

= Richard O 'Connor ( politician ) =

Richard Edward O 'Connor QC ( 4 August 1851 ? 18 November 1912 ) was an Australian politician and judge .

A barrister and later Queen 's Counsel , O 'Connor was active in the campaign for Australian Federation and was a close associate of Edmund Barton . He served as New South Wales Minister for Justice in the Dibbs ministry from 1891 to 1893 while a member of the New South Wales Legislative Council ( 1888 ? 98 ) , and was a member of the constitutional committee at the Federal Convention that drafted the Australian Constitution . A member of the first federal ministry as Vice @-@ President of the Executive Council , O 'Connor led the government in the Senate from 1901 to 1903 , playing a key role in the development of that chamber 's role in Australian politics .

O 'Connor resigned from Parliament in 1903 to become one of the inaugural justices of the High Court of Australia , which he had helped to create . He had a reputation as a liberal and independent @-@ minded justice who occasionally voted with the progressives on industrial matters after 1906 . He was also the first president of the Commonwealth Court of Conciliation and Arbitration from 1905 to 1907 , and he continued to serve on the High Court until his early death in 1912 .

= = Early life = =

Richard Edward O 'Connor was born in the Sydney suburb of Glebe on 4 August 1851 . His mother was Mary Anne , née Harnett , while his father was Richard , an Irish @-@ born Catholic who at that time served as librarian to the New South Wales Legislative Council , and would later become Clerk of the Legislative Assembly , chairing its first meeting . His family believed itself to be descended from the Irish republican rebel Arthur O 'Connor , and also counted the prominent Tasmanian pioneer Roderic O 'Connor among their relations . Richard Edward , sometimes known as Dick , attended St Mary 's College , a Benedictine school in Lyndhurst , from 1861 to 1866 before matriculating at Sydney Grammar School in 1867 and studying at the University of Sydney . From a young age his closest friend was Edmund Barton , in whose Cabinet O 'Connor would later serve . He won the Wentworth medal for the best English essay in 1870 , and received a Bachelor of Arts in 1871 and a Master of Arts in 1873 .

While studying for his master 's degree from 1871 to 1874 , O 'Connor worked as a clerk in the New South Wales Legislative Council , after which he was articled with Frederick Darley ( afterwards Chief Justice ) , remaining solvent with contributions to the Freeman 's Journal , the Echo and the Evening News . He was admitted to the bar on 15 June 1876 . An enthusiastic debater , he was a regular participant at the Sydney School of Arts Debating Club , encountering future political foes and personal friends William McMillan and George Reid . Establishing his own law practice , he served as Crown Prosecutor for the northern district . He married Sarah Jane Hensleigh on 30 October 1879 at St Joseph 's Catholic Church in Delegate on the border between New South Wales and Victoria ( Sarah came from Bendock ) .

= = Colonial politics = =

In the dispute between protection and free trade that formed the backbone of Australian colonial politics in the late nineteenth century , O 'Connor was a committed protectionist . Despite this , Sir Henry Parkes , the Premier of New South Wales and a free trader , had him appointed to the New South Wales Legislative Council on 8 February 1888 . The protectionist George Dibbs appointed him Minister for Justice on 23 October 1891 , a position in which he worked closely with his friend Barton , who was Attorney General . O 'Connor also served as Solicitor General from 19 July to 13 September 1893 . In these portfolios he worked for electoral reform and supported the cause of Federation . After becoming Leader of the Government in the Legislative Council in 1892 he exercised considerable control over that body , but his influence was greatly diminished after he and Barton were forced to resign from the ministry on 14 December 1893 , having accepted briefs in a case in which they were required to argue against the railway commissioners , a government

department . O 'Connor remained in the Legislative Council but embarked on an overseas tour , travelling to Egypt , Italy , England and Ireland .

In 1895 , O 'Connor returned to New South Wales and successfully defended the protectionist demagogue Paddy Crick against conspiracy charges relating to the George Dean attempted murder case ; he was appointed Queen 's Counsel in 1896 and acted as a judge on the Supreme Court from November 1898 to March 1899 . He also remained active politically . As a founding member of the Australian Federation League in 1893 , he was appointed a vice @-@ president of the People 's Federal Convention held at Bathurst in November 1896 . He was elected as a delegate to the Australian Federal Convention in 1897 and served on the constitutional committee with Barton and the former South Australian Premier Sir John Downer . He organised the " nexus clause " which guaranteed the Senate half as many members as the House of Representatives , arguing that this would act as an incentive to keep parliamentary numbers , and therefore expenditure , comparatively low .

O 'Connor resigned from the Legislative Council on 16 July 1898 , in order to contest the lower house seat of Young against the sitting Labour member , Chris Watson . He focused his campaign on Federation issues but was surprised to be easily defeated by 1 @,@ 244 votes to 876 . Financial difficulties necessitated his focus on legal work rather than campaigning during the second Constitution referendum in 1899 , although he still managed to speak most nights . Following the success of Federation , O 'Connor was to be a member of the first Commonwealth ministry , and was instrumental in the affair that became known as the Hopetoun Blunder . Lord Hopetoun , Australia 's first Governor @-@ General , had commissioned Sir William Lyne to form a government , since Lyne was Premier of the largest state , New South Wales . O 'Connor was one of those who refused to serve under Lyne , who had been lukewarm on the issue during the Federation campaigns , and was significant in the negotiations that led to Lyne 's resignation of the commission in Barton 's favour . On 1 January 1901 , O 'Connor was appointed Vice @-@ President of the Executive Council , an honorary post , in Barton 's Cabinet .

= = Federal politics = =

O 'Connor stood for the Senate at the 1901 federal election in March and was elected in the fourth position , with 40 % of the vote ( electors cast six votes , with the six candidates with the highest totals winning election ) . The only Protectionist Senator from New South Wales , he was appointed Leader of the Government in the Senate , and was instrumental in the evolution of that house as subordinate to the House of Representatives , although he encouraged the introduction of legislation into the Senate .

O 'Connor , who had only one ministerial colleague in the upper house , tabled standing orders for the Senate on 10 May 1901 in conjunction with those tabled in the House of Representatives , but the chamber instead adopted a committee to formulate standing orders of its own . He was a vigorous supporter of the White Australia policy , although he also supported voting rights for Aborigines and other " coloured persons who are naturalised subjects " , and supported Dalgety as the site for the national capital . He was also an advocate of proportional representation for the Senate as representative of the " true majority " , and managed to guide the 1902 Customs Tariff Act through the Senate with minimal interference . He worked during this period under great financial difficulty as his position as Vice @-@ President of the Executive Council carried with it no salary beyond that of a Senator , and parliamentary sessions in Melbourne greatly interfered with the running of his Sydney law practice . He had been offered a knighthood by Barton in 1902 but refused , lest he appear as " Sir Richard " before the bankruptcy courts . The number of salaried ministers was capped by the Constitution , but O 'Connor was forced to write to the Attorney General , his friend Alfred Deakin , that he could not continue to work without remuneration . As a result , Deakin arranged for O 'Connor 's ministerial colleagues to each contribute £ 200 a year to a fund for honorary ministers .

On 29 July 1903 , O 'Connor introduced legislation for the establishment of a High Court of Australia , describing it as vital in " maintaining the balance of the Constitution " . Attacked as

extravagant , the Judiciary Act was nonetheless passed , and O 'Connor resigned his portfolio on 24 September , resigning from the Senate on 27 September . He and Barton , who had likewise resigned , were appointed the first Puisne Justices of the High Court , with Sir Samuel Griffith as Chief Justice .

= = High Court justice = =

O 'Connor was a liberal justice who saw judges as " not only the interpreters , but also the guardians of the Constitution " , advocating the Court 's primacy over the Privy Council on these matters . He worked well with Griffith and Barton , although he was the most frequent dissenter in their decisions . The Court demanded a high standard of advocacy and acquired a reputation for overturning decisions made by the state supreme courts , and the justices ' travelling expenses were cut by Sir Josiah Symon , Attorney General in the short @-@ lived Reid government , in December 1904 . O 'Connor argued that abolishing tipstaves was a more efficient way of dealing with the Court 's increasing expenses and no decision was reached until Isaac Isaacs , taking office with the expansion of the Court in July 1906 , was able to broker a compromise .

O 'Connor was appointed the first president of the Commonwealth Court of Conciliation and Arbitration in February 1905 , a position he accepted with reluctance . He found it difficult to keep up with both positions , despite taking " a good deal of trouble with [ arbitration ] decisions " , and resigned from the Arbitration Court in 1907 . With the appointment of H. B. Higgins to the High Court with Isaacs in 1906 , that body had become far less unanimous , with O 'Connor sometimes agreeing with the two new justices on industrial matters . Assailed by ailing health but forced to continue working since he still lacked a pension , he travelled overseas in 1907 ? 08 and 1912 .

= = Death and legacy = =

O 'Connor , still a sitting justice , died from pernicious anaemia at St Vincent 's Hospital in the suburb of Darlinghurst on 18 November 1912 , aged 61 ; he had suffered from chronic nephritis for some years . He was buried in the Anglican section of Rookwood Cemetery , though with Catholic rites . He was survived by his wife Sarah , who died in 1925 , and by six of his seven children . Of his two daughters , Winifred married Alexander Maclay ( son of the Russian anthropologist and explorer Nicholas Miklouho @-@ Maclay ) , and Kathleen married the pianist and composer Roy Agnew . His eldest and youngest sons , Richard and Roderic , were killed at Armentières in 1916 ; the others , Arthur and Desmond , survived . After his death he received tributes from , among others , Barton , who believed " that assiduous toil did much to shorten a life that was most precious " , and Griffith , who described O 'Connor as " absolutely fearless in the performance of his judicial duties " . Billy Hughes , then serving as Attorney General in the Fisher Labor government , recalled that O 'Connor " never exhibited any trace of personal enmity " . The suburb of O 'Connor in Canberra is named in his honour .