

THE DEAN CONTROVERSY, 1895

CHRONOLOGY

Sources and abbreviations

1. **Law Reports**. In Australia, law reports are usually referred to by a formula that comprises the following components: "[the names of the main parties to the case reported] (the year in which the judgment reported was decided) (the number of the volume of the series of reports in which the judgment is published) [the name of the law report series] (the page number at which the report of the judgment commences)".

In this chronology references are made to the law report series respectively known as the "*NSW Law Reports*" (abbreviated to "*NSWLR*"), the "*NSW Weekly Notes*" (abbreviated to "*WN(NSW)*"), the "*NSW State Reports*" (abbreviated to "*SR(NSW)*") and the "*Commonwealth Law Reports*" (abbreviated to "*CLR*").

Most of the judgments bearing upon the question of legal professional privilege in the Dean controversy of 1895 were decided in 1896, and reported in Volume 17 of the *NSW Law Reports*. That volume contains separate reports of cases decided in the different jurisdictions of the Supreme Court of New South Wales. Judgments published by the Court in the exercise of its Common Law jurisdiction are cited as "(1896) 17 *NSWLR (Law)* ...". A judgment of the Court published in exercise of its Divorce and Matrimonial Jurisdiction is cited as "(1896) 17 *NSWLR (Divorce)* ...".

The main judgment bearing upon the conduct of the solicitor R D Meagher and the question of legal professional privilege in the Dean Controversy is the judgment of the Court published in support of its order of 1 June 1896 that Meagher be "struck off" the roll of solicitors (ie, "disbarred"). It is reported as *In Re Meagher* (1896) 17 *NSWLR (Law)* 157. It is also reported at (1896) 12 *WN(NSW)* 148.

As reported in the *NSW Law Reports*, the judgments relating to the Dean controversy are: *R v Dean* (1896) 17 *NSWLR (Law)* 35; *R v Dean and Meagher* (1896) 17 *NSWLR (Law)* 132; *In re Meagher* (1896) 17 *NSWLR (Law)* 157; *R v Dean (No 2)* (1896) 17

NSWLR (Law) 224; and *Dean v Dean* (1896) 17 NSWLR (Divorce) 1. The letter "R" in a case name is an abbreviated reference to the Latin word "*Regina*", meaning "*The Queen*". In the Australian context that means that "*Her Majesty's Government*", represented by the Queen as Head of State, was a party to court proceedings. Any reference to "*The Queen*" in proceedings relating to the Dean Controversy is a reference to the NSW Government.

A number of the judgments relating to the Dean Controversy refer to a Royal Commission that was appointed on 7 May 1895 and which reported on 28 June 1895. It was appointed by, and it reported to, the New South Wales Government.

2. **Parliamentary Debates**. Some of the judgments relating to the Dean Controversy also refer to parliamentary debates, the reports of which are colloquially known as "*Hansard*". In each case, the parliament referred to is the NSW Parliament, comprising the Legislative Assembly (the Lower House of the Parliament, constituted by elected members, one of whom was the Premier) and the Legislative Council (the Upper House, constituted in the 1890s by members appointed by the Government). In the era before Federation of the Australian colonies (in 1901), colonial Premiers were sometimes referred to as "the Prime Minister". After Federation, that term was reserved for the leader of the Government in the Commonwealth Parliament, and the States (formerly called "Colonies") referred to their political leaders as "Premiers". Ministers of the Crown (including the Attorney-General), responsible for administration of government departments, could be appointed from the membership of either House of Parliament.

References to the NSW Parliamentary Debates relating to the Dean Controversy, so far as they bear upon the question of legal professional privilege, are mostly to be found in Volumes 76 and 79-81 of the *NSW Parliamentary Debates (First Series)*. In those volumes the business of parliament conducted in the Legislative Assembly has the expression "[*ASSEMBLY*]" printed at the top of one side of each double page (with the date printed on the other side), and business conducted in the Legislative Council has the expression "[*COUNCIL*]" printed in the same place.

In this chronology references to the *NSW Parliamentary Debates* will be abbreviated as references to volume and page numbers of "*Hansard*".

3. **Secondary Sources.** Secondary sources bearing upon the question of legal professional privilege in the Dean Controversy include Chapter 6 of Cyril Pearl's classic book, *Wild Men of Sydney* (first published in London in 1958), Leslie Blackwell's *Death Cell at Darlinghurst* (London, 1970), the chapter of C K Allen's *Aspects of Justice* (London 1958) entitled "The Conscience of Counsel" and chapter 28 of G D Woods' *A History of Criminal Law in NSW: The Colonial Period, 1788-1900* (Sydney, 2002). [The books here highlighted are the most accessible.] The main entries of relevance in the *Australian Dictionary of Biography* are those for George Dean (8 ADB 257), Richard Denis Meagher (10 ADB 470), Sir Julian Emmanuel Salomons (6 ADB 81), John Henry Want (12 ADB 380), William Patrick Crick (8 ADB 150), Charles Edward Pilcher (11 ADB 233), Richard Edward O'Connor (11 ADB 56), Sir William Charles Windeyer (6 ADB 420), Sir Frederick Matthew Darley (4 ADB 17) and Charles Gregory Wade (12 ADB 340). The *Australian Dictionary of Biography* can be accessed electronically via the website, www.adb.online.au.edu.au

Date

Event

1895

9 March George Dean, a popular Sydney identity, was arrested on a charge of administering poison with intent to kill Mary Dean, his wife (that is, a charge of attempted murder) on six occasions between 13 January and 4 March 1895.

23 March After a hearing (at which Dean was represented by the solicitor, R D Meagher) a magistrate sitting at the North Sydney Police Court committed Dean for trial to the Central Criminal Court (the Supreme Court of New South Wales sitting at Sydney): 17 NSWLR 134.

4-6 April Trial of Dean, in the Central Criminal Court, before Mr Justice Windeyer and a jury. The Crown, as the prosecution authority, was represented by the Attorney-

General of New South Wales, J H Want QC and C G Wade. Meagher again appeared as Dean's Defence Advocate. Dean gave evidence on 5 April, during which he swore that he had not bought any poison or attempted to poison his wife: 17 NSWLR (Law) 35. In the course of his defence he sought to deflect blame from himself by alleging that his wife had administered poison to herself in collaboration with her mother, Mrs Caroline Seymour (his mother-in-law), and that the two women had conspired to make false allegations against him in the hope that he would be convicted of attempted murder and hanged. He attacked them as people of low character and encouraged newspapers to do likewise. The jury found him guilty (with a recommendation of mercy) and the judge sentenced him to death by hanging.

8 April Meagher, who was in partnership with the solicitor W P Crick, told Crick (who was then a member of the Legislative Assembly) that he believed that Windeyer J had conducted Dean's trial unfairly and he firmly believed in Dean's innocence: 17 NSWLR (Law) 134.

9 April The *Daily Telegraph* newspaper contained a leading article on the conduct of Dean's trial. Crick told Meagher that he proposed to make a speech in parliament calling for the question of Dean's guilt to be re-opened if he could be assured by Meagher that Dean, on reasonable grounds, maintained his innocence: 17 NSWLR (Law) 134-135. He told Meagher to tell Dean that his (Dean's) life was in the balance: as matters then stood, Dean had the benefit of a recommendation of mercy from the jury, and he was likely to be reprieved, rather than hung, so that his death sentence was likely to be commuted to life imprisonment; on the other hand, if the case were to be reopened at a Royal Commission it would have to be reopened on both sides and, if the Government were to establish that Dean had bought poison of the type used against his wife, he would surely hang: Hansard, Volume 80, page 1484.

9 April At Crick's request, Meagher spoke to Dean in a private interview at Darlinghurst Gaol and, by a trick, obtained from him a confession of guilt: 17 NSWLR (Law)

135; Hansard, Volume 80, pages 1289 and 1488. He falsely told Dean that the Police had discovered the source from which Dean had bought the poison used against Mary. He invited Dean to come clean with the truth. In response to that invitation and relying upon the fact that Meagher was his solicitor, Dean confessed to Meagher, confidentially, that he had in fact attempted to poison his wife.

9 April Meagher concealed Dean's confession from Crick and, instead, continued publicly to protest Dean's innocence: 17 NSWLR (Law) 160-161; Hansard, Volume 80, page 1488.

9 April Based upon Meagher's assurance that, on reasonable grounds, Dean continued to maintain his innocence, Crick asked the Premier questions in Parliament about the fairness of Dean's trial: 17 NSWLR (Law) 135; Hansard, Volume 76, page 5152.

17 April Crick asked the Premier a question about the Dean case in Parliament, and received a reply from the Premier that the Government had commuted Dean's death sentence to life imprisonment: 17 NSWLR (Law) 135 and 161; Hansard, Volume 76, page 5340. On the same day Crick, by a speech in Parliament, requested the Government to appoint a Royal Commission to enquire into Dean's case: 17 NSWLR (Law) 135 and 161; Hansard, Volume 76, pages 5340-5347. He began by professing Dean's innocence; condemning the character of Dean's wife and mother in law; maintaining that Dean's trial was conducted unfairly by Windeyer J as the trial judge and by Attorney General Want as the Crown Prosecutor; and asserting that there was no evidence that Dean had ever bought any poison. A Parliamentary Debate ensued: Hansard, Volume 76, pages 5347-5361. After this, and encouraged by Crick and Meagher, members of the public formed "Defence Committees" and held public meetings to urge upon the Government the appointment of a Royal Commission: 17 NSWLR (Law) 135-136 and 161-162.

- 30 April The Premier made a statement in Parliament in which he announced that the Government had decided to appoint a Royal Commission: 17 NSWLR (Law) 136. At subsequent hearings of the Commission Dean was represented by C E Pilcher QC, instructed by Meagher as a member of the firm of Crick and Meagher; Meagher attended the hearings and actively participated in providing instructions to Pilcher QC and in liaising with the "North Shore Defence Committee" which had retained them to appear: 17 NSWLR (Law) 162-163. Sir Julian Salomons QC appeared for the Crown on instructions from Attorney-General Want. As he subsequently confessed in a statutory declaration tabled in Parliament, Meagher concealed Dean's confession from everybody: Hansard, Volume 80, page 1488.
- 7 May The NSW Government formally appointed a Royal Commission of three Commissioners to enquire into the Dean Case: 17 NSWLR (Law) 136.
- 28 June The Royal Commissioners reported to the Government that, by a majority of 2 to 1, they recommended that Dean should be released from further imprisonment: 17 NSWLR (Law) 136. On the same day, Dean was subsequently released and the Government granted him a Royal Pardon. The text of the pardon is reproduced at 17 NSWLR (Law) 36 and 17 NSWLR (Divorce) 2.
- 10, 12, 16 July The *Daily Telegraph* published articles on the Dean case which Meagher (who was then standing for election to Parliament) interpreted as an attack upon him: Hansard, Volume 80, pages 1247-1248.
- 16 July The *Daily Telegraph* of this date included a statement that read: "*Mr Meagher, whose failure to expose the singularly weak case against George Dean [at the committal hearing and the trial] put the country to the expense of a Royal Commission ...*": Hansard, Volume 80, page 1153.
- 18 July Meagher retained Salomons, and attended upon Salomons at a conference in his chambers, to obtain an opinion as to whether this statement by the *Daily*

Telegraph entitled him to sue the newspaper for damages for libel (that is, for defamation): Hansard, Volume 80, pages 1153 and 1488. In the course of that conference, Meagher told Salomons that Dean was in fact guilty and had, after the trial but before the Royal Commission, confessed his guilt to Meagher: Hansard, Volume 80, pages 1153-1154 and 1488. There appears to have been no suggestion that Meagher had consulted Dean before conferring with Salomons, still less before confiding in Salomons about Dean's confession. The general consensus appears to be that Meagher was big-noting himself, bragging that he was so clever that he had obtained a pardon for Dean even though Dean was guilty: 17 NSWLR (Law) 164. If he was so clever, how could the newspaper, without defaming him, assert that he was incompetent? That was a point he sought to impress upon Salomons, the leader of the Bar and the barrister who had appeared for the NSW Government at the Royal Commission. He told Salomons of Dean's confession in confidence, relying upon the fact that he had retained Salomons to provide him with legal advice. Salomons knew that, in telling him of Dean's confession, Meagher believed that Salomons was under a professional obligation (as Meagher's lawyer) to keep it a secret: Hansard, Volume 80, pages 1291, 1294, 1305. He encouraged Meagher to elaborate the story of how he had obtained Dean's confession by a trick, subsequently agitated for a Royal Commission and, via the Commission, obtained a pardon for Dean. He wanted to draw out the truth from Meagher. He also wanted to work out a way both to bring Dean (and Meagher) to justice, as he saw it, and to let the public know that there was no fair foundation for Dean's personal attacks on his wife and mother-in-law.

18 July On the way home from work, Salomons disclosed to his son-in-law (the barrister George Simpson), on a confidential basis, what Meagher had told him about Dean's confession. Simpson advised him that, because of their family relationship, Salomons could not prudently rely upon his assistance. Salomons accepted that advice: Hansard, Volume 80, page 1292.

19 July Salomons (on a confidential basis) repeated to the barrister C B Stephen what

Meagher had said to him and received Stephen's views: Hansard, Volume 80, pages 1292 and 1293.

20 July At Salomons' invitation, Meagher attended Salomons' chambers for a further conference, during which Salomons urged him to let the public know of Dean's confession: Hansard, Volume 80, pages 1154, 1294 and 1488. He proposed that they meet with Pilcher (Dean's barrister at the Royal Commission) on 22 July 1895 to discuss the matter further. On notice to Meagher, Salomons then disclosed to Pilcher (on a confidential basis) what Meagher had told him about Dean's confession: Hansard, Volume 80, page 1294. There appears to have been no suggestion that Dean was consulted about any of these developments or forewarned of them.

22 July On reflection, Pilcher declined to attend a conference with Salomons and Meagher. He took the view that, as he had been counsel for Dean at the Royal Commission, Dean was not only entitled to his services, but entitled to have him abstain from attending such a conference because, he thought, it would not be in Dean's best interests: Hansard, Volume 80, page 1295. He wrote a letter to Salomons in the following terms (recorded at page 1296): *"My dear Sir Julian - I have thought over the proposed meeting at your chamber [sic] this afternoon, and have decided not to attend. You know my clients are the North Shore Defence Committee, and it would be a breach of etiquette to attend at your chambers without their consent. Besides any statement made by Meagher whilst consulting us would be sacred, and could not be divulged by us"*.

As he subsequently explained to Parliament, Pilcher thought that he would be acting in an unprofessional manner if he went behind Dean's back by meeting with "counsel for the prosecution" in circumstances that could be interpreted as an attempt to build up a case to prove that Dean was guilty: Hansard, Volume 80, page 1315. As Salomons had already spoken to C B Stephen to clarify his thinking, Pilcher did likewise: Hansard, Volume 80, page 1315. After that, he spoke to a member of the North Shore Defence Committee (Mr Goddard) "in

strictest secrecy" and told him to make discreet enquiries about Dean's guilt or innocence by confronting Meagher: Hansard, Volume 80, pages 1315-1316. Committee members subsequently spoke to Meagher. They were unsatisfied as to where the truth lay. It was in that frame of mind that they spoke to Dean on or about 24 September 1895.

22 July As Pilcher had declined to meet with him and Meagher, Salomons (without notice to Meagher) asked another barrister, R E O'Connor, to attend the proposed meeting; at the same time, he disclosed to O'Connor (on a confidential basis) what Meagher had told him about Dean's confession: Hansard, Volume 80, pages 1297-1299 and 1312-1313. The object of the meeting, as O'Connor understood it, was to see if some means could be devised by which, in the least harmful way to Meagher himself, his secret about Dean's confession could be disclosed to the public so that justice might be done: Hansard, Volume 80, page 1313.

22 July Meagher declined Salomons' invitation to attend Salomons proposed conference with O'Connor; he said that he was no longer going to pursue his defamation claim against the *Daily Telegraph*, and he told Salomons not to say anything more about Dean's confession to anybody, at which point Salomons told him that he had already spoken to C B Stephen: Hansard, Volume 80, page 1299. Salomons urged Meagher to take steps to bring Dean's confession to public notice: Hansard, Volume 80, pages 1300-1302.

24 July Meagher was elected to Parliament as a member of the Legislative Assembly.

circa late Meagher attended Salomons' chambers to debate with Salomons
July whether he could, and should, do anything further about Dean's confession. Salomons urged him to promote a solution by which Dean would leave the country (to escape further prosecution and infamy), leaving behind a written confession of guilt able to be made public; he offered to contribute to Dean's travel expenses: Hansard, Volume 80, pages 1303-1305. He subsequently

disclosed that conversation to Stephen, who also indicated a willingness to make a contribution: Hansard, Volume 80, page 1305.

August When Salomons became absolutely certain that Meagher would do nothing to bring Dean's confession to public attention, he told the Attorney-General (Want QC), confidentially, that he had conclusive information that Dean was guilty: Hansard, Volume 80, pages 1154, 1306. In his own words, he was "*determined that sooner or later the truth should be known*" (page 1303), and that he should, "*as early as was reasonably and wisely possible, divulge the whole of this matter*" (page 1306). At some point at about this time he also spoke to the Chief Justice of the Supreme Court (Sir Frederick Darley) to obtain the CJ's confirmation that there was no rule of professional practice or etiquette, or any other thing, to prevent him "*doing what was right*", as he put it (pages 1297 and 1308).

31 August Sir William Windeyer resigned as a judge of the Supreme Court: 17 NSWLR (Introductory Memoranda).

18-19 Sept Attorney-General Want was asked "Questions Without Notice" in Parliament about whether there was "*any foundation for the rumour that he [had] received a communication respecting an admission of guilt alleged to have been made by George Dean, lately convicted of administering poison with intent to murder?*" and "*Does he believe in the truth of the communication, and, if so, will he give [Parliament] the particulars of it?*". He answered by saying, "*Whatever communications have been made to me were of a confidential character, and I cannot, therefore, give any information or particulars*": Hansard, Volume 80, pages 896 and 971-972. The source of the rumour appears not to have been established.

24 Sept At the instigation of the North Shore Defence Committee, Dean delivered a Petition to each House of Parliament asking for particulars of the admission of guilt he was alleged, according to rumour, to have made: Hansard, Volume 80,

pages 1307-1309 and 1322. He did not himself write the petition, because he was "an illiterate man": page 1309. It was prepared for him by the Committee. There is no suggestion that he received independent legal advice before signing the Petition. Nobody seems to have thought it necessary.

25 Sept Attorney-General Want wrote to Salomons, noting Dean's Petition and requesting to be released from the pledge of secrecy earlier given by him to Sir Julian: Hansard, Volume 80, page 1152.

25 Sept Salomons took the view that Dean's Petition brought to an end whatever (if any) obligations of secrecy that might have prevented him from consenting to the Attorney-General's disclosure to Parliament of what Meagher had told him about Dean's admission of guilt: Hansard, Volume 80, page 1309. Before acting on that view he confirmed its correctness with Chief Justice Darley: page 1308. He then wrote to the Attorney-General a letter foreshadowing his preparation of a written statement of the facts he had earlier communicated to the Attorney: pages 1152-1153.

25 Sept The Attorney-General advised the Legislative Council (without expressly identifying Salomons) that his "informant" had agreed to prepare a written statement, to be placed before Parliament the next day: Hansard, Volume 80, page 1082.

26 Sept Attorney-General Want made a public statement in the Legislative Council in which he published his correspondence of 25 September 1895 with Salomons and the written statement that Salomons had foreshadowed in his letter: Hansard, Volume 80, pages 1151-1154 (especially at 1153-1154). After initially denying Salomons' account of their dealings, Meagher eventually made a statutory declaration (reproduced in Hansard, Volume 80 at page 1488) in which he acknowledged the substantial accuracy of Salomons' written statement. That declaration was read to the Legislative Assembly by Crick at the same time as, on 8 October 1895, he announced Meagher's resignation from Parliament. [At pages

1308-1309 of Hansard, Volume 80, Salomons made a minor correction to his written statement, but it did not substantially affect the account of events told by the statement.]

26 Sept Crick made a speech in the Legislative Assembly in which he denied that Meagher had said anything to Salomons about Dean having made a confession; and he intemperately attacked the integrity of both Attorney-General Want and Salomons: Hansard, Volume 80, pages 1235-1240. He then, argumentatively, interrupted the speech of a member of the Government (Carruthers) who spoke in defence of Want and Salomons: pages 1240-1242.

27 Sept Dean made a statutory declaration in which he denied ever having made any confession of guilt, and positively asserted that he was "absolutely innocent": 17 NSWLR (Law) 231.

1 October Meagher delivered a speech to the Legislative Assembly by way of "personal explanation" in which he denied that Dean had ever made a confession to him, and denied that he had ever told Salomons that Dean had done so: 17 NSWLR (Law) 138; Hansard, Volume 80, pages 1242-1253. In doing so, he alleged that Attorney-General Want, Salomons and Windeyer J had conspired against Dean, himself and Crick. He also alleged that Salomons' written statement demonstrated that Salomons was mentally ill, delusional. He tabled a written statement of his own in answer to that of Salomons: Hansard, Volume 80, pages 1247-1249. In short, he challenged the Attorney-General and Salomons "to put up or shut up" by producing all the evidence they claimed to have against him.

2 October Salomons made a lengthy speech to the Legislative Council in which, in great detail, he explained his dealings with Meagher, the circumstances in which Meagher had advised him of Dean's confession of guilt, his belief that Dean was in fact guilty of attempted murder, his opinion that Meagher (and Crick) had acted improperly in contending for Dean's innocence, his attempts to persuade Meagher to set the truth before the public, his determination to ensure that truth

would out, and his struggles of conscience in dealing with the unsought confidence placed in him by Meagher in the "confidential" communication of a guilty secret: Hansard, Volume 80, pages 1286-1311. His speech was followed by short speeches from his fellow barristers, O'Connor (pages 1311-1313) and Pilcher (pages 1313-1317, 1323-1324) and Attorney-General Want (pages 1317-1324).

- 4 October A chemist (R B Smith) publicly identified himself as having sold poison to Dean.
- 5 October Dean, Meagher, Crick and others were arrested on a charge of conspiring together to pervert the course of justice: 17 NSWLR 133, 139 and 231; Hansard, Volume 81, page 3550. On the same day, they were granted bail.
- 6-8 October In lengthy discussions between them, Crick persuaded Meagher to make a public confession that he had, in fact, disclosed to Salomons Dean's confession of guilt. Meagher initially insisted that his duty as a lawyer required him to preserve absolute silence as to what had been said as between himself and Dean, and that he was not entitled to breach his professional obligation of confidentiality to Dean merely because Salomons had breached his obligation of confidentiality to Meagher. Crick argued that the time for any loyalty Meagher owed Dean had gone, in light of what had recently happened in Parliament and with the possibility, reported in the *Daily Telegraph*, that other prominent people were to be arrested for conspiracy to pervert the course of justice. Defence of a guilty man to save him from the gallows was no justification for exposure of innocent people to criminal prosecution, he argued. Finally, he prevailed upon Meagher's wife to talk some sense to him, at which point Meagher admitted that Dean had made a confession of guilt to him and he had misled everybody by concealing the confession and simultaneously agitating for Dean's release as an innocent man: 17 NSWLR (Law) 139.
- 8 October Crick made a speech in the Legislative Assembly, by way of "personal explanation", in which he protested his own innocence of wrongdoing, explained

the course of events as he saw them, read on the record a statutory declaration from Meagher and tendered Meagher's resignation from Parliament: Hansard, Volume 80, pages 1482-1488. In his statutory declaration (reproduced at page 1488) Meagher admitted that Dean had made a confession of guilt to him, he had concealed that fact from everybody (including Crick, Pilcher, Dean's Defence Committee and the Parliament) and Salomons' written statement to the Parliament (25-26 September 1895) was substantially correct.

8 October Dean was arrested on a charge that he had, on 27 September 1895, wilfully made a false statutory declaration: 17 NSWLR (Law) 231-232.

9 October With the authority of Attorney-General Want, members of Dean's Defence Committee visited him at Darlinghurst Gaol. During their meeting Dean made an oral confession of guilt and signed a written confession in which he admitted to having perjured himself and blamed Meagher for his earlier denials of guilt; he asserted that no person, other than Meagher and Meagher's clerk (Daniel Green) knew of his initial confession of guilt to Meagher: 17 NSWLR (Law) 225-227. There is no suggestion that Dean obtained the benefit of independent legal advice before admitting his guilt to the Committee or signing the written confession they prepared for him. The Full Court of the Supreme Court did, however, subsequently hold that the confession was voluntary: 17 NSWLR (Law) 224.

24-25 Oct Dean was tried before Acting Supreme Court Judge Backhouse and a jury, in the Central Criminal Court, on charges of perjury (giving false evidence at his trial on 5 April 1895 and making a false statutory declaration on 27 September 1895): 17 NSWLR (Law) 35 and 224. Found guilty, he was sentenced to 14 years imprisonment, subject to the reservation of two legal questions for the Full Court of the Supreme Court. The Full Court decided those questions against Dean on 4 March 1896 (17 NSWLR (Law) 35) and 21 August 1896 (17 NSWLR (Law) 224) and it confirmed his conviction. With remissions for good conduct, he was released from gaol on 8 December 1904: 8 ADB 257-258.

30 October- A magistrate conducted a committal hearing to determine whether
5 November there was sufficient evidence against Dean, Meagher, Crick and others to warrant them being committed for trial by the Supreme Court on the charge that they had conspired together to pervert the course of justice: Hansard, Volume 81, pages 3552 (19 December 1895). They were committed for trial.

2-17 Dean, Meagher, Crick and others were tried before Mr Justice Cohen
December and a jury on the charge that they conspired together to pervert the course of justice: Hansard, Volume 81, pages 3555 and 3559. All the accused other than Dean and Meagher were found not guilty. The jury found Meagher and Dean guilty of a continuing conspiracy from 9 April 1895 to 8 October 1895; the judge deferred passing sentence until the hearing of questions of law to be determined by the Full Court of the Supreme Court on an appeal by Dean and Meagher: 17 NSWLR 141. On 15 May 1896 that appeal was successful and, accordingly, the convictions were quashed: 17 NSWLR (Law) 132 and 156.

1896

1 June After having called upon Meagher to answer disciplinary charges against him arising from its consideration of his (successful) appeal against conviction for conspiracy to pervert the course of justice, the Full Court of the Supreme Court ordered that Meagher's name be removed from the Roll of Solicitors: 17 NSWLR (Law) 157. It held that he was not a fit and proper person to be a solicitor. The Court said (at 17 NSWLR (Law) 161) that it did not base its order upon his non-disclosure of Dean's confession of guilt, but on his active perversion of the course of justice in promoting Dean's public assertions of innocence, in the course of which he misled everybody (including the Royal Commission) by concealing Dean's confession.

In the years that followed, Meagher ultimately returned to a successful Parliamentary career. Despite several applications to the Court for re-admission as a solicitor (some of which are reported at (1904) 4 SR(NSW) 647, (1909) SR (NSW) 503 and, on appeal, (1909) 9 CLR 655), he was unsuccessful in

persuading judges that he was a reformed character, a fit and proper person to be a solicitor. As a testament to his popularity in political circles, in 1920 the New South Wales Parliament nevertheless enacted the *Legal Practitioners Amendment Act*, 1920 (Act No. 29, 1920) to declare that he be re-admitted to practice as a solicitor: 10 ADB 470-472 (at 472).

Date: 15 February 2008