

By Patrick O'Sullivan

Justice Richard O'Connor and Federation

Richard Edward O'Connor was born 4 August 1854 in Glebe, New South Wales, to Richard O'Connor and Mary-Anne O'Connor, née Harnett (Rutledge 1988). The third son in the family (Rutledge 1988) to a highly accomplished father, Australian-born in a young country of – particularly Irish – immigrants, a country struggling to forge itself an identity, he felt driven to achieve. Contemporaries noted his personable nature and disarming geniality (Rutledge 1988) like his lifelong friend Edmund Barton and, again like Barton, O'Connor was to go on to be a key player in the Federation of the Australian colonies, particularly the drafting of the Constitution and the establishment of the High Court of Australia.

Richard O'Connor Snr, his father, was a devout Roman Catholic who contributed greatly to the growth of Church and public facilities in Australia, principally in the Sydney area (Jeckeln 1974). Educated, cultured, and trained in multiple instruments (Jeckeln 1974), O'Connor placed great emphasis on learning in a young man's life and this is reflected in the years his son spent attaining a rounded and varied education; under Catholic instruction at St Mary's College, Lyndhurst for six years, before completing his higher education at the non-denominational Sydney Grammar School in 1867 where young Richard O'Connor met and befriended Edmund Barton (Rutledge 1988). He went on to study at the University of Sydney, attaining a Bachelor of Arts in 1871 and Master of Arts in 1873, residing at St John's College (of which his father was a founding fellow) during this period. At the university O'Connor made a number of other lasting friendships through the Sydney School of Arts Debating Club, and many of these personalities were also to become prominent public figures – men such as William McMillan and George Reid (Rutledge 1988). In 1874 O'Connor began to study law and on 15 June 1876, was admitted to the Bar (Rutledge 1988), a mere fortnight before his father died (Jeckeln 1974).

O'Connor was one in the first generations of Australia-born Australians and, especially following the cessation of convict transportation, this left a void of some national identity and uncertainty about the place of Australasian colonies within the [British] world. The population of Irish in the colonies also added to national discontent being a vassal state of the British Motherland, and these pressures advanced the sense of need for a unifying national government. This Irish influence was a major factor upon O'Connor especially, with a family history working for Irish independence: his relation Arthur O'Connor was a romantic figure of the late 18th century; a Member of Parliament in the Irish House of Commons and of the colonial government before joining the United Irishmen movement for autonomy, and later to become a general in Napoleon's Army poised to lead the French invasion of Ireland. O'Connor found this character captivating from an early age, and stirred within him proto-Australian nationalistic feeling. Similarly another relative, Roderic O'Connor, led an active life in the Van Diemen's Land colony: a 'hot-tempered, outspoken, worldly-wise, contentious and egotistical Irish personality, but one possessed of wit and commonsense' (Eldershaw 1967), Roderic proved to be an effective government servant, helping to pioneer Tasmania, and yet was also a supporter of the United Irishmen. We know Richard O'Connor to be a passionate support of Irish Home Rule, speaking in its favour and collecting funds to support the Redmonds in the later years of his life, and was doubtlessly further influenced by his Catholic education, and by his continued faith under the direction of Irish clergy in Sydney, especially Cardinal Moran – though the two publicly disagreed on a number of issues. This Irish patriotic sentiment flowed naturally to Australian self-determination, and was reinforced by his friends, particularly Barton, who shared his opinions.

Though a successful lawyer, having a sense of social responsibility instilled by his father's example and following the tradition of relative Roderic O'Connor and ancestor

Arthur O'Connor, Richard Edward O'Connor moved into a public life in 1887, being appointed to the Legislative Council. In the vein of his forebear, O'Connor was a great advocate for Federation working with Barton; together they founded the Australian Federation League of NSW in 1893, and later in 1896 the Central Federation League. O'Connor further promoted the Federation cause by attending and attending to many meetings, also a delegate to the People's Federal Convention at Bathurst as well as being elected to the Australasian Federal Convention. O'Connor maintained a focus on the study of constitutional law and was familiar with the American, Canadian and Swiss Constitutions, but found his efforts to introduce a draft constitution bill repeatedly frustrated during the time he was in Parliament. However during the Federal Convention in Adelaide, O'Connor, despite being quite unknown in the other states, was elected to the constitutional and drafting committees. He campaigned emphatically during the initial referendum for the draft Constitution bill, but less fervently for the second referendum in order to 'stick to [his] business' or risk destitution.

O'Connor went on to be elected into the new Federal Senate, and was granted the honorary portfolio of vice-president of the Executive Council in Barton's Government. In the hostile Senate he proved a remarkable politician, guiding through problematic legislation and overcoming state affiliations to convince fellow senators to cede to the wishes of the House of Representatives. Yet more astounding was that between parliamentary sittings in Melbourne, O'Connor struggled to maintain his Sydney practice, however this proved to be too much trouble. The last major task in the Senate was to carry the Judiciary Act of 1903 establishing the High Court of Australia. This act was rigorously attacked, chiefly by Sir Josiah Symon who saw the High Court of Australia as 'the keystone of the federal arch' and wished to give it the dignity and usefulness of the Supreme Court of the United States of America (Wright 1990). At the end of this term, on 24 September O'Connor resigned his

portfolio and from the Senate altogether on 27 September, but was afterwards appointed with Barton to the High Court bench, with Sir Samuel Griffith as chief justice.

Richard O'Connor was clearly an important figure in the Federation of Australia: his personal experience helped galvanise within him a desire to achieve, this, further reinforced by a quixotic family history and close identification with the parallel struggle in Ireland. The brilliant young man was to go on to advocate vehemently and gain support for the Federation referendum, working to create an Australian Constitution, and after the historic Federation of the Australian colonies was to be a key player in the creation of the institution of the High Court of Australia. Such an important person within Australian history, it is a shame that he isn't more regarded and well-known.

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