The decision was that the latter had not sufficiently established his claim upon the ground of a parallel between English and Colonial practise; and that therefore it cld not be allowed. Mr Stephen is accordingly appointed pro tempore to act as C.J. until Her M's pleasure be known. Of course they will both take measures for urging their respective claims, and for supporting them by all the interest they can muster. My own opinion is that this stage of affairs will leave the fairest opening for a third party. Lord Stanley will evidently see that by preferring either of the rivals he will so embitter the feelings of the other that the business of the Court can never be harmoniously conducted while both remain in it. He may therefore, in my opinion prudently, settle that point by conferring the office upon a stranger, of such professional ability (if such a man can be found willing to take it) as may check all bickering which might interrupt the proceedings of his Court. Indeed the office deserves a man superior to either. Plunkett, there is no doubt, is supported by a coalition of R. Plunkett, there is no doubt, is supported by a coalition of R. Catholics and liberals; the party of Sir Richard Bourke: and it is probable

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they will urge, what was attempted in Parlt, tha the claims of Irishmen are overlooked. It is not so however in the present instance. Sir James Dowling if not an Irishman born was the son of one. Kinchela who was on the Bench for a time and wld have been there still if ill-health and other causes had not disqualified him was of that country, and so is Jeffcott who is now acting at Port Phillip, and in all probability may be confirmed. Now there have been but 8 Judges of the Supreme Court since placed upon its present footing: and two if not three of these having been irish, there can be no well-founded complaint on that plea even though an Englishman shld now be appointed. There is another thing which shld not be lost sight of. If the recommendation, which seems to be gaining favour here, that there shld be a separate Upper House in the legislative, be adopted, it wld appear most agreeable to usage and propreity that the Chief Justice (who in fact is Chancellor) shld sit as its Speaker. Whether this wld add to the emoluments it is not for me to say: but to the dignity and importance of the Office it certainly would. Thus therefore you see it ought not be held except by a producible (sic) man. It appears to me worthy the ambition even of a superior man, unless he have a moral certainty of rising to eminence at home. There is without doubt a great deal of radical wrong-headedness among our political agitators, the leaders of whom are barristers: but at the same time there are evidences of strong though coarse talent. It cannot be said that a man of high station is to come here to exercise the influence which strong minds maintain over weak ones: for in fact they are not weak. But he may come to try the effect of a cultivated understanding and a concern for the religion of the Church of England over those who do not possess the one, and avowedly reject the other. And if such a man, in the outset of what must be hereafter a vast and important community, can establish principles which will, for their soundness be held in veneration in all future ages, he

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will not have lived in vain: neither need he despise the share of immortality which he will have achieved (sic) for his memory.

The 'Ceylon' is actually so full that the agents say they are not sure they can find room for the boxes to be sent to you and Mrs Coleridge. The consignees however are Messrs Cruikshank Melville and Co., 13 Austin Friars London: and if, on the receipt of this, you will be so kind as to put yourself in communication with them, they will inform you whether boxes addressed to you have arrived by that Ship. if not, they shall be sent by the Ship 'Greenlaw', the next in rotation for London; and by which poor Sir James Dowling was to have gone home. Still no intelligence of the 'Garland Grove' with the June Mail from England. With kindest regards to all and each of your good relatives our very dear friends, believe me to be Your most faithfully and affectionately,  
W.G. Australia.