



Webinar to mark the 100<sup>th</sup> Anniversary of Sir Samuel Griffith's passing  
Level 12 Conference Room – Supreme Court Library  
Tuesday 11 August 2020

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**The Hon Catherine Holmes AC**  
**Chief Justice**

It is a tough call to confine a discussion of Griffith as politician to 10 minutes when he was in that role for over 20 years, with a lot of colour and movement. He entered the Legislative Assembly in 1872 and became leader of the opposition Liberal Party in 1879. He was Premier between 1883 and 1888 and again between 1890 and 1893, largely swapping the role back and forth with Thomas McIlwraith, the leader of the Conservatives.

In the Queensland Figaro newspaper, and possibly elsewhere, Griffith was referred to as “oily Sam”, apparently because of his ease in changing positions. I will use a more charitable term for that characteristic: Griffith as a politician was what you might nowadays call “agile”. I’m going to focus on that characteristic with three examples: for the first I am indebted to a paper by Professor Greg Taylor, although my views are not necessarily the same as his. Pre-pandemic, Professor Taylor was scheduled to give a Selden Society lecture on Griffith’s plan for the united provinces of Queensland. I very much hope that will still come to pass.

But a potted version: through the 1880s there was a burgeoning separation movement aiming for the division of Queensland into three states, with Townsville and Rockhampton as the other capitals. The leader of the north Queensland push was John Murtagh Macrossan, the member for Townsville, from whom three Chief Justices of the State were to be descended. In some ways it was the United States geographically reversed. The north wanted to secede so sugar growers were ensured a continued supply of Pacific Island labourers; a trade resisted in the South as effectively slavery, but also in other quarters on the less attractive basis that it was a threat to racial purity. I’ll be coming back to that subject.



As to central Queensland, the visiting novelist Anthony Trollope commented in 1871 that Rockhampton

“...considers itself to be the second town of the colony and thinks a great deal of itself. It has been seized with the ambition to become a capital and therefore hates Brisbane.”

That was about right: the Central Queenslanders had mining and cattle money and delusions of grandeur.

In late 1890, John Macrossan tabled a resolution in the Legislative Assembly for the separation of Queensland into northern and southern colonies. Demonstrating his adroitness, Griffith countered with an amendment which would instead have separated the state into three provinces, imaginatively called North Queensland, Central Queensland and Southern Queensland, united under a federal Queensland government. The whole proposal then went nowhere and opinions differed as to whether Griffith's amendment reflected open-mindedness or a cunning stalling tactic.

In 1892, with the separationists agitating with the Colonial Office to get their way, Griffith deflected them once more with a Bill to divide the State into the three provinces. There was resistance; a motion was passed instead for a two province scheme, north and south Queensland. Ever adaptable, Griffith introduced a second Bill, this time for the two provinces. This was not all time wasted: all this drafting must have been a useful dry run for the federal Constitution. The Bill passed the Legislative Assembly, but it was rejected by the Legislative Council, the argument being that the public ought to be able to have its say on the matter at the 1893 election.

Whether Griffith would have found a new position on this, we don't know. In March 1893, he became Chief Justice of Queensland; the new premier opposed separation of any kind; and the 1890's depression overwhelmed Queensland. By the time it ended, the focus instead was on national federation. Professor Taylor also posits that some of the northerners lost their enthusiasm because of the Labor movement's success in the 1893 election, fearing that their separate state would end up ruled by a Labor government opposed to the bringing in of Pacific Islander labour.

Which brings me to the second example of Griffith's agility. He was opposed to that trade in human beings, which often involved abduction at gunpoint. In 1884, during his first period as Premier, he legislated to introduce stronger controls on recruiting



Pacific Island labourers, and restricted their labour to sugar plantations. Some kidnapped workers were repatriated. In 1885 he passed legislation ending the issuing of licenses to bring in these islanders as labourers, with effect from the end of 1890.

But in 1890, after a period out of government, Griffith became Premier again by forming an alliance with his old political enemy McIlwraith, whom he had previously accused of corruption; in itself an example of agility. In 1892, he reversed his position on the trade in Pacific Island labour, arguing that extending it for another 10 years was justified because of the depression and the competition from subsidized European beet sugar. According to Roger Joyce's biography of him, Griffith suddenly became very popular with the northern sugar planters, who used to propose 'Damn Sam Griffith toasts'; now they gave him champagne receptions.

Final agility instance: for much of his political career, Griffith was seen as something of a revolutionary. More can be read on the subject in Clifford Pannam's 1964 Australian Law Journal article, titled "The Radical Chief Justice". In 1888 Griffith lost government to McIlwraith's Nationalist Party. While in opposition, possibly in a bid to woo the working class, he wrote an article for William Lane's newspaper, The Boomerang. His diary records that he wrote it a few days after he finished reading Das Kapital. The article's thesis was that the state should ensure a fair division of profits between employers and employees. The worker should receive not only his wage but a share in the increased value his labour added to raw materials in the production process.

Griffith produced a revised version of the article the following year, rejecting accusations that this was communism or socialism or revolutionary. He did not propose to take anybody's property away from them and he recognised that the capitalist had a right to a reasonable return on investment; but it was also, he said, a law of natural justice that the product of a man's labour after costs belonged to him.

And he took some steps towards this. In 1890, while still in opposition, he introduced

“a Bill to declare the natural law relating to the acquisition and ownership of private property”,

its short title being the Elementary Property Law of Queensland. It stated a number of principles, including that the net product of labour belonged to the persons concerned in its production, it being the State's duty to provide for its proper



distribution in accordance with the stated principles. The worker's entitlement could be enforced by proceedings in a court of competent jurisdiction. The Bill got as far as its first reading. But, three weeks later, Griffith got back into government through coalition with the conservative McIlwraith and dropped the issue. And in 1891, Griffith, the workers' friend, sent in the Army to break up the shearers' strike.

That is about all I've got time for. We are all enormously indebted to Griffith for his role in drafting the Commonwealth Constitution. As a criminal lawyer, I bless him for the Criminal Code. Many would have been delighted had his service as Chief Justice of two jurisdictions been reflected in the naming of this Court building. But as a politician, the best I can say is that Griffith was agile. Very agile.