

Melbourne
Thursday Evening
22/5/84

My dear Andrew,

I duly read your last 2 letters re legal questions. I am sorry to say I have had not had time to devote much time to looking up the main point that vexes you, but I tried you the best result of such researches as I have made. I should mention that I have discussed the question with several friends whose opinions of value I ^{have} also looked up all Victorian Reports of cases; inspected similar forms of contracts & taken the opinion of several Govt. contractors, architects &c on the subject.

1. Presuming that the Trust is properly created by Act of Parliament; that it has power

to rescind & vary contracts he
thinks it is clear in the
circumstances stated by you
that the Trust by its duly
authorised agents excused the
Contractor from completion of the
contract & altogether waived
their right of forfeiture.

I presume the assurance
given to the Contractor that
they were taking the works
into their own hands & that
they wd. have money to
give him to were made
by a duly authorised agent
of the Trust & by parol
but that they can be proved
up to the hilt. You do
not say whether the so-
called forfeiture took place
within the contract time

but I presume it did.

This is important (Mayor of
Epsom v. Minnis O. F. L. R. 236)

Now, as to whether horses
do come within the term
"plants" I find opinions very
much divided on the point
on which I should at once
say there is not a scintilla
of authority to be found.
The point has never, so far as
I can find, been raised in this
Colony & all the contracts I have
seen merely contain the
usual words "plant, appliances
& materials." I am familiar
with the case you refer
to (Ballard Commissioners
case as we call it) & I think

On the receipt of your 1st
letter I consulted my
friend Mr. Herald, - now a
Solicitor in practice here &
whom I think you have
met - who has the manage-
ment of that case & he
assures me the point was
not raised in that case -

As I said before,
opinions are pretty equally
divided on the point but for
my own part I cannot
see why, - if these chattels
were on the ground of being
used in or about the work-
shop ^{they} are not as much
part of the plant as the ^{other}
inanimate machinery. This
is the opinion of the Contractors &
have spoken to on the subject.

I don't think you would
derive any benefit from taking
a legal opinion in Melbourne.
One of my friends, a Barrister, who
has some leisure, is investigating
the subject & if he finds any
dictum you will hear from
me at once. I am sorry I
can't give you any definite
information but I don't see how
you can fail on the main point.
The forfeiture clause will be
construed strictly against the
trust, & the other point is
very arguable.

There is nothing new for
me to report. I am jogging
along in the same old style
but I am exceedingly discontented
with my lot. I most heartily

Wish I could run over to
see you on the "Glorious 4th"
but as Nelson & I dolefully
agreed it is quite out of
the question unless something
approaching a miracle takes
place - I could then tell you
in a few sentences all my
difficulties & perplexities which
I cannot in months of corres-
-pondence satisfactorily explain.
Anyhow you may rely on
seeing me at Xmas if I
am in the flesh & if I can
take up my abode for a night
in Tasmania I shall esteem
myself lucky. Now I wish
I had stayed when I was
last there; but "things without

Remedy should be without regard -

I said that there was nothing new in my life & yet there is - While looking a few weeks ago in the library shelves of the Athenaeum I spied Myers's Essay on Wordsworth. I took it home & read it very carefully & the result was that I purchased both the Essay & the works of the poet & I may safely say that I date an important change in my thoughts from that time - I cannot tell you in the brief & unsatisfactory compass of a letter what pleasure & profit I have derived

From the perusal of these works I am
surprised I am to find what numerous
sources, not only of beauty but of very
youngful & almost forgotten memories
lay concealed in the pages of him we
(Witta + I) irreverently termed "Woody". I feel
a sense of delighted wonder & "springs" as
as if I had just emerged from an
intellectual Turkish bath. And then what
delightful walks, talks Witta & I
have had on this subject. We spend
our Saturdays together & if we don't

"darken sanctities with
Sag" or make the Thicket
resound to "many a flute
of Arcady" we, or I at all
Events, have a delightful
intellectual Symposium.
I have lately taken a dissent
for law & have been reading
miscellaneous literature eg.
Lauder; "Progress & Poverty";
Maudsley's "Responsibility in mental
Disease" the "Mirage" (a very
good American novel) & so &
by these means & by dint
of playing chess with
Wilton & McKempie (do you
remember the latter; he is
a widower now & lives all
alone in a big house near me)
I manage sometimes to keep
the blues at bay & "let the
world slip" - Wilton sent me a

Delightful book the other
day entitled "Rambles in
Hard Love" (an old hobby of
mine) by Swinton - Do you know
it.

For must I forget to
thank you for "True & I"
which I found delightful
reading - By the way whence
did you call those verses
~~from~~ "Announcing
"Comfort, Oh free & true"

But I must stop this
gabble.

I see poor little "Pupple"
has gone the way of all
beaks - Poor Pupple! He
did not long enjoy his
reirement. How are they

going to fill his place?

I see George Edwards
is coming to Melbourne at
the end of this month. Walter
& I are looking forward to
meeting him.

Please present my
affectionate regards to Mrs
Clark & tell her not to
believe the libel Wilton
has been circulating to
her about me. I should like
to be kindly remembered to
her & Joy & to your
paternal self I am of
course

Ever affectionately
yours
Walter
Edwards

I am very sorry to say I
have not yet found the
verses. I can't think they
can be lost & yet I
am at my wit's end where
to look for them. In the
day when I rec^d them I had
no desk & all my correspondence
was ~~of~~ crowded into my
trunk. I am afraid I have
let them get between the
leaves of one of my books &
then unknowingly sent the volume
to a friend who has lost the
verses. This is the only excuse
I can make & I hope I will
turn out to be incorrect.