

(address to Chancery Lane)

5 Fair St. Richmond

22 April 1875

Dear Clark

Having settled down in my new lodgings I take the opportunity of answering your affectionate & interesting letter. I have a good deal to say, but will bungle it as usual I suppose. ~~rather more than I should have~~

I don't know <sup>how</sup> to sufficiently thank you for the deep interest you manifest in me & your kind anxiety for my welfare - I only hope I deserve it. I am quite content - even proud - to enrol myself as one of your followers - even in "the lawless science of our law", in which I have the start at present. It would have been far better for me had I known you & appreciated your worth before. But I am not altogether at one with you in your last project. ~~but~~ I am changing a little just now. If the experience I am gaining is a hard one, the lessons it teaches are more lastingly impressed on the mind - It points to the fact that in our common profession, we hold a prize some that will bring us both wealth & honor if we use it properly & do not too rashly commit ourselves to some project that may delay if not altogether defeat the object we have in view. Let me give you an instance of what I mean - In our office we have a Managing Clerk a clever, shrewd businesslike fellow - thoroughly well up in the practical part of the business - but with rather a contempt ~~with~~ for "book. ~~learnin'~~ learnin'" There is a heavy case in the office & he went down to N. 3. - Dunedin - to collect evidence for on Commission - He was away a month, had a good deal of leisure, & came back

with much useful & interesting information. He takes a great interest in me and, poor as I am, he rather envies me in the advantage I have in being admitted. He strongly advises me to go to the colony just named, where there are many opportunities of achieving fame & fortune, <sup>that convinced me of the truth of his remarks</sup> But N.Z. is large, & naturally wealthy, offering every advantage & inducement to a pioneer: Tasmania is poor, scantily populated, & with bad prospects in future. Not only this but the people are starched-up, narrow minded & exclusive, & as is the wont of these stunted communities, to apt to decay "young talent" (Of this you have a striking ~~the~~ proof in the case of the Quadrilateral). In N.Z. on the other hand, they take what they can get for obvious reasons. Look at it in another aspect. By the time you are admitted, I will be 28 - you, older - now, in this ~~had~~ "high-pressure" age, this is, <sup>nearly</sup> middle age. If we are to do anything it must be done at once. Half a dozen years of waiting, <sup>elapse</sup> we are middle aged; and if, after this lapse of time, the object is attained, is it worth having? Could we not, under other skies, & in a fairer field, have done more in half the time? I am not altogether arguing on supposition. You have had instances in St. Louis. Ask yourself calmly would we do better? Take the case of a solicitor. How long would he have to wait? A Barrister's case is worse. Besides, could we wait? By that time (July '77) I shall - I hope - be in for a good thing here & I shall do one of two things - sink down into comfort & competency, or risk everything for a high throw, but certainly not in Tasmania - I hope you are not wedded to the

idea - I think you would be throwing yourself away & had  
purchased a far brighter career for you. Again, (I am not  
forgetting your worth) you would have a formidable competitor  
an older man & one who has the popular ear. Oh no!  
reconsider your half formed plan - It seems no doubt a high  
worthy aim to rise in your native land, raising it with you.  
But I doubt if this is not romantic or chimerical. Selfish, to  
a great extent, we must be, or we will never rise. I bear  
my 'native heath' no hatred but certainly <sup>no</sup> great love & I am  
not altogether unwilling to agree with my cynical & blighted  
friend - Edwards - in his remark that "to a man of ability, or  
even energy, it is a positive misfortune to have been reared in  
a place like Tasmania." Understand me, dear friend. I am  
neither disappointed nor desponding. ~~With~~ Although I do not  
say that your project is not feasible, I must insist that it  
is not the best; & the best you, in justice to yourself, ought  
certainly to adopt. Of course this is only my own <sup>present</sup> idea.  
The times change & we with them. There are two long years  
to elapse - Before the end of that time I may come round  
to your views or you to mine. Meanwhile, I say, with  
this reservation, "make it thou zealant & I am with you,  
heart & soul, ready & willing, proud & happy to aid, advise  
assist or serve. "You to write me again hereon"

I am glad to see you have commenced reading in  
earnest - I thought you would not be long before dipping into pleasing.  
I did not care much for Stephens work on this subject but liked

Williams' treatise much better - You would do well to read Bullen & Leake's precedents - for the sake of the notes - at the same time - You don't say anything about The C.S.P. Act - This you should have read first. It's such a Titan here, nearly 500 sections. You are right I think to read with Walker on conveyancing; but don't let him over-~~work~~ your brains. Keep me well up in these details - even if should they go the length of queries or discussions - Remember, tho' far away, I am still with you either in the pleasant room of the "University" or the room of many shelves, maltreated windows, battered ceiling & dusty depositions that "those people" used to inhabit, - following your progress with keen interest. By the way, how is "Hello"? You must remember me to him & to chain. For the sake of old times I should like to know how they are getting on. Blandy, too, still is amongst the celebrities! Before closing this part of my letter I must give you one piece of advice, <sup>remember</sup> ~~and~~ it comes from one who has found that "it is not most of sovereign worth is what our own experience preaches;" - gather up every bit of practice you can & turn it over in all its bearings & compare it with the text Books.

We are very busy just now for a small office. The following are the cases <sup>in hand</sup> - all to come on before 20th prox:

- |  |   |                    |
|--|---|--------------------|
| Blevins at Gleason -                                 | Appeal to the full Court from the Equity Court. | (2 Counsel         |
| Blyth at Kyd tax -                                   | Action - Account & not accounting.              | James, £6,000 (3 " |
| City Bank v. Allen -                                 | " on a Bill - Special Pleas -                   | (1 "               |
| " " " Davoon.  | The like  | (1 "               |
| Paterson at <sup>(adminr)</sup> <del>Barwick</del> - | Case. Illegal seizure under B of Sale           | (2 "               |
| Rush v. Osborne.                                     | Deceit  | (3 "               |
| " " Gray to Osborne -                                | Debt & Detinue.                                 | (3 "               |

This represents some 5000 folios of Engrossing - wherein I hope to share. Thereout to pay certain debts & perform certain promises which you will not

Besides, the cases I have mentioned these are 2 other cases - suits, rather - pending, in Equity, both of which have gone as far as Bill Answered.

Equity practice here is of itself a thing apart - It is entirely different to the English & Australian systems. The Bill is served - Deft has 3 or 6 weeks to answer according to his distance from Melbourne. Issue is put by the Anor being deemed sufficient. Let the case down - Give notice to other party - Issue then follows - The suit being set down, evidence is taken. At the next sitting the Plt's junior counsel opens, the pleadings - Deft, the answer - Judge reads his notes of evidence - Col for Plt supports the Bill, the Deft, the Answer - Plt's leading counsel replies - the Decree is pronounced et voila tout. This is simple enough is it not? All the old cumbersome forms are swept away & the practice is easy -

Common Law does not differ much - save here & there some incidental variance arises in practice - The County Courts take Equity cases up to £250. The Master in Eq: manages Probate cases, where the property is not over £500 in value. Above that, it is done by the Sup Court - i.e. you instruct a Barrister, who makes the court.

I see little or no conveyancing under the general law, but plenty under the Statute (R.A. Act) & lots of Probate work.

There is a marked difference here in the style of doing work - Everybody works hard but not long - The office opens late & shuts early & I have not once been 5 minutes at 4.30 since I entered - The reason is, as I have before stated, they sacrifice style & method to rapidity. If a person will or cannot undertake the responsibility he has to seek very low.

Is <sup>really</sup> personality now descendible like personality or in Testamentary ~~will~~, in Tasmania? I have been told so -

I could enter here upon a long & wearisome exposition of my present position & future hopes, but I forbear to do so. Should however any undisponding tone in this offend you, you will pardon it, when I tell you honestly & frankly that I have (without any fault of my own) I have not been so poor, so truly miserable & so much hedged in with apparent individual little annoyances & perplexities for the last seven years. But, as Milton's favorite poet has it, "Drope brings eternal

Delight ho! What more have I to say? Very little. My life is so quiet & so uneventful that it does not furnish me with any of the usual topics that fill up a letter. Truly, I ought to be changed, when I, that once was never happy unless "down town" have not indulged in that pleasure (!) 3 times this year, have not been out half a dozen times after the hour. beg away steadily at my law reading, but do not too of

much. Sometimes I am that thoroughly low spirited that I fly by trains from  
Ad No. 427 to Chitty, from that luminous to Tenison, from him to Macaulay  
& these are in their turn succeeded by the Argos & that by Bed. The  
2 authors I have just named have formed my principal studies - "Hypatia", as I think  
I told you, I read some years ago, but shall read again as soon as I can get hold  
of it. Besides these pursuits, I am playing with (I cannot use any other term)  
with the subjects for the Matriculation in an excessive sort of way that cannot lead  
to much good. In fact you can make out pretty clearly that I am thoroughly  
unsettled. I am also slowly recovering from a severe cold & an attack of that  
malignant pest of Melb, <sup>diarrhoea</sup> ~~diarrhoea~~. This has left me sore, weak & spiteful.

Religion! Ugh! I begin to hate the sound. Sight of the word. It seems  
to haunt me, cropping up in everything I say or write. Yesterday afternoon  
I spent in a fierce wrangle with my fidus Achates - Edwards - who, though  
a thorough skeptic, has yet the effrontery to stick up for "that low miserable  
(how does it run?) organ" - the Church of England. Thank God, as I  
told him, I <sup>have</sup> not sunk so low as that. If I don't know, but it appears  
to me, that "Fetichism" is my Rock ahead. This is not a pleasant state to  
get into is it? Well, I don't think we ought to be unreasonable on the subject.  
It seems to me to be rightly abjured; in the absence of any proof to the contrary.  
And what proof have we got in the past or hope in the future? None!  
In our conceit we pride & plume ourselves on "precious immortality."  
Why? Because forsooth, we have "high aspirations", "indefinable  
longings", "mysterious sympathies", "sure & certain hopes" &c. Really,  
it seems that this is one of the clearest cases of begging the whole question  
& certainly one in which the ~~word~~ <sup>word</sup> is father to the thought.

I feel sorry to have written this last paragraph - The whole subject  
is one on which I do not pretend to profess to be able to form an opinion & as  
for my new belief - if such - degrading thoughts ~~deserve~~ <sup>deserve</sup> the name -  
I may change it at any moment. However, you will pass it  
by, half in pity, half in scorn, not deeming it worthy of angry reply.

I wrote Hilton a scolding letter the other day. I am surprised at this.  
One would think that any one with the ordinary quantity of brains would  
be able to write decently to an old faithful friend, to whom he was endeared  
by early associations, & many kindred feelings, but it has been otherwise  
with me. I have made an utter failure, & this precious epistle comes  
to prove conclusively what a mess I can make of a letter. You will not  
be in a hurry to answer this, I imagine. Anyway, dear friend, farewell,  
though I can't express I can at least feel sincere gratitude for  
the kindness you have shown me & as you have plenty of endurance  
you will perhaps bear with me yet a little longer.

Your affectionate friend  
K. H. P.