

MOORE COLLEGE: BROUGHTON LETTERS

Broughton to Coleridge, 15/2/1841 (No. 2)

My dear Coleridge: I beg herewith to forward to you Copies of the Will and Codicil of the late Mr Moore, referred to in my Letter of this day, forwarded by the Andromache. The affair, as you will perceive, is of importance to the interests of the Church and if any attempt should be made to set aside the Will (or the Deeds of Gift referred to in the Codicil) the probability is that it would proceed upon the repugnance of such bequests and donations to the Statutes of Mortmain. My wish therefore is to obtain, through your kind agency, the best opinion and advice how we should meet that objection if it should be raised. My good friend Burton of course cannot be our counsellor; as that would be incompatible with his position as a Judge in the cause. The prevalent opinion here, as far as I am able to gather it, appears to be that the Mortmain Acts are not in force here: but the determination of that question must finally rest with our Judges: and we cannot be too well armed with arguments to fix their Honours' decision in our favour, in case it should come to a trial. I have no particular reason for deeming it probable this will be the case: but there are so many wrong-headed jealous spirits, who would consider it a triumph to deprive the Church of England of every advantage, that it is most prudent on our part to be prepared. If you should find time to read the Will you will find that, in contemplation I presume of the possibility of such an occurrence as I have just alluded to, there is a final bequest of a personal and unconditional nature to the Executors. I have no doubt whatever upon my own mind that Mr Moore's intention was to give his whole property in this way, in case the first appointed Trust could not be executed. But upon looking carefully at the wording of this final appropriation I have my doubts whether it would convey to us more than the landed property, or real estates. We shall however with as little delay as possible lay out the personal property (as directed) in the purchase of lands within the Colony:

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which being effected it may seem that the bequest to the Executors would include all in the event of the trusts concerning the real Estate failing, or not being found practicable. There is however a sum of £6000 on mortgage, which cannot be reclaimed until the expiration of ten years. I enclose a Schedule of the property, which may serve to elucidate some essential points.

I must really and sincerely beg you will excuse my giving you all this trouble; but I am confident that in consideration of the important interests involved you will undertake it at my request. Believe me to remain, My dear Coleridge,  
Your very faithful friend, W.G. Australia.