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Samuel Griffith

Sir Samuel Walker Griffith, GCMG, PC, KC (21 June 1845 – 9 August 1920) was an Australian judge and politician who served as the inaugural Chief Justice of Australia, in office from 1903 to 1919. He also served a term as Chief Justice of Queensland and two terms as Premier of Queensland, and played a key role in the drafting of the Australian Constitution.

Griffith was born in Wales, arriving in the Colony of Queensland at the age of eight. He attended the University of Sydney, and after further legal training was called to the bar in 1867. Griffith was elected to the Queensland Legislative Assembly in 1872. He served as Attorney-General from 1874 to 1878, and subsequently became the leader of the parliament's liberal faction. Griffith's terms as premier ran from 1883 to 1888 and from 1890 to 1893. He led the Australian delegation to the 1887 Colonial Conference, and took a keen interest in external affairs, giving financial and administrative support to the newly annexed Territory of Papua and establishing the Queensland Maritime Defence Force. Domestically, he had a reputation as a radical and was initially seen as an ally of the labour movement; this changed after his government's intervention in the 1891 shearers' strike.

In 1893, Griffith retired from politics to head the Supreme Court of Queensland. He was frequently asked to assist in drafting legislation, and the Queensland criminal code – the first in Australia – was mostly his creation. Griffith was an ardent federationist, and with Andrew Inglis Clark wrote the draft constitution that was presented to the 1891 constitutional convention. Many of his contributions were preserved in the final constitution enacted in 1900. Griffith was involved in the drafting of the federal *Judiciary Act* 1903, which established the High Court of Australia, and was subsequently nominated by Alfred Deakin to become the inaugural Chief Justice. He presided over a number of constitutional cases, though some of his interpretations were rejected by later courts. He was also called on to advise governors-general during political instability. Griffith University and the Canberra suburb of Griffith are named in his honour.

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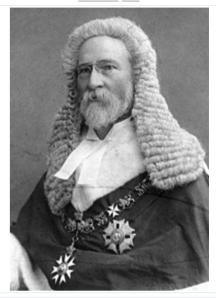
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Early life

Griffith was born in Merthyr Tydfil, Wales, the younger son of the Rev. Edward Griffith, a Congregational minister and his wife, Mary, second daughter of Peter Walker. His sister was the philanthropist Mary Harriett Griffith. Although of Welsh extraction, his forebears for at least three generations had lived in England. The family migrated to Queensland (then the Moreton Bay district of New South Wales) when Samuel was eight. He was educated at schools in Ipswich, Sydney,

The Right Honourable Sir Samuel Griffith GCMG KC



1st Chief Justice of Australia

In office

5 October 1903 – 17 October 1919

Nominated by Alfred Deakin

Appointed by Lord Northcote

Preceded by New office

Succeeded by Sir Adrian Knox

3rd Chief Justice of Queensland

In office

13 March 1893 - 4 October 1903

Nominated by Sir Thomas McIlwraith

Preceded by Sir Charles Lilley

Succeeded by Pope Cooper

9th Premier of Queensland

In office

12 August 1890 – 13 March 1893

Governor Sir Henry Norman

Preceded by Boyd Dunlop Morehead

Succeeded by Sir Thomas McIlwraith

In office

13 November 1883 – 13 June 1888

Governor Sir Anthony Musgrave

Preceded by Sir Thomas McIlwraith

Succeeded by Sir Thomas McIlwraith

Member of the Queensland Legislative Assembly

In office

13 June 1888 – 29 April 1893

Preceded by New seat

Succeeded by John James Kingsbury

<u>Maitland</u> and <u>Brisbane</u> (from 1860), towns where his father was a minister, then at the <u>University of Sydney</u>, where he graduated <u>Bachelor of Arts in 1863</u>, with first-class honours in classics, mathematics and natural science. <u>Il</u> During his course he was awarded the Cooper and Barker scholarships and other prizes. <u>Il</u>

In 1865, he gained the <u>T. S. Mort</u> Travelling Fellowship. Travelling to Europe, he spent some of his time in Italy, and became much attached to the Italian people and their literature. Many years after, he was to become the first Australian translator of <u>Dante</u> (*The Inferno of Dante Alighieri* in 1908). [1]

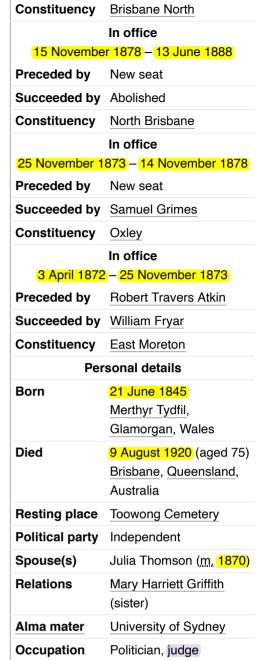
On his return to Brisbane, Griffith studied law and was articled to <u>Arthur Macalister</u>, in one of whose ministries Griffith afterwards had his first portfolio. Griffith was called to the bar in 1867. [1]

In 1870, Griffith returned to Sydney to complete a Master of Arts. [1] In the same year, he married Julia Janet Thomson. [1]

Political career

In 1872 Griffith was elected to the Legislative Assembly of Queensland, [3] for East Moreton. [2] Throughout his career he saw himself as a lawyer first and a politician second, and continued to appear at the Bar even when he was in office. Griffith took silk in 1876 as a Queen's Counsel. [1] In Parliament he gained a reputation as a liberal reformer. He was Attorney-General, Minister for Education and Minister for Works, and became leader of the liberal party in 1879. His great enemy was the conservative leader Sir Thomas McIlwraith, whom he accused (correctly) of corruption.

Griffith became Premier in November 1883^[1] displacing McIlwraith. Griffith's election as Premier was assisted by auditor-general William Leworthy Goode Drew's report on the colony's loans having reached over £13 million. Griffith won the next election largely on his policy of preventing the importation of Kanaka labour from the islands. He passed an act for this purpose, but it was found that the danger of the destruction of the sugar industry was so great that the measure was never made operative. Recruiting was, however, placed under regulations and some of the worst abuses were swept away. Griffith took a special interest in British New Guinea, and was eventually responsible for the sending of Sir William MacGregor there in 1888.





Griffith as premier

Griffith held the office of premier until 1888, and was made a Knight Commander of the Order of St Michael and St George in 1886, before receiving an advancement to Knight Grand Cross of the Order of St Michael and St George in 1895. Griffith was regarded as a close ally of the labour movement. He introduced a bill to legalise trade unions, and declared that "the great problem of this age is not how to accumulate wealth but how to secure its more equitable distribution". In 1888 his government was defeated. In opposition he wrote radical articles for *The Boomerang*, William Lane's socialist newspaper. 1

But in 1890 Griffith suddenly betrayed his radical friends and became Premier again at the head of an unlikely alliance with McIlwraith, the so-called "Griffilwraith". The following year his government used the military to break the great shearers' strike, and he earned the nickname "Oily Sam". [1] Griffith had had a distinguished career in Queensland politics. Included in the legislation for which he was responsible were an offenders' probation act, and an act which codified the law relating to the duties and powers of justices of the peace. He also succeeded in passing an eight hours bill through the assembly which was, however, thrown out by the Queensland Legislative Council. [2]

Chief Justice of Queensland

On <mark>13 March 1893,</mark> the Governor accepted Griffith's resignation from Vice-President and Member of the Executive Council and Chief Secretary and Attorney General and appointed Griffith to Chief Justice of the Supreme Court of Queensland where he served until 4 October 1903. [6] He was therefore not a delegate to the 1897 conventions which produced the final draft of

the Constitution, but he acted as a behind-the-scenes advisor to <u>Sir Robert Garran</u>, secretary of the Drafting Committee, which followed the structure he had laid out in 1891. In 1899 he campaigned publicly for a 'yes' vote in the federation referendum in Queensland. [1]

During his term as Chief Justice Griffith drafted Queensland's Criminal Code, [7] a successful codification of the entire English criminal law, which was adopted in 1899, and later in Western Australia, Papua New Guinea, substantially in Tasmania, and other imperial territories including Nigeria. At May 2006 the Queensland Criminal Code remains largely unchanged.

Chief Justice of Australia

When the federal parliament passed the *Judiciary Act* 1903, which created the High Court of Australia, Griffith was the natural choice as the first Chief Justice. Griffith's appointment as one of the first three judges of the High Court was approved by the Governor-General on 5 October 1903. During his sixteen years on the bench Griffith sat on some 950 reported cases. In 1913 he visited England and sat on the Privy Council. Like Sir Edmund Barton, Griffith was several times consulted by Governors-General of Australia on the exercise of the reserve powers. [10]

Griffith was the first of two justices of the High Court of Australia to have previously served in the Parliament of Queensland, along with Charles Powers. He was also one of five justices to have previously served on the Supreme Court of Queensland, along with William Webb, Harry Gibbs, Susan Kiefel and Patrick Keane. After 1910 Griffith's health declined, and in 1917 he suffered a stroke. He published a translation of Dante's Divina Commedia in 1912. [7]



Griffith later in life

Royal Commissions

In <mark>January 1918,</mark> Griffith was appointed by Prime Minister <u>Billy Hughes</u> as head of a <u>Royal Commission</u> into the recruitment levels needed to maintain the <u>Australian</u> Imperial Force's fighting strength overseas. This came only a month after a second referendum on overseas conscription had

returned a vote in the negative. Griffith was given such narrow terms of reference that his report took only a single week, and was effectively little more than a mathematical problem relating to the "existing size of the AIF, likely future losses of men, the numbers required to replace them, and so on". After the report was released, Hughes used it as vindication of his statements during the referendum debate. [11]

Later writers have seen Griffith's involvement in the Royal Commission as inadvisable, as the findings were able to be used for political purposes and thus could be seen to have breached the separation of powers. It is the most recent occasion on which a sitting High Court judge has chaired a Royal Commission; Griffith had also authorised the first, which was conducted by George Rich in 1915 and also concerned military issues. However, in July 1918 he rejected another request from Hughes for a High Court judge to conduct a Royal Commission, on the grounds that it would "associate the High Court with political action". [11]

Retirement and death

Griffith retired from the Court in 1919 and died at his home in Brisbane on 9 August 1920. He is buried in Toowong Cemetery, Brisbane, together with his wife, Julia, and their son, Llewellyn. Cemetery records indicate that their plot adjoins that of Griffith's dear friend Charles Mein (1841–1890) (barrister, politician and judge), the pair having met during their undergraduate studies at the University of Sydney. Sydney.

Honours

Griffith is commemorated by the naming of Griffith University, with campuses throughout South East Queensland, the suburb of Griffith in Canberra, the federal electoral division of Griffith, Sir Samuel Griffith Drive on Mount Coot-tha in Brisbane, and the S.W. Griffith building of Brisbane Grammar School, which was



Headstone of Sir Samuel Griffith at Brisbane's <u>Toowong Cemetery</u>.

the former Mathematics building and is now part of the Harlin House boarding precinct. The Samuel Griffith Society is a conservative organisation dedicated to defending what it sees as the principles of the Constitution – particularly, the principle of states' rights. His portrait, by Richard Godfrey Rivers, hangs in the Brisbane Supreme Court. Griffith was appointed a vice-president of the Royal Colonial Institute in 1909 and an honorary fellow of the British Academy in 1916. [1]

Although demolished in <mark>1963</mark>, his home *Merthyr*, named after his birthplace, gives its name to the neighbourhood of Merthyr in New Farm. Griffith Street and Merthyr Street in New Farm are also named after the man and his house. [14]

See also

- List of Judges of the High Court of Australia
- List of Judges of the Supreme Court of Queensland

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External links

- Queensland Criminal Code (http://www.austlii.edu.au/au/legis/qld/consol_act/cc189994/)
- The Australian Constitution (http://psephos.adam-carr.net/countries/a/australia//constitutions/austconstindex.shtml)
- Griffith University, Brisbane (http://www.gu.edu.au/)
- Samuel Griffith Society (http://www.samuelgriffith.org.au/)
- Griffith, Samuel Walker (https://online.brisbane.qld.gov.au/cemeteries/cemeteries_step3.jsp?mapdisplay=139567)
 Brisbane City Council Grave Location Search

	Political offices	
Preceded by Sir Thomas McIlwraith	Premier of Queensland 1883–1888	Succeeded by Sir Thomas McIlwraith
Preceded by Boyd Dunlop Morehead	Premier of Queensland 1890–1893	Succeeded by Sir Thomas McIlwraith
	Parliament of Queensland	
Preceded by Robert Travers Atkin	Member for East Moreton 1872–1873 Served alongside: William Hemmant	Succeeded by William Fryar
New seat	Member for Oxley 1873–1878	Succeeded by Samuel Grimes
New seat	Member for North Brisbane 1878–1888 Served alongside: Arthur Palmer, William Brookes	Abolished
New seat	Member for Brisbane North 1888–1893 Served alongside: Thomas McIlwraith	Succeeded by John James Kingsbury
	Legal offices	
New office	Chief Justice of Australia 1903-1919	Succeeded by Sir Adrian Knox
Preceded by Charles Lilley	Chief Justice of Queensland 1893–1903	Succeeded by Pope Alexander Cooper

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