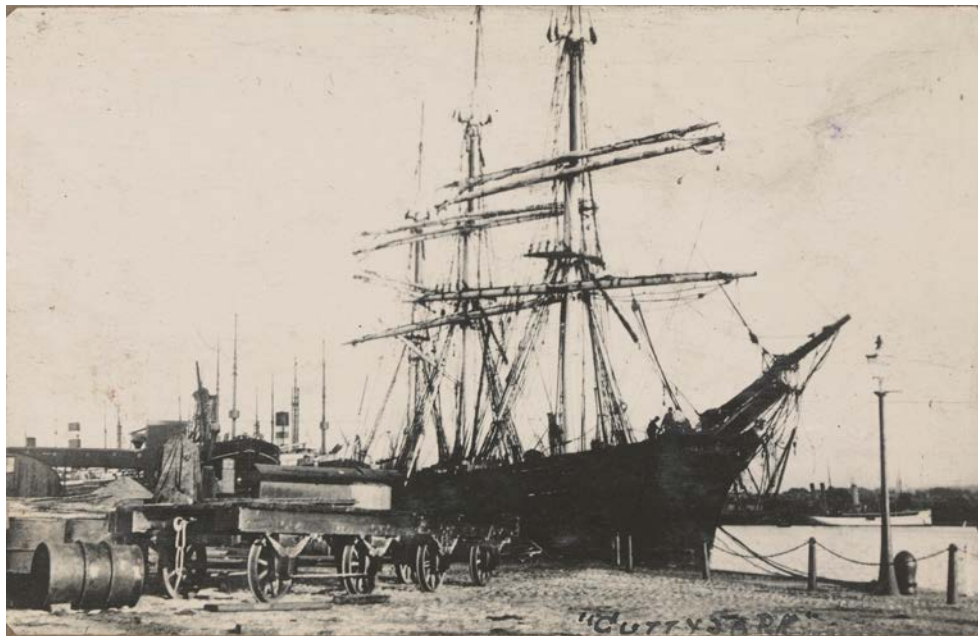


Bulletin of Maitland and District Historical Society Inc.

(Established March 1977)

Affiliated with Royal Australian Historical Society and
Museum and Galleries Hunter Chapter



A new book on the *Cutty Sark*

Volume 26, Number 1

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***The Aims of the Society are to
Discover, Record, Preserve, Advise on and Teach the History of Maitland and the
District***

Cover: The *Cutty Sark* unloading cargo at Newcastle (circa 1883), from the Brodie Collection, State Library of Victoria.

Correspondence : P.O. Box 333, Maitland NSW 2320

Telephone : 0438 623 299

Email : maitlandhistorical@gmail.com

Website : <http://www.maitlandhistorical.org>

Location: 3 Cathedral Street Maitland (opposite Bishop's House)

Lecture meetings are held on the first Tuesday of each month from 5:30-7.00pm as a forum for lectures, talks and presentations.

Business meetings are held on the third Tuesday of even months from 5:30-7.00pm.

Committee meetings are held on the third Tuesday of odd months from 5:30-7.00pm. Members are invited to attend all monthly meetings.

Meetings are held at the Society's rooms, 3 Cathedral Street Maitland.

Membership fees : \$20 (single) and \$30 (double / family)

Patron: The Hon. Milton Morris AO

NSW Member for Maitland 1956-1980

NSW Minister for Transport 1965 – 1975

The Most Reverend Bill Wright, Bishop of Maitland-Newcastle

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From the president

Vale the Hon Milton Arthur Morris AO (1924 – 2019)

With the death of Milton Morris on 27 February the Maitland and District Historical Society lost both a patron and a good friend.

Milton was born to railway guard Arthur Morris and his wife Janet at Mayfield in 1924. He was educated at Wickham Public School and Newcastle Junior Boys High School. During the War he served in the Royal Australian Navy, later transferring to the Volunteer Defence Corps, serving as an anti-aircraft gunner between 1942 and 1945. In October of 1945 he married Colleen Burgess and together they had four children, a son and three daughters.



Milton joined the Liberal Party in 1954 and was elected that same year as a councillor on Lower Hunter (Tarro) Shire Council, resigning when he was further elected to The Legislative Assembly in 1958, a feat he repeated at eight subsequent elections until resigning in 1980 to contest the Federal seat of Lyne.

Milton is best remembered as New South Wales' longest serving Minister for Transport and it was during his tenure that many safety measures were introduced that in turn were responsible for halving the road toll. Among others, these included the compulsory wearing of seat belts, roadside breath testing, speed cameras and the Traffic Accident Research Unit. On his departure from parliament, he

was permitted by the Queen, on the recommendation of the Governor, to continue to use the salutation "*The Honourable*".

Following politics Milton became the inaugural Chair of the *Hunter Valley Training Company* which in turn has been responsible for apprenticing over 20,000 young men and women across the full spectrum of the trades.

Milton was made an Officer of the Order of Australia in 1988 for his contribution to politics, youth and the community and the following year, was awarded the Order of Polonia Restituta for his service to Poland and its peoples.

Milton Morris donated to our Society much of his personal memorabilia, including his parliamentary chair, his Order of Australia Certificate, his handwritten invitation to the investiture of Prince Charles at Caernarfon Castle (Wales) in 1969 and much, much more, even the cartoons lampooning him in the press. It is an impressive and important legacy.

(Photo courtesy the Maitland Mercury)

The 2018 MDHS holiday picnic



On Sunday 2 December some intrepid Society members braved heat and winds for a get-together at Walka Water Works. Shown are Lisa Thomas, Steve Bone, Janece McDonald, Lawrence Henderson, and Jennifer Buffier. Not shown are Allan Thomas and Kevin Short.

And a Picnic Past

The following photographs were supplied by Jennifer Buffier. They are from Christmas 1997.



Left to Right: Ian Grantham, Nita Hoskings, Bessie Wilson, Ken Wilson (a past President), Julie Hoskins. Child in front Cassandra Buffier



Left to right: Mavis Newcombe (A past Secretary), Ian Grantham, Cassandra Buffier, Nita Hoskings and Peter Newcombe (a past Treasurer & Secretary) in background.



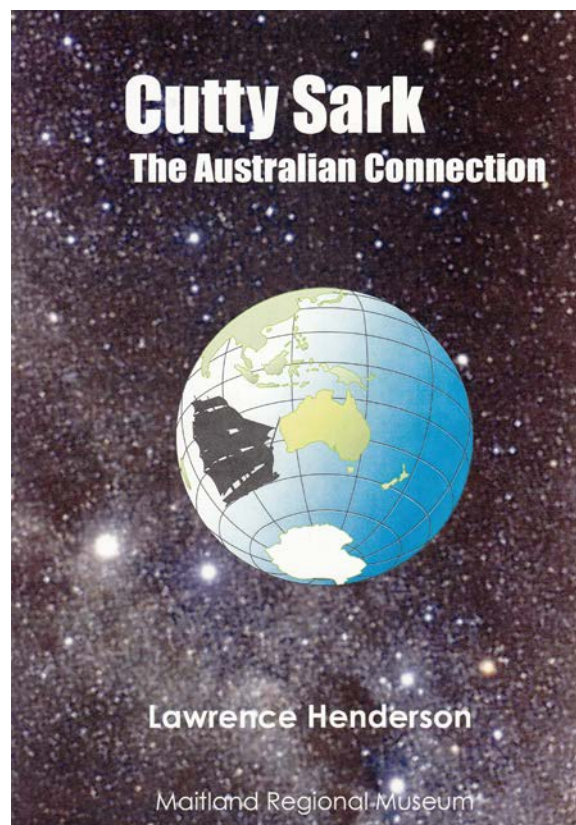
Left to right: Ian Grantham, Nita Hoskings, Bessie Wilson, Ken Wilson & Julie Hoskings



Peter Newcombe and Cassandra Buffier flying kites.

A New Book on the *Cutty Sark*

On Sunday 6 February a new book, written by Lawrence Henderson, who is a member of the Society, was launched at a well-attended function at Brough House. Ed.



Writing the Australian story of the *Cutty Sark*

When my wife and I were in London in 2011 we caught the Underground to Greenwich to visit the *Cutty Sark*. Unfortunately, she was still under repair after the near disastrous fire in 2007 and was still closed to the public. We returned to London in 2014 and this time we were successful in going aboard the ship. As a ship museum, it is an excellent exhibit of mercantile shipping in the second half of the 19th century. When we returned home, it was suggested we put on a slide show of our visit, so I began carrying out some background research on the ship's time in Australia and was surprised to find a wealth of information in the Australian newspapers. The Australian National Library's Trove service maintains digitised copies of newspapers up to the 1950s and this proved to be an excellent resource for information. I soon realised there was much more than required for just a power point presentation. In fact, there was so material much about the ship, starting in 1869 and not finishing until 1894 on her final visit to Australia and then sporadically until 1954 when she went into dry dock to undergo restoration.

Most of the information I recovered does not appear in the Anglo-centric books that have been written about the *Cutty Sark*, so I decided to gather it altogether and produce a book with a decidedly Australian point of view. After all, the ship probably spent more time in Australian ports than British or European. Trove not only gave me access to newspapers from Melbourne, Sydney, Newcastle and Brisbane, but provincial papers as well and photographic collections held by various State Libraries and Museums. I discovered the photographic collection in the archives of *The Newcastle Herald*. These are photographs of the city, the harbour and the lower Hunter and were a wonderful addition to the other photographs I had to hand. The research and writing began soon after our return in 2014 and finished in September, 2018, a period of four years part time work.

It has been something of a labour of love as there has been a family connection to the ship (through my maternal grandfather) and I had learned all about her by the time I was six or seven. So, she has been with me almost all my life.

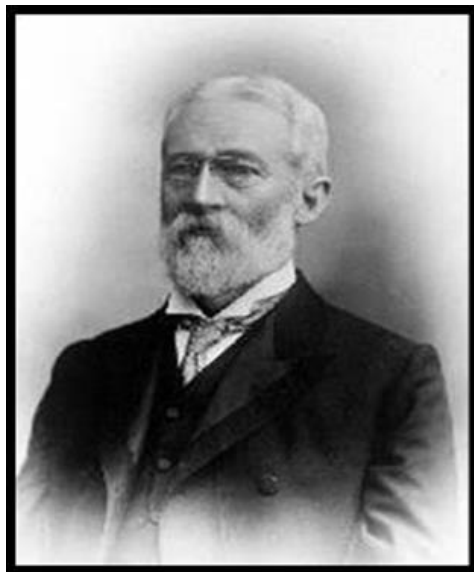
Lawrence Henderson

The book retails for \$25 and can be bought at McDonalds Booksellers in the High Street Maitland or by contacting lihendo.123@gmail.com. If posted anywhere in Australia the cost is \$30.



Lawrence Henderson and Janece McDonald

The following photo was taken by Jennifer at the Maitland 200 Years celebration in Maitland Park in September 2018 and shows Kevin Short talking with member Peter Bogan. Peter passed away late last year and is greatly missed. At the MDHS stand is Liz Martin.



SIR SAMUEL WALKER GRIFFITH 1845 – 1920
By Kevin Short



Francis Greenway

If you were asked the question; “**Who among Maitland’s many famous son’s and daughter’s has made the greatest contribution to Australia and Australia’s way of life, who would you choose?**”

In a sense this is a rhetorical question, as I’m certain I already know who the majority of Maitland’s citizens would select. This is despite a wide variety of noteworthy residents and former residents from whom to choose. Do we look at someone like Caroline Chisholm or Francis Greenway from the dawn of Maitland’s history? The Maitland Hospital we know today evolved from Chisholm’s asylum, remnants of which remain in Mill Street at East Maitland. Greenway was Macquarie’s colonial architect who lived out his life on the Hunter

River at Tarro, died a pauper and is buried somewhere in the immediate area, probably on his property at Tarro. Molly Morgan is important to us but her notoriety hardly extends beyond this district! Is it Herbert Vere (Bert) Evatt, a publican’s son from East Maitland; strutting the world’s stage as President of the United Nations in a crumpled suit with an ‘*off-centre*’ tie? Do we look at contemporary Australians such as Ruth Cracknell, the devious mother of Gary Macdonald in ‘*Mother and Son*’; a true artist of screen and stage; equally John Bell, a Marist Brother’s student who founded ‘*Bell Shakespeare*’. Surely the past and continuing efforts of Milton Morris are worthy of note? Charlie McCartney, cricketer extraordinaire? Perhaps Doug Walters - sure we all know he came from Dungog but his



Caroline Chisholm



Bert Evatt

exposure to the broader cricket world came directly from competing in Maitland! What of Eleanor Hinder, who demonstrated the compassion of involvement in the contrite circumstances of the third world, helping the less fortunate?

No doubt most could name many, many other individuals, all of whom have made a worthwhile contribution to Australia and the way others see Australians. Likewise, we can evoke in our minds why our choice stands above that of others!

You might recall I said my question was in a sense a rhetorical? My omission is obvious - James Leslie Darcy, the wonderful likeness of whom now stands in King Edward Park at East Maitland, not far from where he was apprenticed as a blacksmith in Melbourne Street or from the house he had built for his mother. The inscription even flatters

Darcy by giving him the status of 'World Champion'! Worthy he may well have been, but world champion he was not! One hundred thousand of his fellow Australians honoured Les Darcy when his body was returned to Sydney on the way 'home' for burial. Ten thousand of Maitland's citizens, a huge proportion of its population, either joined the funeral cortege or witnessed its passing.

Surely Darcy, from his humble Irish Catholic beginnings at Woodville, exemplifies the image and spirit of Australia - a battler, a fighter, his young life taken from him by those bloody Yanks! Everyone knows they poisoned him so he couldn't fight for that championship belt! Maybe, maybe not, but Les Darcy certainly has a special place in the Australian psyche. He is just as important to us as Phar Lap and Ned Kelly. So you might say, the answer to my question is easy, Les Darcy is that most noteworthy son!



Les Darcy

Wrong! Wrong! Wrong! How's that you say! In my humble opinion, the answer belongs with none of the above. In fact, I doubt if most have even heard of the son of Maitland that I believe has had the greatest influence, albeit in an obtuse way, on all our lives – **SIR SAMUEL**

WALKER GRIFFITH. Who, I hear you say? Never heard of him! If you can still find one, have a look at the 'Special' Centenary of Federation five dollar note brought into circulation in 2001. Six tiny portraits appear on the lower right of the 'Catherine Spence' side including Charles Kingston, Edmund Barton, Andrew Inglis Clark and Samuel Griffith. These four men are credited with drafting the bulk of Australia's Constitution in 1891, the final portion being forged over Easter on the Hawkesbury, on board the Queensland Government's steamer, the 'Lucinda', Griffith at that time being Queensland's Premier. Samuel Griffith chaired the committee and although many Tasmanians would argue Clark's contribution, Griffith is seen by most historians as providing the basis of the draft.

Next question! Why haven't this man's many achievements been heralded back and forth across the land? Quite frankly, I don't know! Maybe it's because legal practitioners, no matter how brilliant or influential, hardly conjures an image of those we wish to emulate.

Not only can Maitland boast a direct link to the 'first' Prime Minister in Edmund Barton, but also to arguably the Nation's greatest legal mind. Not only did he write (sic) the Constitution, he drafted the legislation that instituted the High Court, the interpreter of that Constitution, and reigned supreme as Chief Justice from its beginnings in 1903 for almost two decades!

So what is the story of Samuel Walker Griffith and how does he 'fit in' to Maitland?

Samuel Walker Griffith was born on 21 June, 1845 at Merthyr Tydfil, Glamorganshire, Wales, second son of Rev. Edward Griffith (1819-1891), Independent minister and his wife Mary, nee Walker. The Griffith's were to have nine children but only two, Samuel and his elder brother Edward Jnr were born at Merthyr. Despite having left his birthplace before his

first birthday, and the reality of a 'very' English background, Samuel, throughout his life, considered himself a Welshman. Edward served his church at Portishead and Wiveliscombe, Somerset, after his first pastorate at Merthyr. In early 1853, when Samuel was aged 7, his father accepted an invitation from the Colonial Missionary Society, supported by the influential David Jones (retailer) and John Fairfax (newspaper proprietor), to work in Australia. Edward was to serve the Congregational Church in Australia, firstly in the Queensland town of Ipswich (1854-1856), in West Maitland between August, 1856 and July, 1860 and finally at Wharf Street, Brisbane between 1860 and 1889. Edward Snr died in 1891 while Samuel was serving his second term as Queensland's Premier. Whilst in Ipswich, Samuel attended John Scott's school although he was sent at age 10 in 1855, to Sydney where he and Edward Jnr attended school at Woolloomooloo, whilst living with the family of David Jones. Just prior to the family departing for Maitland in May of 1856, a third son, Curwen was born.

Initially, life in Maitland was full of heart-ache with the death of Curwen in October, 1856 when there was a succession of family illness. The family

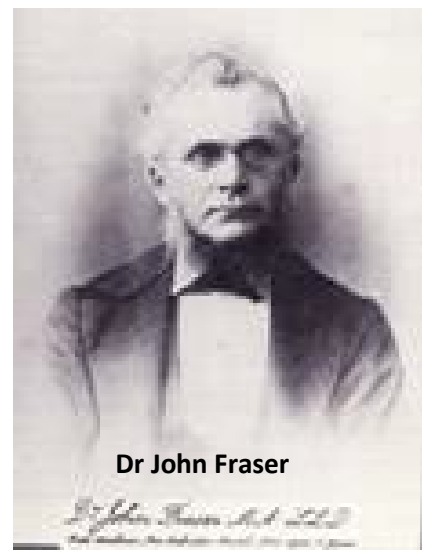


Rev Edward Griffith

first resided at Horseshoe Bend but after two floods in 1857 moved to a smaller but drier house on higher ground in Church Street. Another son, Henry (Harry) was born in June 1857 but unfortunately, survived only 4 months, dying in October. Although research is yet to confirm the burial place of the two brothers, the most likely place of interment is the 'old' Wesleyan cemetery at Oakhampton. Edward Snr became involved in Maitland's institutions and, for a time, was secretary of both the School of Arts and The Maitland Hospital. The Repertory Theatre which now stands in High Street was formerly the Congregational Church and was completed and in use by December, 1857 during the pastorate of Edward Griffith. Samuel most certainly worshiped with his family in what would have been at that time, a most imposing building.

Samuel Griffith's principal biographer, Professor Roger B Joyce, states that Samuel was educated at '*William McIntyre's school at Maitland*'. Other biographers have read this to mean that he was educated by the controversial clergyman. This was not the case however, as the late Mr Ray Morris, formerly a teacher at Maitland (Boy's) High School, assures me that records from that school clearly show that McIntyre, although Chairman of the School's Board, had in fact recruited Dr John Fraser directly from Edinburgh to be master at '*his*' school. A brother student at '*McIntyre's School*' apparently nicknamed Griffith '*Oily Sam*', he being willing to

when there was a succession of family illness. The family first resided at Horseshoe Bend but after two floods in 1857 moved to a smaller but drier house on higher ground in Church Street. Another son, Henry (Harry) was born in June 1857 but unfortunately, survived only 4 months, dying in October. Although research is yet to confirm the burial place of the two brothers, the most likely place of interment is the 'old' Wesleyan cemetery at Oakhampton. Edward Snr became involved in Maitland's institutions and, for a time, was secretary of both the School of Arts and The Maitland Hospital. The Repertory Theatre which now stands in High Street was formerly the Congregational Church and was completed and in use by December, 1857 during the pastorate of Edward



Dr John Fraser

argue both sides of an argument, irrespective of his personal view, no doubt a trait that served him well as Australia's most eminent legal practitioner! The original school house was situated in Free Church Street and is now known as '*The Manse*' and fittingly, is still imparting knowledge to Maitland's youth as part of All Saints College. I do wonder however how Roman Catholic ownership would sit with the bigoted Free Kirker in McIntyre, infamous for his 1860 '*riot*', the result of his intention to preach on the '*Evils of Popery*'.

Samuel's scholastic achievements were outstanding. He won prizes for geography, mathematics, classics and writing and in 1859, was dux of the school. Some of his school-day essays survive but reveal little of the boy that became the man. He was however remembered as a '*swot*' or in today's parlance, a most '*uncool*' type.

Samuel Griffith applied to Sydney University for matriculation in early 1860, when still aged 14, having passed examinations in Greek, Latin, arithmetic and algebra. He also sat for scholarship examinations in similar subjects and together with a "*Sydney Grammar boy*", was granted one of the two first-year scholarships on offer, worth £50 per annum. McIntyre boasted that the '*Maitland*' school had rivalled that of Sydney's most prestigious! Despite this, school at Maitland had not extended the young Griffith!

Griffith was a brilliant student, graduating with a BA in 1863, aged 18. Samuel was vain enough, applying for the position of Head Master at Ipswich Grammar School in July of that same year. He completed his Master's Degree in 1870 graduating with first class honours in classics and mathematics. In 1862 he won the (Sir Daniel) Cooper scholarship in classics and was assessed as one of the '*best students of the decade*'! He also won the (Thomas) Barker scholarship for mathematics. Additionally, Griffith studied law, taking general jurisprudence as an '*extra*' course and in May 1863, became articled to prominent Queensland barrister and politician, Arthur Macalister at Ipswich. In 1865, before completing his articles, he was awarded the highly competitive and prestigious (Thomas Sutcliffe) Mort travelling scholarship. The Queensland Supreme Court allowed Griffith to interrupt his articles and he spent 1866 travelling Great Britain and Europe. He visited his birthplace at Merthyr, relatives and many of Europe's famous galleries and institutions. Politically, his visit to Europe coincided with the Austro-Prussian War and the unification of Italy. It is highly likely therefore that he was influenced by both Bismark and Garibaldi.

Returning to Brisbane he completed his articles in September 1867 and immediately sat and passed Bar examinations. He was admitted to the Bar on 14 October aged 22. Griffith was active and prominent in intellectual societies, especially Freemasonry, being admitted to all 33 Degrees and later serving an extended term as Provincial Grand Master of the Irish Constitution. He became interested in politics and spent much of his leisure time attending parliamentary debates. Samuel was involved with and proposed marriage to '*Brisbane's loveliest daughter*' in Etta Bulgin but was rejected. The Griffith family retained acquaintances in Maitland and Samuel returned to Maitland in July 1869 and began to court Julia Janet Thomson of East Maitland, youngest daughter of James Thomson, the Commissioner for Crown Lands in Maitland. His diary records attendance at Church, a riding party to visit friends and dinner with the Thomson's. It also records a visit alone to the graves of his two

brothers, Curwen and Harry, a habit he was to repeat on future visits to Maitland. Griffith visited Maitland again on 7th January, 1870 spending an increasing amount of time with Julia. By the end of the week they were '*engaged*', Griffith spending a further celebratory week in Maitland.

Julia and Samuel were married on 5th July, 1870 at St Stephen's Presbyterian Church, East Maitland by Rev. John Dougall, in a double ceremony with Julia's elder sister Maggie (Margaret). Griffith was attended by his best (and life-long) friend in Charles Mein. Mein was that '*other*' student from Sydney Grammar School with whom Griffith shared the 2 University Scholarships and which gave McIntyre reason to boast. They honeymooned at the Great Northern Hotel in Newcastle, Griffith having arranged a special carriage on the train journey from Maitland.



Charles Mein

The newlyweds settled in Brisbane and their first recorded visit to Maitland was in December, 1870 for Christmas. Samuel records a '*horror trip*', the southerly gale forcing the vessel to shelter for three days in Port Stephens. Julia was pregnant and the trip made her '*very ill*'. Julia recovered during the stay in Maitland and Samuel records making his regular pilgrimage to the graves of his brothers. Returning to Brisbane, their first daughter, Mary Eveline (Ev) was born on 15th May, 1871. On 6th July, 1872 a son Llewellyn Arthur Peter (Llew) was born. This was followed in turn by Helen Julia (Nellie) on 20th October, 1874, Edward Percival Thomson (Percy) on 3rd

February, 1877, Edith Margaret (Edie) on 9th May, 1879 and Alice Gwendoline (Gwen) on 21st February, 1881. Griffith and his family made an annual expedition south to Maitland, usually around Christmas. On a couple of occasions, Julia and the children came alone.

The Griffiths' built a mansion on 16 acres of land on the Brisbane River which was aptly named '*Merthyr*' and this home was to remain Griffith's abiding solace throughout his life.

Samuel Griffith was immediately successful as a barrister and throughout his tenure, appeared in the Supreme Court on 283 recorded occasions between his first appearance in 1867 and being appointed Chief Justice of Queensland in 1893. His workload was enormous, particularly considering he was Premier between 1883 and 1888 and again between 1890 and 1893, when he resigned to take up his appointment as Chief Justice. This also coincided with a number of Federation conferences and included the onerous task of chairing the draft Constitution Committee. Griffith represented clients across the full spectrum of the criminal and legal codes and gained a reputation as an expert legal practitioner.

Within a week of returning to Brisbane following his marriage in July, 1870, Griffith was asked to enter politics. He declined the election of April, 1871 but stood successfully for the seat of East Moreton in March 1872 after the member (RT Atkin), resigned on the proviso that Griffith would accept nomination. He was aged 26. He was capable and ambitious and by 3rd August, 1874, at the age of 29, Griffith was Attorney General in the Macalister

ministry. His workload was increased by the addition of the Education portfolio in June, 1876. In 1878 Griffith changed 'seats' to the two-man North Brisbane electorate and would probably have been Premier then but for the refusal of the retiring Premier, John Douglas to support him. Also in 1878, the public works portfolio was added to his already crowded schedule. By the 13th May, 1879 Griffith was Leader of the Opposition and on 13th June, was elected president of the Queensland Liberal Association. Premier McIlwraith, in a move designed to entice Griffith away from politics, offered him a judgeship on the Supreme Court and although tempted, he refused the offer.

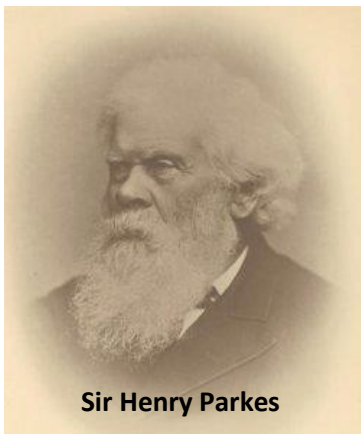
Samuel Griffith became Queensland Premier on 10th November, 1883, aged 38, serving till 13th June, 1888. He was Opposition Leader for the next 22 months, becoming Premier again until his resignation on 13th March, 1893 when he accepted the position of Chief Justice. He was made a K.C.M.G. in 1886. Politically, Griffith would be described in today's jargon as a small 'l' Liberal. Although Griffith would probably have challenged the suggestion, I suspect his father Edward's influence and fundamental Christian ethos, formed the basis of Samuel's political views and especially his style as Premier. At one time, his views showed support for and he was openly courted by the emerging Labor movement. Griffith was once vilified by a newspaper article as being a leader among the *black sympathisers*, especially after he legislated as Attorney General to allow non-Christians, especially aboriginals, to give evidence in Courts of Law. His humanitarian concern spread to the wider community and included the Charitable Institutions Management Act (1885) and the Health Act (1884), the later recognising the government's responsibility with respect to public health. In 1886 he introduced a statute to legalise trade unions and later in the same year, introduced the Employers' Liability Act, his statement being, '*the great problem of this age is not how to accumulate great wealth but how to secure its more equitable distribution*'. In 1889 whilst in opposition, he introduced an eight-hour bill and a year later two bills comprising a property law to '*ensure proper distribution of the products of labour*'. Griffith also sought to reduce the influence of the great pastoralists and sugar planters, preferring land to be held and farmed by individuals as opposed to the larger concerns. It almost makes Gough Whitlam's programme of social reform look second rate! This relationship with 'Labor' deteriorated however during the derisive and destructive shearer's strike of 1891 when 'scab' labour was recruited from New Zealand and the other colonies by wealthy pastoralists. Griffith saw his role and that of government as a peace-keeper rather than a peace-maker and the Labor movement felt the '*peace-keepers*', only represented the wealthy pastoralists! Griffith's legal training refused to allow him to see any flexibility in the '*law*'!

As Premier, perhaps his greatest challenge was dealing with problem of Pacific Islander labour on the sugar plantations of Central and Northern Queensland. In a sense it was seen by some as being similar to the '*slave*' plantations of the US Confederacy, the only apparent difference being that the *Kanakas* were contracted and paid a nominal wage. It was a difficult and perplexing problem as abolition would no doubt have fuelled the separation movement, the plantation owners claiming the European sugar beet competition would overwhelm them without access to cheap labour. Although backing away from his original plan to outlaw the practice by 1890, Griffith did limit numbers and introduced and applied harsh penalties for

those found abusing the *'trade'*. The Kanaka, Chinese and Indian coolie question taxed the Federation legislators and when reviewing the seemingly racist *'White Australia Policy'*, we must be mindful of the social and political implications in the context of their particular time and place in history.

Griffith introduced a Public Instruction Bill to the legislature in 1876 which established a department of the same name, Griffith being the first secretary, a post he held for four years. Additionally, he was a trustee of both the boys and girls grammar schools in Brisbane. Griffith well knew the advantages that came from higher education and wanted all gifted colonial children to have the same opportunities. In all, Samuel Griffith was an able, competent and compassionate administrator and this was recognised by both the electorate and his peers.

Just as an aside, Griffith's penchant for work is illustrated during his term as Queensland's Chief Justice. Not only did he return respectability to the Court by way of judgements and act as both Deputy and Lieutenant-Governor, he made a profound contribution to his profession by completely codifying Queensland's criminal law and revising Supreme Court rules and those for matrimonial and probate cases. Deakin wondered *'how he found leisure for such a feat while discharging the onerous duties of your office'*. For *'fun'* he translated parts of Dante into four published volumes.



Sir Henry Parkes

His achievements in Queensland politics aside, Samuel Griffith's crowning glory was Federation, the Australian Constitution and his ultimate elevation to Chief Justice of the High Court.

Long before Parkes' moves which led to the Melbourne Conference of 1890, Griffith was a convinced federalist. He was to play a central role in the 1890 and 1891 conferences but sat largely in the background following his appointment as Chief Justice in 1893 except on *'special occasions'*, such as the 1900 London proceedings. The movement had its highs and lows over a number of decades but finally gained momentum following the 1887 Colonial Conference in London when agreement was reached on strengthening Australia's naval squadron. It was in some ways brought about by fear of (British) war with Russia. The gun emplacements at Fort Scratchley (Newcastle) and other ports are evidence of this common fear. Additionally, annexation of British New Guinea was to prevent the imperialistic ambitions of (other) European powers. Griffith drafted the legislation!

At the 1890 conference Griffith outlined why Federation was essential. He didn't see fiscal union but he reasoned that the colonies could not deal individually with defence, external relations, trade and commerce, copyright and patents, the control of undesired immigrants and property law. He was not an eloquent orator in the Parkes mould but was most persuasive. The delegates left with a moral commitment to get their respective colonies to return a full list of delegates to the 1891 Conference.

Griffith arguably played the dominant role at the 1891 Conference. Inglis Clark, Tasmania's Attorney-General, produced a 'draft' constitution which was effectively a 'copy' of the United States constitution and was used as a model by Charles Kingston of South Australia for his draft. The basic issue was what of the colonies' powers were to be surrendered to the Federation? To Griffith, it was essential that the Conference had to have a clear conception of the work it had to perform! This involved the make-up and relative powers of the two houses and the manner in which future changes would be made. Griffith was appointed to chair a committee comprising 14 delegates. The drafting was done in several stages, the full committee meeting over 4 days on 19, 20, 23 and part of 24 March. Griffith commenced the drafting alone at his hotel on 23rd. When the committee reconvened on the 24th, Griffith



Andrew Inglis Clark



Charles Kingston

advised that it would be physically impossible to complete a bill (draft) by the 26th. He believed a result could be achieved by 31st provided members were willing to sit over Easter. Griffith and his committee had 7 days in which to complete their task. The following day Griffith worked alone on the draft during the morning and was joined in the afternoon by Clark and Kingston, these three being appointed as the drafting committee. They worked until almost midnight. On 26th the full committee met to consider the draft, the printers having worked all night to include changes. Griffith and six colleagues sailed on the 'Lucinda' on Good Friday to work on the final version, Barton replacing Clark on the drafting committee as Clark was ill. The others were

Thynne (Queensland), Downer (South Australia), Wrixon (Victoria) and Bernhard Wise who although not a committee member, was a close friend of Griffith. No record exists of the deliberations other than that Wise was sea-sick and Wrixon for some reason left early. The four man committee of Griffith, Clark, Kingston and Barton completed its work late on Saturday. Following a further revision by Griffith the following morning, the draft was presented to the full constitutional committee. The task was complete! The full convention debated the draft at length and although minor amendments were made, it was accepted by delegates with little amendment.

In March of 1893 when Griffith left politics, his pronouncements as Chief Justice needed to be circumspect. He was pressed to speak and write on Federation but usually refused. Griffith did however 'keep in touch' with other federalists. In fact, very little happened within the Federation movement without first seeking Griffith's views. Such was Griffith's status and influence in the Federation movement, even Henry Parkes' famous Tenterfield speech in 1889, urging a new start towards Federation, was during a 'whistle stop' on his return from visiting Griffith. Most certainly a case of the mountain visiting Mohammad!

The federation movement did falter however and seemed to lose some of its momentum, especially following the death of Parkes. Barton seemed to inherit the mantle and certainly kept Griffith in touch with happenings. Events culminated with another Convention, this time in Adelaide in March 1897 to resume the efforts of 1891 and to find compromises acceptable



Edmund Barton

to all colonies. This time however both Griffith and Clark were absent, Parkes was dead and neither Queensland or New Zealand were represented! Griffith was understandably pessimistic! Throughout the 1897 Conference, Griffith's views were constantly sought by all the important players, Barton, Reid, Symon, Baker, Wise, Downer and others. Griffith was critical of outcomes from the conference.

It did however allow the process to advance to referenda with successful outcomes in Victoria, South Australia and Tasmania. Queensland and Western Australia did not vote and New South Wales, although having a small majority in favour, failed to reach the required quota. Further referenda in New South Wales and Queensland in 1899 brought favourable results allowing admission as '*founding states*' but Western Australia failed to achieve a favourable result before the passage of the Commonwealth of Australia Bill through the British Parliament. Griffith was in fact lieutenant-governor (acting governor) at the time of the Constitution Bill's passage through the Queensland Parliament and wrote to Queen Victoria requesting that she enact the Constitution Bill. The die had been cast!

The Premier's Conference of January 1900 agreed that one representative from each colony should form a delegation to '*squire*' the Bill through the British parliament. The five chosen were, Barton (NSW), Deakin (Vic), Kingston (SA), Fysh (Tas) and Dickson (QLD). They were joined by Parker to argue Western Australia's case and Pember Reeves from New Zealand, New Zealand seeking similar concessions.

The only facet of the Bill which caused '*real*' dissent was whether or not appeals should stop with the Australian High Court or whether the Privy Council should be the final arbiter. The delegates, with the exception of Dickson, who was being advised by Griffith, wanted the Bill passed without amendment. The British, especially the Colonial Office, were determined to allow Privy Council appeals. Inglis Clark defended an Australian Court of final jurisdiction on the grounds that it would aid national consciousness. The impasse was eventually solved by the acceptance of an amendment by Griffith of clause 74 which permitted the Queen to direct an appeal to herself in Council but that no appeal should be permitted from either the High Court or other Federal Court in exercising Federal jurisdiction.

His emotions must have been very mixed at this time as his eldest son Llewellyn had returned unwell from England in July and following a period of severe illness, died on 6th December with meningitis. Professionally, it was also difficult as Griffith was being courted as a potential parliamentarian by a number of prominent power-brokers. When the newly appointed Governor General, Lord Hopetoun offered a commission to Sir William Lyne,

Lyne in turn offering Griffith the Attorney General's portfolio. It seems Griffith was considering the offer when it became obvious that Lyne did not have the support to form a care-taker government and returned his commission on Christmas eve. Lyne's offer to Griffith lapsed with the return. Hopetoun offered a commission to Edmund Barton and the rest is well documented history.

Griffith was of course in Sydney for the Federation celebration and in what was seen by some as an almost perverted irony, was appointed a Privy Councillor on the same day. Even though Deakin had sought Griffith's intention as far back as October (1900) with respect to re-entering politics, it was obvious to all that Griffith's ambition was to be Chief Justice. Despite this, Griffith returned to Brisbane on January 11 uncommitted and his diary indicates some disappointment. Griffith's influence remained however and he subsequently discussed with Deakin and offered to draft the Judicature Bill. This in turn was passed on 25 August, 1903 establishing the High Court with a Chief Justice and two other Justices. Samuel Griffith was appointed Chief Justice with Barton and O'Connor accepting the positions of justice, Barton of course resigning his commission as Prime Minister to accept. Deakin became the leader of the House. Symon had actively sought the Chief Justice's role and his disappointment was manifest in his clashes as attorney-general with the High Court.



John Adrian Louis Hope
1st Marquess of Linlithgow
7th Earl of Hopetoun
First Governor General

In the High Court all three of the original members agreed constitutionally, being determined to perpetuate Federalism by limiting the effect of Central over State powers. This harmony was disturbed by the 1906 appointment of Isaacs and Higgins who wanted the Federal Government to exercise fuller powers. O'Connor died in 1912 and in 1913 Duffy, Powers and Rich were appointed. Clashes between Griffith and his colleagues increased with time although Duffy, seeing the judges as '*a set of feudal barons*', praised Griffith's role; '*among the many characteristics of greatness which you possess is the capability of forgetting little irritations*'. Griffith was strong and persuasive, his line of constitutional interpretation mainly prevailing until his retirement. With the establishment of the High Court, although retaining '*Merthyr*' in Brisbane, Samuel and Julia established a residence in Macquarie Street, Sydney.

During his term of tenure between 1903 and 1919, Griffith heard some 950 reported cases. In 1913 and again in 1915, he visited England and sat on the Privy Council but was not impressed by the '*law lords*'. He renewed his arguments for the appointment of more judges from the dominions to '*overcome the old insular doctrine*'. During his tenure as Chief Justice, every Prime Minister and Governor General actively sought his advice and counsel, even beyond the limits of constitutional propriety, surely testament enough to his knowledge and status!

On 16th March, 1917 Griffith suffered a stroke and was temporarily retired until February the next year but only heard a further 23 cases before his retirement. On 17th May, 1919 Griffith collapsed in his study and on 17 June sent his resignation, effective from 31st July. He retired to 'Merthyr' and at 10.00 am on 9th August, 1920 Griffith died, survived by his wife Julia, 4 daughters and a son. He was buried at Toowong Cemetery. Deakin and Barton both predeceased him, dying respectively on 7 October, 1919 and 7 January, 1920.

On his retirement, Barton described Griffith in the following terms; '.....*ceaseless devotion*

..... *unwearied labour and matchless ability ... 'our greatest lawmaker!'* Fittingly Griffith's portrait hangs in the High Court, his name perpetuated in Canberra by a suburb, in Queensland by a university!

If I were to ask the question again *'who among Maitland's many famous son's and daughter's, has made the greatest contribution to Australia and Australia's way of life, who would you choose?'*

I know who I'd choose

.....

Sir Samuel Walker Griffith; 1845 - 1920 Maitland's son!

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