

History Society:

LORD ATKIN: HIS QUEENSLAND PEDIGREE

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On 7 February 2018 the History Society marked the 150th anniversary of the birth of Lord Atkin with a lecture on his Queensland origins delivered by the Australian academic Dr Gerard Carney, until recently Professor of Law at Bond University, Queensland, for over 20 years.

Richard Atkin was born in Queensland on 28 November 1867, where, as Dr Carney told us, he is still held in very high regard. In November 2017 the Australian Legal Profession celebrated the anniversary with a special exhibition dedicated to Atkin in the Queensland Supreme Court.

For many of the large audience in the Bingham Room, which included members of the Atkin family and serving and retired judges of the High Court and Court of Appeal, Dr Carney's illustrated talk broke new ground, particularly when painting a picture of Atkin's parents, Robert and Mary Atkin. Robert, a romantic Irishman, and Mary, from a Welsh background, married in 1864 and almost immediately emigrated from Britain to Queensland with Robert's mother Alice and sisters Grace and Kate. Sadly Kate died on the journey to Australia.

The purpose of their emigration was, as might be expected, to embark on a new life, but equally there was the need to find relief for the consumptive conditions of both Robert and Mary. On 22 March 1865 the party arrived in Brisbane. After a week they travelled north to Rockhampton to take up a land grant at Herbert's Creek. Their letters home to Wales describe the hardship of their lives as pioneers.

Unfortunately, the family were unable to make a success of the land and eventually moved back to Brisbane, so that Robert might become a barrister and for the sake of Mary's health. By then Mary was pregnant with their first child. They rented Ellandale Cottage in Tank Street (the street where coincidentally the Queensland Supreme Court is located today). The cottage is described by Robert in a letter to his in-laws as 'very small and very pretty. We can eat peaches from a tree out of our bedroom window ... and there are two mulberry trees loaded with fruit (in the garden).'

About a week later, James Richard Atkin, known as 'Dick' (later Lord Atkin), was born in the same cottage. Two further sons followed: Walter in 1869 and Robert in 1870. With the demands of a growing family, Robert senior abandoned thoughts of a career at the Bar. He turned to journalism, owning or editing over time several newspaper titles and earning himself a reputation as a leading liberal in Queensland. Journalism led to politics and in November 1870 Robert became a member of the Queensland Legislative Assembly for East Moreton, where William Hemmant was to become his co-member. Years later, in England, Hemmant was very influential in promoting Dick Atkin's career at the Bar and Dick went on to marry Hemmant's daughter Lizzie.



Dr Gerard Carney

At the end of 1870, Mary left Australia for Wales taking the three boys with her—apparently because of the poor health of Robert junior—leaving her husband behind. Mary returned to Brisbane in April 1872 to nurse Robert senior through his last days as he was succumbing to his consumptive condition. As Dr Carney explained, Robert was devastated that his wife had arrived without their sons, prompting him to write a moving last letter to Dick. Robert died on 25 May 1872 at the age of 30. The Hibernian Society erected an impressive broken column to Robert's memory overlooking his grave at Sandgate, close to the Anglican Church there. The column still exists and bears a remarkable tribute to Robert.

Mary left Australia for Wales once more and later married Lt Col Thomas Ruddiman Steuart. The marriage was exceptionally happy. Mary continued to share Robert Atkin's liberal democratic views of 'freedom, justice, political accountability and equality'.

Dr Carney concluded:

'Lord Atkin's contribution to Australian law continues to this day. His judgments are cited in virtually every discipline of Australian law from criminal responsibility to family law ... [He] remains a model for judges and lawyers for his devotion to the rule of law and individual responsibility.'

Finally, said Dr Carney, by leading the way in judicial activism, Atkin ensured the law was recognised as an academic field. As for the 'dose of ridicule' administered by Atkin to his judicial colleagues in his famous judgment in *Liversidge v Anderson* that led to much peer criticism of him, our guest speaker demonstrated that, in him, Lord Atkin has a staunch defender. ■