to be manned in we Mer words are whenshow that you will COMMONWEALTH OF AUSTRALIA.

While the state of the state Compelerate aug 24/3 my dear Clark, much My steating Las hem altered by the Culting down of the Pagle Cunt Beach 6-3 melues Whent pesseries - & See 5 Justices with

griffilh as E-V-4 you as me if his associates. how I coult guess what-will happen -We have not discussed he personnel of the Bench at-all so hal I do mil- Kenner Whene my collargues will from how Barlow + & do and Kum each Thees numdo except- hat O'Comme is a moral certainlyat-all emils to have an Offer - But I write-

5-say hal- weles you booch? suffere 5 submil- grue name as me of the half day on from when The three are who selected of Juffthe consents he will in all probablety be chosen to preside but here is a pregudice aparish State Judges in the part of from hunders that may affect his Chances too - ho doubt-expense will some & hepre long that three is an madynale number tul-2 are deeply dischprimeted het ha -unt-does unt-commance with the Shough numerically worked I much Come in ader of thingly descharge its high functions - I shall be much happy of Lam Losofter able to ask you wadd you tearning to that of he gust- how sustices why will comprise the Communally High count the the he meantime hely required your assent Alfred Deakin II

C4/C/42

Commonwealth of Australia Attorney General's Office

August 24/3

Confidential

My dear Clark

You know how much the Judicial situation has been altered by the cutting down of the High Court bench to 3 Justices without persuasions - I had always hoped to see 5 Justices with Griffith as CJ and you as one of his associates. Now I cannot guess what will happen - We have not discussed the personnel of the Bench at all so that I do not know whom my colleagues will favour since Barton and I do not know each others minds except that O'Connor is a moral certainty at all events to have an offer - But I write to say that unless you object I propose to submit your name as one of the half dozen from which the three are to be selected - If Griffith consents he will in all probability be chosen to preside but - there is a prejudice against State judges in the part of some Ministers that may affect his chances too - No doubt experience will prove and before long that three is an inadequate number but I am deeply disappointed that the Court does not commence with that strength numerically to which it must come in order to fittingly discharge its high functions - I shall be most happy if I am soon able to ask you to add your learning to that of the first two Justices who will comprise the Commonwealth High Court but in the meantime only require your assent to be named, in other words, an intimation that you will accept if asked.

with kindest regards yours very truly

Alfred Deakin