Andrew Inglis CLARK

Born	24 Feb 1848 Tasmania, Australia	
Married	14 Jan 1878	Grace Paterson ROSS
Died	14 Nov 1907 Tasmania	
Father	Alexander Russell CLARK (1809-1894) son of Andrew CLARK (1775-1832) and Agnes PEERS	
Mother	Ann INGLIS (1813-1882) dau of John INGLIS and Ann WYLLIE	

Grace Paterson ROSS	
Father	John ROSS, shipbuilder, Hobart, Tasmania

Children	
Esma Inglis	b 25 Oct 1878 Tasmania
Alexander Inglis	b 14 Dec 1879 Tasmania
Andrew Inglis	b 06 Jun 1882 Tasmania
Conway Inglis	b 08 Nov 1883 Tasmania
Wendell Inglis	b 22 Jul 1885 Tasmania
Melvyn Inglis	b 1886 or 1887 Tasmania
Correl Inglis	b 12 Jan 1888 Tasmania
Ethel Inglis	b 08 Sep 1889 Tasmania

Australian Dictionary of Biography 1851-1890

Andrew Inglis Clark (1848-1907), barrister, politician and judge, was born on 24 Feb 1848 in Hobart Town, the youngest son of Alexander Russell Clark, a successful engineer, building contractor and ironfounder, and his wife Ann, nee Inglis. Delicate as a child, he was taught by his mother until old enough to attend the Hobart High School. He was then apprenticed in the family firm, emerged as a qualified engineer and became its business manager. At 24 he decided to study law, was articled to R. P. Adams and in 1877 was called to the Bar. In 1878 he married Grace Paterson, daughter of John Ross, a Hobart shipbuilder. In the 1870s Clark was an active member of the local debating and literary societies and, with a few Unitarians, was prominent in the Minerva Club where contemporary problems were discussed. In 1874 he edited its short-lived Quadrilateral, a monthly journal of politics, literature and philosophy. He was also a member of the American Club with other 'young, ardent republicans'; at its annual dinner in 1876 he declared, 'We have met here tonight in the name of the principles which were proclaimed by the founders of the Anglo-American Republic... and we do so because we believe those principles to be permanently applicable to the politics of the world'. When Clark stood for the House of Assembly in 1878 as the protégé of Thomas Reibey who was reputed to have the electorate of Norfolk Plains in his pocket, he was attacked by the Mercury for 'holding such very extreme ultra-republican, if not revolutionary ideas' that his proper place was among 'Communists', and by the Launceston Examiner as 'a mere fledgeling' and a 'stranger' from Hobart. After a lively controversy Clark was elected unopposed in July. Clark told his constituents that he would join the Opposition, denied that he was a revolutionist but wanted government that would not benefit any particular class; he also attacked the government's tariff policy and new electoral bill, and advocated the ending of controversy between the administration and the Main Line Railway Co., preferably by government purchase. In the assembly he was one of the few private members to introduce legislation and, although unable to amend the Master and Servant Act, he carried the Criminal Law Amendment Act in 1880. He also assisted the premier, W. R. Giblin to reframe the customs tariff. Clark was defeated in the 1882 election and failed again when he contested East Hobart in 1884 and 1886. Clark had first won repute as a criminal lawyer in a 'poisoning case' and soon acquired a large practice in civil jurisdiction as well, although his generosity and refusal 'to accept anything beyond a reasonable and modest fee' prevented him making a fortune at the Bar. While out of parliament he not only built up his practice but continued to lead the liberal attack on conservatism and the remnants of the convict tradition. In 1885 he was a founder of the Southern Tasmanian Political Reform Association. Its aims were manhood suffrage, larger electorates, triennial parliaments, municipal reform and the prohibition of paid canvassers and cabs in elections; it helped to enrol electors and organized a campaign for the 1886 elections. Clark drew up proposals for the redistribution of seats; he was also one of the first politicians to be actively supported by the Hobart Trades and Labour Council. In January 1887 he went into partnership with Matthew Wilkes Simmons and soon afterwards won a by-election at East Hobart. Clark was returned for South Hobart to the assembly and in March became attorney-general under P. O. Fysh. With the premier in the Legislative Council, Clark became largely responsible for introducing legislation in the House of Assembly. In his first term he initiated 150 ministerial bills, only one less than Sir Henry Parkes during his whole career. Clark enhanced his reputation as an outstanding Liberal by carrying much progressive and humanitarian legislation, including the Master and Servant Amendment Act, which he had advocated in his first electoral address, and other important legislation on the legalizing of trade unions, restricting the entry of Chinese, preventing cruelty to animals, reimbursing members of parliament and reforming laws on lunacy and the custody of children. He was less successful in his efforts to impose a land tax, introduce manhood suffrage and centralize the police. As attorney-general he became involved in the dispute between the government and the Main Line Railway Co., but despite his efforts the company was awarded arrears of interest by the Supreme Court. Clark advised the government to appeal to the Privy Council and went to England in 1890 to conduct the case. Empowered to treat with the directors, he successfully negotiated out of court the purchase of their property. Clark then visited America. His radicalism always had strong Unitarian connexions and in 1883 he had entertained Moncure Conway, an American Unitarian preacher and author,

in Hobart. Now Conway introduced him to Oliver Wendell Holmes and other well-known Unitarians, many of them academics and lawyers, with whom Clark corresponded for the rest of his life. Always impressed by the American Constitution and its democratic and republican ideals, he returned to Hobart convinced of their suitability for Australia. Through his experience as business manager of the family engineering firm Clark first became interested in Federation as a solution to intercolonial tariff rivalry. He was a delegate to the Federal Council in 1888, 1889, 1891 and 1894 and the Australasian Federation Conference in Melbourne in 1890. Before the National Australasian Convention in Sydney in 1891 he circulated his own draft constitution bill. This was practically a transcript of relevant provisions from the British North American Act, the United States Constitution and the Federal Council Act, arranged systematically, but it was to be of great use to the drafting committee at the convention. Parkes received it with reservations, suggesting that 'the structure should be evolved bit by bit'. George Higginbotham admitted the 'acknowledged defects & disadvantages' of responsible government, but criticized Clark's plan to separate the executive and the legislature. Clark's draft also differed from the adopted constitution in his proposal for 'a separate federal judiciary', with the new Supreme Court replacing the Privy Council as the highest court of appeal on all questions of law, which would be 'a wholesome innovation upon the American system'. He became a member of the Constitutional Committee and chairman of the Judiciary Committee. Although he took little part in the debates he assisted Samuel Griffith, Edmond Barton and C. C. Kingston in revising Griffith's original draft of the adopted constitution on the Queensland government's steam yacht, Lucinda; though he was too ill to be present when the main work was done, his own draft had been the basis for most of Griffith's text. Alfred Deakin, The Federal Story (Melbourne, 1963), described Clark at the conference: 'Small, spare, nervous, active, jealous and suspicious in disposition, and somewhat awkward in manner and ungraceful in speech, he was nevertheless a sound lawyer, keen, logical and acute'. After the Fysh government fell in 1892, Clark joined the Opposition. In 1894 as attorney-general under Edward Braddon he continued to introduce much legislation and in 1896, at his fourth attempt, succeeded in amending the Electoral Act by extending the franchise and introducing in Hobart and Launceston proportional representation under what became known as the Hare-Clark system in his honour. Although first introduced for only a year it was renewed annually until suspended in 1902, and in 1907 was adopted for the whole State. On 27 October 1897 Clark resigned from the Braddon government after colleagues ignored his plea for a concession to the Emu Bay Railway Co. to extend their line to Mount Lyell. His resignation was the prelude to political confusion. Efforts were made to effect a reconciliation between Clark and Braddon, while John Henry did his utmost to bring down the government and planned a new ministry under Clark. Clark again joined the Opposition. He received many complimentary letters on his stand, including one from the Hobart Chess Club congratulating their president on 'preferring resignation to perpetual check'. In the 1890s Clark encouraged the young leaders of the Tasmanian Federation Leagues, who became known as 'Clark's Boys'. He did not attend the 1897 Federal Convention because he was visiting America to improve his health and to leave some sons there to complete their education. On his return he introduced the draft constitution in the House of Assembly, although he remained doubtful about the financial provisions. In his The Federal Financial Problem and its solution (Hobart, 1900) he argued that the difficulty could be solved by 'the transfer of the largest possible proportionate part of the public debt of each colony to the Federal Government'. He was also concerned about the judiciary clauses and sent written amendments to the 1898 convention. They were tabled by Barton who wrote to him: 'The paper is regarded as a very valuable one, & by it you have added to your many services to the cause of Federation'. Clark continued to correspond with his American friends on questions of Federation and sent them copies of the convention debates. On 1 June 1898 Clark was appointed a pusine judge of the Supreme Court of Tasmania and senior judge on 1 May 1901. Chief Justice Way of South Australia congratulated him: 'You take with you the learning, the judgement, and all the moral qualities needed to maintain the prestige and usefulness of your high office'. Clark was knowledgeable in all branches of the law, but pre-eminent as a constitutional lawyer and jurist. His Studies in Australian Constitutional Law was published in Melbourne in 1901. In 1903 he was tentatively offered a seat on the High Court but parliament cut the number of judges from 5 to 3; he was again passed over when the bench was enlarged in 1906. Professor Harrison Moore consoled him: 'Well, for many reasons I am sorry. But I fear you would have

taken it too hard, and that the constant journeying, the want of any permanent settlement, and the break-up of your family life would have left you little of joy in the office'. Clark strongly disapproved of the judiciary Act amendment bill in 1907, protesting that nothing in the Constitution have the Commonwealth parliament power to deprive State courts of administering any portion of their State laws. Few of Clark's writings were published. In 1891 he had joined the American Academy of Political and Social Science and in 1900 published a paper on 'Natural Rights' in their Annals. His unpublished works, written in exercise books for circulation among friends, are extensive and fall in three broad groups: philosophical essays, studies on different aspects of the Australian and American Constitutions and serious legal discourses; there are also two slim volumes of poetry. He was widely read in literature and the law, and his library was renowned. His greatest contribution to learning was his share in the foundation of the University of Tasmania in 1889; he was its vice-chancellor from June 1901 to July 1903. Inspired as a young man by Higginbotham and by Mazzini, of whom he had a picture in every room, Clark remained a republican. In 1891 he wrote, 'the leopard could as soon change his spots as I become a supporter of plutocracy and class privilege'. Ten years later he wrote an essay on 'The Evils of Monarchy' in answer to James Bryce, Studies in History and Jurisprudence (London, 1901). Clark visited America in 1897 armed with letters of introduction from Miss Margaret Windeyer to leading feminists. His youngest son claimed that 'the judge was through his life a great admirer of ladies, whose society he often greatly enjoyed. He always warmly defended their equality in native intellect with the sterner sex, and he can lay claim to the no mean distinction of being the first man to fight an election in Tasmania in favour of adult suffrage'. Clark was blessed by a rich family life: Moncure Conway long remembered him under his 'vine and figtree' with his wife and children. He was never too busy to mend a toy for a child, and his wife once wrote on hearing of his imminent return from America: 'to celebrate your return I must do something or bust'. Clark died on 14 November 1907 at his home, Rosebank, Battery Point, Hobart, survived by his wife, five sons and two daughters. Of his sons, Alexander became an engineer, Andrew a judge, Conway an architect, Wendell a doctor and Carrel clerk of the Legislative Council. In 1894 Clark had been given the title of 'Honourable' for life.