

## JOHN GREIG LATHAM

### LACROSSE, POLITICS AND THE LAW

John Latham was born 26 August 1877 in Ascot Vale, a suburb of Melbourne, completed secondary school at Scotch College and went on to do an arts degree at Melbourne University in 1896. In 1899 he returned to the university to study law, supporting himself as a resident tutor in logic and philosophy at Ormond College. After winning the Supreme Court prize, he was admitted to the Victorian Bar in December 1904 and entered Selborne Chambers. Progress was slow (in his first six months as a barrister he earned just one guinea) and for some years most of his work was in Petty Sessions and the County Court.

The concept of amateurism was a major issue throughout Australia up to and including the 1907 tour by the Canadian team, and there was lively discussion at a meeting of the Victorian Lacrosse Association and the meeting decided that details should be drawn up for discussion at a subsequent meeting. Mr. J. G. Latham, Barrister at Law, had drawn up a definition based largely on that of the Victorian Rowing Association.

Latham was a keen lacrosse player, captaining Victoria, and in 1907 refereeing the Australia vs Canada match at the MCG and interestingly he was still playing for Victoria in 1907, including a match against the Canadians. Surprisingly in 1907 he acknowledged that he was 'working day and night' at his profession and we assume at the age of 30 he had retired from lacrosse other than club lacrosse. While we don't have any further detail we do know that he played lacrosse for Melbourne University and as there is no reference to any other club we can only assume that he only played for that club.



Above is a photo of Latham with a Uni team mate in 1899

In 1907 he helped form an Education Act Defence League to resist the teaching of scripture in government schools. In 1909 he was an organizer of a Rationalist Society in Melbourne

and in 1910 of a tour of Australia by a prominent British free thinker Joseph McCabe, and as early as 1909 he was invited to become a parliamentary candidate.



Above is the 1907 Australian team with Jack Latham as referee for the MCG match

He certainly he had a strong sense of public duty; but was there something more, a need that never left him to gain recognition by achievement. While outsiders saw a tall, aloof, impassive man, seemingly impatient of all human frailty, his circle of male friends knew a different, more companionable Jack Latham. In their company he could unbend and find reassurance. One of them, the observant Walter Murdoch, urged Latham: 'Don't be too intolerant of those who, perhaps because they are not so capable of clear and sustained thinking as you are, are less exultant than you in the powers of human thought and more helplessly conscious of its limitations'.

At the outbreak of World War I Latham was earning £2000 a year at the Bar. At the request of Bavin, secretary of the New South Wales branch of the Universal Service League, he became secretary of the Victorian branch when it was formed in 1915 and he and his wife campaigned vigorously for the introduction of conscription. In 1917, following allegations of sabotage in the naval dockyards, he was appointed head of Naval Intelligence (Surely an oxymoron!) with the honorary rank of lieutenant-commander. In this office he formed habits of mind that persisted throughout his public life: an apprehension of the grave menace of Bolshevism and a conviction that sedition should be prosecuted with the full weight of the law.

In 1918 he contemplated seeking National Party endorsement for the Federal seat of Flinders but instead went to London as adviser to the minister for the navy, Sir Joseph Cook, in the party of Prime Minister Billy Hughes. Latham contributed to the work of the Imperial War Conference and Imperial War Cabinet but, unable to persuade Cook to allow him a real measure of responsibility, he won the right to submit his memoranda directly to the prime minister. Though recognizing Hughes' achievement in representing Australian interests, Latham was critical of his excesses and affronted by his manner. He conceived an antipathy to Hughes that remained throughout his political career. At the Versailles Peace Conference Latham served on the committee that determined the Czechoslovakian borders and probably formulated the definition of 'C class' mandates that permitted Australia to secure control over German New Guinea. For his services abroad stretching over fifteen months, he received £300 and in 1920 was appointed to the Order of St Michael and St George in the British honours.

The Williamstown club records from 1919 record "Despite a disagreeable afternoon a large

gathering of relatives and friends of lacrosse players who had "gone to the front" and "did their bit," took place last Sunday week at the Punt' Club Hall, Strand, in connection with the unveiling of an honour roll by Mr. J. G. Latham, K.C.M.G. This ornate memento to deserving players of the local club had been presented by Mr. A. W. Hick, himself, in years ago, a prominent exponent of the pastime. The Mayor presided. Captain J. Fearon (President of the club) and Mr. Harold Balmer (General secretary of the V.L.A.) were among those present." Mr. M. D. Nathan (Secretary) had made complete arrangements.

People like Latham, Fearon and Balmer were the movers and shakers of the time and very prominent lacrosse and community people.

On returning to the Bar in 1919 Latham made swift progress. Assisted by the appointment to the High Court of Australia of (Sir) Hayden Starke, who had been the senior advocate at the Melbourne Bar, Latham developed his practice in size and scope, with an emphasis on taxation, commercial and arbitration matters but taking in some important constitutional cases. He reported to his English friend Lionel Curtis at the end of 1920 that he had 'been in at least one court, and usually more than one, on every day since the beginning of the year'. In 1922 he took silk (QC). He joined the Melbourne Club, and belonged also to the Australian and Naval and Military clubs.

At the end of 1921 Latham had been invited to become a judge of the Supreme Court of Victoria. He declined, explaining that he was 'very keenly interested in matters in which a judge cannot properly allow himself to be interested'. Essentially, he was concerned with the conduct of national affairs. Business and conservative interests became increasingly impatient in the post-war years with the National government's economic interventionism and inexpedient interference in industrial relations. Latham shared his clients' disapproval of such policies and retained his hostility towards the Prime Minister for what he now regarded as an unprincipled debauchery of public life.

Campaigning on the slogan 'Hughes Must Go', he stood in 1922 as an Independent Liberal Union candidate for the Federal seat of Kooyong and defeated the Nationalist member, Sir Robert Best. Following that election, Latham attended meetings of the Country Party, advised its leader (Sir) Earle Page and drafted its memoranda during the negotiations that forced Hughes's resignation from office in 1923.

In parliament Latham first sat on the back-benches, studying briefs and giving occasional speeches which were described as 'like lumps of ice tinkling into a tumbler'. He addressed the House as he would the bench, his manner prim and his voice high-pitched. One journalist christened him 'the disembodied brain' while another called him 'the last proud scion of a long line of pokers'. But the relentless flow of argument commanded attention and he learned to vary his rhythm and leaven his speeches with a dry wit.

In 1925 he joined the National Party and was appointed attorney-general from 18 December. In 1927 he suggested to cabinet that while it was well-nigh impossible to proscribe strikes, the lock-out provisions of the Arbitration Act were all too effective, with the result that 'employers fight with their hands tied'. His recommendation that all strike and lock-out penalties be removed from the legislation was rejected. He therefore prepared the Arbitration Act of 1928 which strengthened the penalty provisions, introduced secret ballots into union proceedings, and forced the court to take economic effects into consideration when making awards.



Bruce having lost his seat in the 1929 election, Latham assumed the leadership of the Nationalists and for the next eighteen months he was leader of the Opposition. He accepted pressure to make way for the former Labor minister Joseph Lyons and the formation of the United Australia Party (The forerunner to what is today the Liberal Party) was announced in May 1931. Latham's friends warmly commended his unselfishness. Labor was defeated at the general election of 19 December. Latham was closely involved in the unsuccessful negotiations for a coalition of the U.A.P. and the Country Party, and he served in the U.A.P. ministry from 6 January 1932 as attorney-general and minister for external affairs and for industry.

As deputy prime minister, senior conservative in the Lyons ministry and close counsellor of the Prime Minister, Latham was a central figure in Federal politics and in 1933 he was appointed Privy Councillor.

It was evident by 1933, however, that he had set his sights on the post of Chief Justice of the High Court and that the only remaining obstacle was the reluctance of Sir Frank Gavan Duffy to vacate that post. It was predicted that Duffy's son would be appointed to the Supreme Court of Victoria, Duffy himself would retire, Latham would take his place, and the ambitious young Victorian Attorney-General, (Sir) Robert Menzies, would replace Latham in Kooyong and succeed him as Attorney-General in Canberra. All these things came to pass. Latham retired from politics in 1934 and was appointed G.C.M.G. and was appointed the fifth Chief Justice of Australia in 1935 where he served until he retired in 1952. Latham was also Chancellor of the University of Melbourne from 1939-41.

As can be seen from the following article in the News (Adelaide) of November 1928, he was a prominent leader of his times, and there were plenty of people ready to listen to him, his involvement in lacrosse may not have been significant after 1907, he obviously had bigger fish to fry in parliament and in the courts, but a very prominent man of his times and an accomplished lacrosse person.

## SPORTING STATESMAN

### Mr. Latham Due Tomorrow

#### PLAYS GOLF AND TENNIS

Mr. J. G. Latham (Federal Attorney-General) likes, when affairs of State permit, to take his rod and line and go fly-fishing with a companion. He also plays golf and tennis. Mr. Latham and Dr. Earle Page are the tennis champions of the Federal Cabinet.

Games keep Mr. Latham fit. Years ago he also played lacrosse, and represented Victoria in interstate games on several occasions.

Sport is the only relaxation of Mr. Latham. His arduous duties as Federal Attorney-General do not allow him too much time for the games he would like to play. He has the name of being one of the most hard-worked members of the Federal Ministry. He earned a similar reputation when he represented the Commonwealth in the Councils of the Nations in Geneva, Paris, and London.

Mr. Latham has been Attorney-General since 1925. He is a Victorian, and was educated at a State school, and later at Scotch College. He was final scholar in "his school" law at the University of Melbourne, and is a Master of Arts and a Bachelor of Laws.

In 1929 Mr. Latham led the Australian delegation to the Assembly of the League of Nations, and was one of the representatives of the Commonwealth at the Imperial Conference held in London that year.

Well groomed, tall and straight, with unusually long legs and a striking appearance, Mr. Latham commands attention when he speaks.

Mr. Latham will reach Adelaide by the Melbourne express tomorrow, and will be the guest at luncheon of the Constitutional Club. He will spend three days in South Australia, and will address a

number of meetings.

He will speak at St. Peters and Unley tomorrow night. He will be accompanied at St. Peters by Mr. George McLeay (Liberal candidate for Adelaide division of the House of Representatives), and at Unley by Capt. J. G. Duncan-Hughes (Liberal candidate for Boothby) and Senator John Verran (Senate candidate).

The Attorney-General will visit Gawler on Thursday night with Mr. W. Langdon Parsons (candidate for Anzacs) and Senator Verran. On Friday night he will speak at Glenelg with Mr. M. D. Cameron (candidate for Barker) and Sir Edward Lucas (Senate candidate), and at Hindmarsh with Mr. H. S. Dunks (candidate for Hindmarsh) and Sir Edward Lucas.

His early years on the bench were made difficult by the play of fierce animosities among his colleagues, and it was no small achievement that he kept them in a working relationship with each other—Starke and Bert Evatt were an especially combustible combination. Later the chief justice obtained more joint judgments. As a judge he was vulnerable to the temptation to interrupt counsel too often and at too great length. His most significant contributions were in constitutional law where he insisted on a strictly legal approach. When Commonwealth legislation was challenged, he asked not whether the legislation went further than was reasonably necessary, for he considered that no business of the court, but simply whether it was legislation 'with respect to' the powers enumerated in the Constitution. He took a decidedly generous view of the Commonwealth's defence powers and on some important cases, notably the Communist Party case of 1951, failed to carry his colleagues with him. But in general his judgments, which he reached with impeccable precision of reasoning, left the law much as he found it. He retired from the High Court in 1952.

Sir John Latham became one of the most, high profile Australians to play lacrosse, who went on to represent Victoria as a player and refereeing the Australia vs Canada match at the MCG in 1907, and passed away in 1964 at the age of 87. In those early days of lacrosse it was not uncommon for the patron or leaders of lacrosse throughout Australia to be judges, politicians or leading business people like Lambton Mount.

Sir John Latham served in the federal parliament as Deputy Prime Minister, Attorney General and Minister for External Affairs until 1934 and was Chief Justice of Australia from 1935-52.