

2009

Who's who in the legal zoo? Sir Samuel Griffith - the first Chief Justice of the High Court of Australia - and more...

Joel Butler
Bond University, Joel_Butler@bond.edu.au

Follow this and additional works at: <http://epublications.bond.edu.au/nle>

Recommended Citation

Butler, Joel (2009) "Who's who in the legal zoo? Sir Samuel Griffith - the first Chief Justice of the High Court of Australia - and more...," *The National Legal Eagle*: Vol. 15: Iss. 2, Article 8.
Available at: <http://epublications.bond.edu.au/nle/vol15/iss2/8>

This Journal Article is brought to you by the Faculty of Law at ePublications@bond. It has been accepted for inclusion in The National Legal Eagle by an authorized administrator of ePublications@bond. For more information, please contact [Bond University's Repository Coordinator](#).

Who's Who in the Legal Zoo?

Sir Samuel Griffith - the First Chief Justice of the High Court of Australia - and more...

Senior Teaching Fellow Joel Butler Faculty of Law Bond University

Introduction

This is the first in a series of articles that will look at some of the important people and institutions that are connected to the law and help to make it tick.

We find traces of the law everywhere, from the parliaments and parliamentarians who make laws, to members of the various executives who are entrusted with the enactment and enforcement of those laws, to institutions that help to ensure the law is effective. The legal system includes well known institutions, like the High Court, more shadowy ones like Austrac (that monitors cash flows to help catch money launderers, organised criminals and terrorists), judges, police officers, community legal centres and criminal prosecutors. The complexity and variety that comprises this legal zoo is truly extraordinary.

These different 'officers' of the law and different institutions all contribute in some way to the rich intricacy of the law. In these articles we hope to introduce you to some of those interesting people and institutions, both in Australia and overseas, that have been or are interesting parts of our legal history. We start off with Sir Samuel Griffith.

Sir Samuel Griffith

Sir Samuel Griffith is one of that select band of men (yes, they were all men, such were the days) that are often referred to as the 'Fathers of Federation'.

Griffith was only eight when he migrated to Australia with his brother, mother and his father, a minister of religion. He arrived in Sydney from Wales, but the family almost immediately moved on to Moreton Bay, located in what was then the colony of New South Wales. It later became part of Queensland on 6 June 1859.

Griffith was educated at Sydney University not in law, but in the classics (quite commonly expected of a young man of the time) and mathematics. After completing his studies, he moved back to Queensland and entered the office of a Brisbane solicitor. Before he finished his articles (the practical training expected of a young solicitor under the supervision of a practiced professional), he was awarded a 'travelling scholarship' and spent the next years in Italy. He

became so proficient in Italian that he later published a translation of Dante's famous *Divine Comedy*.

But Griffith found his true fame not in the practice of law (even though he continued a very successful practice at the Bar for many years) but in politics.

Griffith was first elected to the Queensland parliament in 1872 and held several ministries until he became leader of his party in 1879 and Premier (for the first of several times) in 1883.

In 1891 he was one of the Queensland delegates to the Sydney Constitutional Convention. This convention was one of several that hotly debated the federation of the different Australian colonies into one nation. This occurred on 1 January 1901 with 'The Commonwealth of Australia' becoming a reality. At the 1891 conference Sir Samuel was in charge of drafting a constitution. Although he was not in attendance at later conferences, it was his original draft constitution which formed the basis for the document that would, from 1901, be the most important legal document in the country, the Constitution of the Commonwealth of Australia.

Griffith was not in attendance at later conferences because in 1893 he became the Chief Justice of Queensland. During his term as Chief Justice, which lasted until 1903, perhaps his most remarkable achievement was the drafting of the Queensland Criminal Code. This was the very first time in the English speaking world that the criminal law had been codified into one document. A variation on the Queensland Criminal Code was later adopted as a model for criminal codes around Australia and the world.

In 1903 the Prime Minister, Sir Edmund Barton, invited Sir Samuel Griffith to be the first Chief Justice of the newly established High Court of Australia, the highest Court in the land. He held the post until retiring in 1919. At that time, Barton sent a message to the Court which said:

[The resignation of Sir Samuel Griffith] marks the relinquishment of public service by one whom, as statesman, and since as judge, has served the public for about half a century. I have sat with him since the inception of this High Court, and I testify to the ceaseless devotion, the unwearied labor, and the matchless ability with which his service has been performed. He has been a watchful guardian of the constitution, conserving to Commonwealth and states alike the powers which that instrument of government allots to them for the liberty and welfare of the people. In him the Court loses a great Chief Justice, who will be to all to occupy his chair an example of learning and judicial conduct.

Sir Samuel Griffith died on 9 August 1920. He is commemorated by the naming of Griffith University, with campuses throughout Queensland's South-East, the suburb of Griffith in Canberra, and the federal electoral division of Griffith.

Out of Interest:

- * Who were the other judges that sat on the first bench of the High Court of Australia?
- * What sort of background or work experience do you suggest is appropriate for a High Court judge?



*The Crown Studios, Portrait of Sir Samuel Walter Griffith, 1845-1920,
first Chief Justice of the Commonwealth, 1903-1919,
nla.pic-an23398523, National Library of Australia.*

The contents of this publication are intended as general legal information only and should not form the basis for legal advice of any kind. © The Law Society of New South Wales 1998.
Published by The Law Society of New South Wales, 170 Phillip St. Sydney NSW 2000. Telephone: 9926 0333. Co-Editor Robyn Cross. Email: mc@lawsocnsw.asn.au Written by Bond University. October 2009.
National Legal Eagle is produced by Insight Print Services Suite 1104, Level 11, 109 Pitt Street Sydney NSW 2000 Phone 9221 7411 Fax 9221 4242