

Sydney 7th October 1844.

55

My dear Coleridge

I am taking great advantage of your expressed desire to hear frequently. Friday last I stamped 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 of three bishops. The cause however, which principally occasions me to write again, is this matter of the vacant Chief Justice ship. My dread is that you may be already tired of it. If so pray have the goodness to skip all this, or throw it into the fire. But on the other hand should 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 should 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

Colonial practice; and that therefore it could not be
allowed. Mr. Stephen is ^{undoubtedly} ~~therefore~~ appointed pro tempore
to act as C.J. until Sir 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 state 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 harmo-
niously conducted while both remain in it. He may
therefore, in my opinion very 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 P. Catholics
and Liberals; the party of Sir Richard Dwyer: and it
is probable they will urge what was attempted in Parlt.
that the claims of Irishmen are overlooked. It is not
so however in the present instance. Sir James Dowling if
not

an Irishman Corn was the son of one. Renchels also
was on the Bench for a time and would 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 should now be appointed.
There is one other thing which should not be lost
sight of. If the recommendation, which seems to be
gaining favour here, that there should be a separate
Upper House in the Legislature, be adopted, it would
appear most agreeable to usage and propriety that
the Chief Justice (who in fact is Chancellor) should
sit as its Speaker. Whether this would 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 to be held except by a
productive 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

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 in 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 under-
standing 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 actual
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 will not have
lived in vain: neither need he despise the share of immor-
tality which he will have achieved for his memory.

The "Cyton" 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 Mr Coleridge. The consignees however
are Mess^{rs} Crutcherbank Melville & 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 inter-
ference of the "Garland Grove" with the June Mail from England.
With kindest regards to all and each of your good relations and every
dear friend, believe me to be Yours most faithfully & affectly W. G. Australia