

His Honour Mr. Justice Meagher

Roderick Pitt Meagher was sworn in as a Judge of Appeal on 31 January 1989. This was another milestone in a remarkable career.

His Honour was born on St. Patrick's Day - 17 March, 1932 - and grew up in the country town of Temora. He was the second eldest child in a family of four boys and one girl. The name "Meagher" was well-known in western New South Wales as his family ran a chain of department stores in that part of the State. His family was known as the "Royal Family of Temora", a reputation which was well deserved and which may throw some light on his Honour's subsequent conduct. His ancestral home in Temora was called "Marathon" but this auspicious name did not engender any enthusiasm in the young Meagher or athleticism of any kind.

In his youth he displayed the early qualities which characterise his adult life: "as the twig is bent....". His brother Christopher, extremely athletic and well co-ordinated, once attempted to entice young Roddy into playing football with him. He offered Roddy a toy soldier if he would kick the football with him. Roddy, after a moment's reflection, said "two". Reluctantly Christopher agreed and gave him two toy soldiers. Roddy walked outside, kicked the ball once, turned around and went back inside to play with his toy soldiers. Little wonder, that some years later he summed up his view of all sport thus: "I don't believe in any movement unless it is absolutely necessary".

He was educated at St. Ignatius College Riverview of which he was, predictably, dux. Despite his antipathy to athletic performances he was a surprisingly good tennis player. As many opponents found to their dismay, it was a mistake to judge his tennis ability by his body shape and apparent lack of co-ordination. He has been known to play a game of cricket. He has never been known to play rugby.

After his success at school he went up to the University of Sydney where he resided at St. Johns College. It was here that his talents came into full flower.

His academic career at the university was remarkable. He was awarded the Cooper Scholarship for classics. He won the University Medal for both Latin and Law. He was recognised as an accomplished classical scholar and the influence of Professor A.D. Trendall on his intellectual development was profound. He has retained his interests in classics, having been Challis Lecturer in Equity and Roman Law in the Faculty of Law at Sydney University since 1960.

He was regarded as the worst motor car driver in the history of St. Johns College. This was no small achievement amongst the members of a college which was notorious for its bad drivers. It is not clear when or how he obtained his driver's licence but what is certain is that he never learned how to engage reverse gear or to drive backwards. Little wonder that he has never purchased any other car than "a brown one".

He was admitted to the Bar in 1960 and rapidly established a substantial practice and wide reputation in the field of Equity. He has co-edited the second, third, fourth and fifth editions of Jacobs on Trusts and is the joint author of Equity, Doctrines and Remedies. The latter book has become widely

accepted in Australia and in the United Kingdom as an authoritative text. It frequently surprises and delights its readers by its many incisive and pungent comments: eg § 254 "The fusion fallacies.... are depressing evidence of the damage done to equity in England since 1873 as one epigonous generation has succeeded another."; § 2040 n.34 ... "this is surely to overstate the effect of a decision by a bare majority whose decision is not free from obscurity." His Honour is never obscure.

He is particularly scornful of attempts by common lawyers to encroach upon the equity jurisdiction, a point he made in his foreword to Sir Frederick Jordan's Select Legal Papers where he said that Sir Frederick, despite coming from "an almost exclusively equity background....also proved himself to be a consummate master of the common law." The reverse process he pointed out acridly "never happens".

At the Bar he was a founding member of the eighth floor of Selborne Chambers. This floor he shared with many of the great and famous members of the Bar with most of whom he had cordial relations. He provoked his floor members, Glass Q.C. and Reynolds Q.C. by burning incense. It was only the threat of an injunction which restrained him from this practice and he took up smoking Havana cigars instead. History does not record whether this was regarded as an improvement.

His Honour's contributions to the social life of the eighth floor were prodigious. His charm and wit will be greatly missed by his many friends at the Bar but his pithy statements have gone into history. His piscatorial description of the present Chief Justice is now folklore; he described McInerney Q.C. (as he then was) as having a "sympathetic tolerance of an opposing point of view which was equalled by his passion for Chancery"; of another Silk, he said: "his knowledge of the law was intuitive and vocal rather than learned and subtle". Some cannot understand or appreciate his wit. They lack perspicacity.

His enthusiasm for paintings and objets d'art had a marked civilising effect on the other members of the eighth floor. He distributed the overflow of his enormous art collection from his chambers amongst the chambers of his floor members. Kenny Q.C. in return placed a left-over exhibit - a car tyre - in His Honour's chambers among the paintings, sculptures and New Guinean artefacts (bought in darkest Paddo!) . It was never found again.

Entrants to his chambers were confronted by a seventeenth century cannon. Briefs which had toppled off his desk and rested precariously atop the cannon were classified "not urgent".

His art collection now hangs more comfortably in the corridors around the Court of Appeal judges' chambers. He sits on quantum appeals et tout cela. He has not lost sight of the good things of life. When counsel argued on past 1.00 pm one day he announced solemnly: "The Court is hungry." The Court adjourned at once.

He will remain popular as an orator and a contributor to Bar News. It is not known yet whether he will become a consummate master of common law. □

