1967 TURNER MEMORIAL LECTURE

"Law and Life in our Time"

delivered by

LORD DENNING

Your Excellency, Mr. Deputy Chancellor, and friends. Some of you may wonder what is 'The Master of the Rolls.' It is spelt *Rolls* meaning the records and archives of England. Perhaps on this occasion it might be spelt *Roles,* for that would seem appropriate in talking from the stage of your fine old theatre. I am told that the acoustics here are very good: so there is no need for me to remember the advice which was given to a Lord Bishop when he went to the Temple Church in London, where the lawyers congregate, and the acoustics are not at all good. The verger said to the Bishop 'Pray, my Lord, speak very clearly and distinctly because the agnostics here are terrible.'

I am a little nervous in speaking to you this evening. At one time when I was a Judge going the circuits of England, summing up in Criminal cases, my words used to carry conviction! But recently, when I summed up again at Quarter Sessions addressing a jury, I found that my hand had lost its cunning. The first case was of a man who was charged with driving a car under the influence of drink. I summed up in my most impartial and impeccable manner. The jury came, I won't say, to the just result. They came to the usual result. They found him 'Not Guilty.' So in the next case I thought I would try different tactics. This was a man who was charged with being in possession of housebreaking implements by night. This time I turned to the jury. I put on my most sarcastic and ironic manner and said to them 'Members of the jury, if you think the accused was at the door at midnight intending to present these implements to the householder as a gift—as a tribute of the esteem in which he held them—then of course, you will find him not guilty.' They did! But I turn to more serious matters. I wish to tell you something of what is being done in the law to meet our changing social conditions. First, the emancipation of women. You may not realise that over the last one hundred years there has been a greater social revolution than the world has known. Before that time, for more than two thousand years, women were regarded as chattels, as the servants of the man. In law, husband and wife were one, and the husband was that one! At common law, he could beat her but, for mercy sake, it had to be done with a stick no bigger than his thumb. You may remember the old adage—a

woman, a dog, and a walnut tree—the more you beat them, the better they be! Blackstone said the ordinary man was very fond of this ancient privilege—to beat his wife. He could also order her comings and goings so that she had no freedom of her own. This was not reversed until a case 60 years ago. A wife left her husband. He got an order from the Court for her to return. She didn't return. So he went with a carriage. He took her out of the house, bundled her into the carriage, and drove her off with her feet kicking out of the door. She brought her Habeas Corpus. The judges held that the husband had no right over the personal freedom and independence of his wife. She was allowed to go her own way. Personal freedom is now assured. Until the last 80 years, a wife was not allowed to have any property of her own. On marriage, everything belonged to her husband. All the wedding presents belonged to him. When she went out to work, all the earnings belonged to him. We have, I am glad to say, altered all that. Nowadays, a wife is entitled to her own separate property, is entitled to her wedding presents, is entitled to go out to earn wages in full equality with the men. But there are still branches of the law which have to be brought up to date, particularly in the right to the matrimonial home. A few years ago there was a case where the husband had left his wife and gone off to live with another woman. His wife was in the home with the invalid son. The house was in the husband's name. He claimed to turn out the wife. The case came before the Master. The Master turned her out, saying that the wife was no more than a licensee, and she had no right to be there. It came before me in chambers. I held that a husband who deserted his wife had no right to turn her out. That was followed by a case where the husband sold the house, over the wife's head, to his new mistress; the new mistress sought to turn her out. The Judge refused to turn her out. The Courts held that they had a discretion to let the wife stay there. A recent case has upset that doctrine. The husband deserted the wife and transferred the house to a bank. The bank had notice that he had deserted his wife, but nevertheless they sought to turn out the wife. The Court of Appeal refused to turn her out. But the House of Lords held that the bank could turn out the wife. They ordered the wife to go—they said the previous cases in the Court of Appeals were wrong: so much so that the husband could sell the house to his new mistress and get her to turn out the wife. The husband himself could not turn the wife out but anyone else could do so. I am glad to say that inequality in the law is being remedied. As soon as the House of Lords gave their decision, Lady Summerskill introduced a bill in the House of Lords and the Lord Chancellor approved of it. It has now, in the last week, passed into law. The deserted wife has a right to stay in the house at the discretion of the court, but subject to this: In order to be protected, the wife must go to the Land Registry and register her right as a land charge. I think this leaves her still in a quandary. What deserted wife thinks of going to a solicitor or register-

ing a charge? Often she will find that before she gets to a solicitor, the husband will have sold the house, and she has no right to stay there. It was suggested in the House of Lords—perhaps a little cynically—that every wife, immediately on her marriage, after leaving the church, should go and register the charge!

In all those cases the house belonged to the husband and was his own property. But the law is tending to regard the matrimonial home as joint property. These are cases which show that the house where the couple live, the furniture which they have, the things which they get together for the family—all these are family assets—and belong to both husband and wife equally, no matter in which name the property is vested. There was a case where the wife used housekeeping money on the football pools. She picked the winners. When they won the pool, they bought furniture with it. When they separated afterwards, the husband said 'All the furniture is mine, it was bought with the housekeeping money. The housekeeping money is mine, therefore the furniture is mine.' The majority of the court so held. Since that case, we have an Act on the Statute book now whereby housekeeping moneys and savings from it belong to both equally. The cases all point now to family assets being joint property.

Now let me come to divorce. A hundred years ago there could be no divorce without Act of Parliament. In 1857 for the first time, a husband was allowed to divorce his wife if he could prove she was guilty of adultery, of a matrimonial offence. But it wasn't equal for the sexes then, a wife couldn't divorce her husband unless she could prove not only adultery but desertion also. So it remained until 1923, when for the first time they were put on equality for adultery. In 1938 Sir Alan Herbert's Act brought in also divorce for cruelty and desertion. Ever since that time, a husband or wife, in order to get a divorce has to prove a matrimonial offence. Now that is being seen to be out of date. In most of these cases both parties are at fault. You cannot say that one is innocent and the other is guilty. The cruelty, the desertion, the adultery are often the symptoms of a breakdown that has already occurred. The Archbishop's Commission has recently recommended, and the Lord Chancellor himself has personally approved, that we should throw over the theory of a matrimonial offence. We should look to see whether a marriage has irretrievably broken down so that it cannot be repaired. We should do everything of course to maintain the marriage if we can, but if it be irretrievably broken down, let the empty shell be buried and done away with, with as much quietness and lack of bitterness and lack of humiliation as possible. I hope and believe that before so very long in England we shall go along this path. In Australia you have already led the way. After 5 years separation, no matter which side is at fault, by a statute which applies throughout Australia, there can be a divorce. I hope we shall take the same line, but I would prefer a divorce after a two year separation. One more thing. The time has now come when there should be family

courts. A lawyer should be chairman, assisted by a magistrate and a social worker or a probation officer. They should deal not only with divorce, but all the many other family matters, such as maintenance for the wife, the future of the children, the division of the property and so forth. Whilst accepting the principle of divorce when a marriage has irretrievably broken down, we should do all we can to maintain the christian concept of marriage as defined by the lawyers: 'The personal union of one man with one woman to the exclusion of all others on either side for better or for worse, so long as both shall live.'

May I now turn to the next great problem of our day—the problem of race relations. In our English law we have always, I hope, held the view that there is to be no distinction of colour or race. It was brought out two centuries ago by Lord Mansfield in that celebrated case where a master brought a slave over from the West Indies, a slave called James Somersett. The slave was in England as a chattel, as a piece of the goods belonging to his master. The slave wanted to stay in England. The master was about to take him back to Jamaica. He had him in irons in a ship on the Thames but the slave brought his writ—the great writ of Habeas Corpus. Lord Mansfield, in a celebrated judgment, declared: 'Every man coming into England is entitled to the protection of English law, no matter what oppression he may heretofore have suffered and whatever be the colour of his skin. The air of England is too pure for any slave to breathe—let the black go free.' Next take a case some four years ago. In Notting Hill Gate a group of white youngsters aged from 16 to 18 went out as a gang and attacked any coloured people they could. In an ordinary case the sentence would have meant a detention centre for three months, or six months, or they might even have been bound over to be of good behaviour. Instead of those sentences Mr. Justice Salmon sentenced the youths to five years, six years and seven years. He said: 'Everyone irrespective of the colour of his skin, is entitled to walk through our streets in peace with his head erect and free from fear.' Those heavy sentences of imprisonment had a great impact throughout England and beyond. We have now in England many people from other countries, such as the West Indies, Pakistan, India, Africa and the like. We have had to pass laws which say that there should be no discrimination at all, no incitement to hatred in any way or abuse. If there is, then the Attorney-General can take action.

May I go on to another great problem of our time, the difference between sin and crime. A 'sin' is wrong-doing for which a man is accountable not to his fellow man but to God, or to his own conscience. A crime is an offence which is punished by the courts, that is, by the law on behalf of society at large. This distinction was not recognised until quite recently. We have had to revise all our ideas about criminal punishment on account of it. The easiest illustration is in regard to suicide. Let me tell you of a case which brings the point home. There was a Major Rowlandson who had insured his life for over

£50,000. The policy was expiring at 3 o'clock on a June afternoon, June the 24th, and he couldn't pay the premium to renew it. He went to his lawyer in Chancery Lane in London. He came out at half past two on that afternoon. He asked the taxi driver to drive him to his flat in Albermarle Street, and he said 'As you pass St. James' Palace Clock, look at the time and note it.' The taxi driver did so. As he went up St. James' Street, he looked at the Palace Clock. It was three minutes to three. As he went further up the street, he heard a bang, got out, opened the door, there in the cab was Major Rowlandson dead. It was two minutes to three. You might think just in time. I was instructed to appear for the creditors and the beneficiaries to claim the £50,000. The insurance company refused to pay. We referred to the policy. It said 'If he commits suicide in the first year, we won't pay' inferring that if he committed suicide after the first year they would pay. Here nine years had gone by, so we thought we had a good case on the contract. But they raised a point of further policy. They said the suicide was a crime, and that no person could recover money, nor could his representatives, for the fruits of his own crime. We said that he was of unsound mind, so it was not a crime. The case was tried before Mr. Justice Swift. The Judge, as he often did, had a good lunch. When he came back from lunch, he summed up to the jury. He said to them, 'Wasn't this the act of a gallant christian gentleman, killing himself for the sake of his creditors?' The jury found that he was of sound mind. But on the law Mr. Justice Swift decided in our favour. He said the insurance company ought to be liable on the contract in the policy. But the Court of Appeals said 'No.' I was led by Sir William Jowitt and we went to the House of Lords. We quoted Hamlet and Ophelia, including the part about the gravediggers. None of it did any good. We lost the case. Suicide, it was said, was the most heinous crime known to the law—a man rushing into the presence of his maker, unasked.

A few years ago that law was changed. In English law, suicide is no longer a crime, nor is attempted suicide. If that case happened now, we would win. Suicide is not a crime. It may be a sin, but it is not punishable by law. Even though sins are not punishable by law, I think the law may often have to step in to punish those who encourage sin or aid it or abet it. Such was the celebrated case of the Ladies' Directory. Some publishers produced a booklet, containing photographs of nude women, with their telephone numbers. They called it the 'Ladies Directory.' The prostitutes had to pay half a crown or up to 15/- or 25/- to have their names and addresses put in. Was that a crime? In English law, prostitution isn't a crime, except when it is done on the streets. The House of Lords held that the publishers were guilty of a crime—a new crime previously unknown—a conspiracy to corrupt public morals. By a majority they so held. I think it was right, but it points to this distinction: Although prostitution by itself is not a crime—it is only a sin—nevertheless the encouragement

of it, the aiding and abetting of it is a crime. Similarly with abortion. In the old days we were troubled greatly in England with the back-street abortion. There is now before Parliament a bill seeking to legalise it in certain circumstances, for instance, if the mother's health is in danger, or the child may be deformed. It can be done under the National Health Service on the certificate of two doctors. But the back-street abortion will remain a crime. Those who aid or abet it will be punished. Again, homosexuality is a sin. But we have just passed an Act saying that as between consenting adults over 21 it is no longer a crime. But it is a crime for persons under 21, or for a man over 21 with a person under 21. That points the difference between a sin and a crime. Those who encourage, or who aid or abet a sin, should be punished. I would like to say the same about drugs. The poor unfortunate youngsters who are so misguided as to take drugs commit a sin but those who peddle the drugs and make money out of it, are guilty of a crime. It must be stamped upon as heavily as can be.

But what should be the punishment for crime? We used to think that the objects of punishment are two-fold: first, to reform the criminal, secondly to deter him and others from doing it again. I believe there is a further requirement. It may be called retribution if you like, but I call it reprobation. It is essential that crime should be denounced by the community, and it does this by inflicting punishment. At one time I thought there were some crimes, some murders most foul, that demanded the most emphatic denunciation of all—capital punishment. I so argued, I so voted; but in England it has been abolished temporarily for five years. There have been outstanding cases recently which have given rise to a demand to revive it. Three policemen were shot dead. An innocent man, chasing a bank raider, was shot dead. For those wicked crimes, ought there not to be capital punishment? I feel still that capital punishment is a deterrent, but ultimately opinion must govern, that is to say enlightened public opinion. I believe in these days in England, we shall not go back. I would add that, on a moral plane we should not do collectively on behalf of society, an act, the act of hanging, which no one of us would be prepared to do individually, or even to witness. In Australia, I know you have the same problem. It is handled differently in one State from another. It is handled differently from one party to another. But surely it should be handled alike for each jurisdiction, whichever party is in power.

Another thing we have done in England lately is to make provision to compensate the victims of crimes of violence. When there is a brutal assault, and a man is severely injured, he can sue his assailant; but it is a pointless remedy because the assailant hasn't the money. We have provided now a fund which is administered *ex gratia*. Payments are made to those injured just as if they had been injured in a motor accident. Thefts and damage to property are left to insurance, but for victims of crimes of violence, there is this compensation scheme.

Now may I turn to trial by jury. One of our best known rules in the law for the last 600 years has been that a jury must be unanimous. Now we are going over, following the example of Tasmania, to majority verdicts. But let me tell you how it came to pass. The judges of assize went to Northampton in the year 1367. When the judge summed up to the jury, they were divided—11 to one. The judge threatened the one that unless he agreed with the others, he would commit him to prison. He said 'I would rather die in prison than give a verdict against my conscience.' Whereupon the judge took the verdict of the 11. The case was taken to London to the King's Judges. All the judges held that the verdict of the 11 was no verdict, because no man was bound to give a verdict against his conscience. That established the rule in England, and it has been followed wherever the settlers from England went. The jury must be unanimous. In the old book the judges said that the judge ought to have carried the jurors with him round the circuit in a wagon until they were agreed. But we are altering this rule. I spoke against the change. I voted against it. I urged that we should follow the unanimous rule as we had done for 600 years. I said to the House of Lords 'The settlers from England took it everywhere, they took it to the United States, to Canada and to Australia.' But the Lord Chancellor replied 'You're wrong. Tasmania and South Australia have had majority verdicts and done very well on them.' The real reason for the change is this. We have had great train robberies of £2½ million, we have had bank robberies of £50,000 or £100,000 or more; there is plenty of money to 'nobble' the jury. The jury are not kept together in England as they used to be. They are allowed to go home to their wives every night and maybe over the trial of weeks. So it is easy for someone to get hold of them and offer a bribe. It is very difficult from the old days. The jury were kept together from the beginning of the case to the end, so no one could get at them. They had an inducement to come to an unanimous verdict too. They were kept without food and drink until they were agreed. Let me tell you of a celebrated case, because it brings the point home, where the two Quakers William Penn and William Mead preached on a Sunday afternoon in Gracechurch Street in the City of London. It was in the years when the dissenters were not thought much of. Those two Quakers were prosecuted for unlawful assembly. The Recorder of London directed the jury that in point of law the Quakers were guilty. The jury refused to find them so. He kept them the whole of the first day, the whole of the first night, still they refused; he kept them the whole of the next day without food or drink. The third morning he called them back and made each one give his verdict separately. The first, the foreman, was Edmund Bushell; he found the Quakers 'Not Guilty' and each of the 11 jurymen found to the same effect. The Recorder turned to them. He said they had disobeyed his direction in point of law—they were guilty of a gross contempt of court. He fined them 40 marks apiece, that was the coinage of the day. When they did not

pay, he committed them to prison. They brought their Habeas Corpus (that great writ which protects the freedom of the individual in England) before the Judges. The Judges held that no Judge had any right to fine or imprison a jury for disobeying his direction in point of law, because every case depended on the facts, and of the facts the jury were the sole judges. The freedom of the jury was there established; Edmund Bushell and his fellows were set free. If you should go to London, in the Central Criminal Court in the north-western corner, you will see the plaque to Edmund Bushell and his fellow jurors who stood free in those days. There is no trouble about the corruption of jurors in the provinces in England—it is only in London. It is because of this London trouble that Parliament has now enacted—in the last day or two—that in future we shall have majority verdicts of 10 to 2 available in all criminal cases. So the 600 year old rule is changed. We have followed the good example of Tasmania.

Now turn to civil cases. Most of the cases in the civil courts are concerned with personal injuries. In some of the States of Australia those cases are still tried by juries. A jury is asked to assess the damages when a jury has no guide as to how they should be assessed. We in England have had to consider whether they should be tried with juries or not and we have decided against them. The jury have nothing to go by. How can you say how much money should be given for someone who is paralysed from the waist down or a quadraplegic who is paralysed in all four limbs? Should it be £20,000 or £40,000? How can you say how much should be given for those sleeping beauty cases where a person is rendered unconscious, never regaining consciousness at all, and likely to die in two or three years. The House of Lords held that an award of £20,000 or £30,000 may be right. But everyone knows that the unconscious person will not get it. He will die in a year or two. The relatives will get it. Is that right? The High Court of Australia took a different view. Which is right? These matters are too difficult for juries to try unaided. In England, in personal injury cases, we no longer try them with juries but try them by judge alone. You may consider whether to do the same in Australia.

In England there used to be the reproach 'one law for the rich, and another for the poor.' Do you happen to have read Bleak House? Do you recall the words in which Charles Dickens exposed the Court of Chancery. He describes the great case of *Jarndyce* v. *Jarndyce* and says how the solicitors who made a fortune out of it were ranged in a line with all the affidavits, issues and so on—'mountains of costly nonsense piled before them.' There they were in the long matted well of the court, but you might look in vain for truth at the bottom of it. 'This' said Dickens, 'is the court which gives to monied might the means abundantly of wearying out the right. There is not an honourable man amongst its practitioners who wouldn't give, who doesn't often give the warning "Suffer any wrong that can be done you rather than come here."' There was indeed in those days one law for the

rich, and another for the poor. When I started at the bar it was still so. Many of us did cases for nothing, poor persons' cases. But over the last 20 years we have our legal aid scheme, our system by which every person now in every litigation in England whether it be a civil cause or a criminal case, if he cannot afford to pay a lawyer, has his expenses paid by the State. The lawyers get 90% of what their ordinary fees would be. The man himself has to contribute a reasonable amount, if he can afford it, but not otherwise. The cost to the State is very great. It is running at £5 million a year and more. Divorce cases are contested at the expense of the State. Every criminal is defended in England at the expense of the State. The responsibility on the profession is great to see that it is not abused.

In the United States, they have legal aid but not on such a scale. The lawyers do not get their full fees or anything like it. Only a small amount. Quite recently they had the celebrated *Gideon's Case*. A man accused of a crime asked for counsel to defend him. The Judge refused. The case was tried without counsel and the jury convicted. The Supreme Court held that he was wrongly convicted. They let him out and let out hundreds of others in like circumstances. Since then every accused man in the United States is entitled to be represented by counsel. I know how difficult it is, how expensive it is for a country to have legal aid. But it is, at least, a system of justice which remedies that old reproach of 'One law for the rich and another for the poor.' I would say a word on the interpretation of documents. Nearly all our cases in the courts (if they are not personal injury cases) concern the interpretation of a statute, a will, or a document. The contest is always between those who go by the 'letter'—the literal meaning—and those who will go by the 'spirit'—the intention of the maker. Let me tell you of a case from the South Pacific. A young doctor and his wife went out from England. Each made their will before they went. The young doctor said 'If I die first, all my property is to go to you (his wife).' The wife said 'If I die first all my property is to go to you (the husband)' and they each say that 'If our deaths coincide, the property of each is to go to our own relatives.' That young couple set out in a little ship in the South Seas somewhere off Fiji. After six or seven days, it wasn't heard of. A little wreckage was found on an island. The evidence showed that the boat must have gone down all at once with all hands, smothering everyone in a moment. No one could survive any length of time in those shark-ridden waters. Did their deaths coincide? The majority of the court held that there might have been a fraction of a second between them, and therefore they did not coincide. Can you guess who dissented? As a result the property went quite contrary to the intention of the parties. That is just an illustration of the 'literal' interpretation of words. In our statutory interpretation, there are two schools of thought—those who will go by the literal words, and those who seek the spirit, the intention of the maker of the document. I wish that our draftsmen of Acts of Parliament,

our Judges, everyone connected with the law, would express themselves in simple homely language which all can understand and that we should go by the spirit and not by the letter; for 'the letter killeth and the spirit maketh alive.'

I would draw to your attention the importance of command of language, especially to those students coming into the law. The art of persuasion in the courts, in the committee room, in all places, depends on command of language, which is the vehicle of thought. Let me just remind you what Sir Winston Churchill said once. He said 'By spending so long in the lowest form, I gained a great advantage over the cleverer boys, for I got into my bones the structure of the normal British sentence which is a noble thing.' Just think of those few sentences which have altered history. Think of the flags fluttering from the mast tops along the line of battle at Trafalgar. 'England expects every man this day to do his duty.' Those words inspired the men to victory. During this last war when the sirens were sounding for the air raids, when the Germans with their overwhelming air-power were poised to invade us, I remember reading these words of Winston Churchill: 'We shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the streets and in the fields, we shall fight in the hills, we shall never surrender.' The whole people braced themselves to action. Such is the effect of words. I would exhort you students to read works of history and literature. Do you remember Sir Walter Scott's novel *Guy Mannering*? The client Colonel Mannering goes to the lawyer. He finds the rooms of the lawyer lined, not with law books, but with books of history and literature, the great authors, the classics, and a painting by Jamieson, the Scottish Van Dyke. The lawyer points to the books of history and literature and says 'These are my tools of trade. A lawyer without history or literature is a mere mechanic, a mere working mason. If he has some knowledge of these, he may venture to call himself an architect.' Yes, we must be architects, not only in the mere mechanics of routine of the law but in the great matters which I have been describing to you. We must take our part in law so as to render the law more fitted for the needs of our time.

Let me also remind you, those who are going into the law, that you must represent not only the popular cause but the unpopular cause. Lawyers have a monopoly of audience in the courts, no one can appear for a client except a qualified lawyer. The responsibility was brought out by the courage of Thomas Erskine when he was instructed to defend Tom Paine who had written a pamphlet *The Rights of Man*. It was very obnoxious to those in authority. Erskine was instructed to defend him. Great pressure was brought on Erskine to return the brief. Lord Loughborough met him as he was going home over Hampstead Heath. He said 'Erskine, you must return Paine's brief,' but Erskine said 'I've accepted it and I must do it.' When he came to address the jury, he used these memorable words: 'I will forever and at all hazards uphold the dignity, independence, and integrity of the

English bar without which impartial justice, the most valued part of the English Constitution, can have no place.' Then, remembering that we have a monopoly in the courts, he went on to say 'For from the moment that any advocate can be permitted to say that he will or will not stand between the Crown and the subject in the courts in which he daily sits to practise, from that day the liberties of England are at an end.' He suffered for it. Paine was found guilty. Erskine lost his post as Attorney-General to the Duchy. But he had established a tradition of courage. During this last war, there were many cases of people charged with being of hostile association. Never was there wanting an advocate to defend them. The students here will remember the case of *Liversedge* v. *Anderson* and the rest. In all those cases there was a member of the bar ready to defend the cause, however unpopular.

In conclusion, I would remind you that, coming into the law, our great task is two-fold, to keep order and to do justice. What is justice you may ask. Many men far wiser than you or I have asked that for 2,000 years or more. Plato asked it and couldn't find a satisfactory answer. Justice is not a temporal thing. It is eternal. It is a thing of the spirit. The nearest approach to a definition that I could give is: Justice is what the right thinking members of the community believe to be fair. Simply that. All of us represent—whether we be the lawyers, or jurymen or others—we represent the right thinking members of the community doing, as best we can, what is fair, not only between man and man in these days, but between man and the state. It is all epitomized in the oath which each one of the judges takes on his appointment, an oath worth recalling for a moment. It goes in this fashion—'I swear by Almighty God that I will do right to all manner of people after the laws and usages of this realm, without fear, or favour, affection or illwill.' Just pause on each phrase of the oath—'I swear by almighty God' hereby he affirms his belief in God and hence in true religion. 'That I will do right'—that means I will do justice, not I will do law. 'To all manner of people'—rich or poor, capitalist or communist, christian or pagan, black or white, to all manner of people I will do right. 'After the laws and usages of this realm'—Yes, it must be according to law. 'Without fear or favour, affection or illwill'—without fear of the powerful, or favour of the wealthy, without affection to one side or illwill towards the other, I will do right. It recalls the oath which the Queen herself takes at the Coronation. The Archbishop asks her 'Will you to your power cause law and justice in mercy to be executed throughout your dominions?' and the Queen answers 'I will.' The judges are the delegates of the Queen for the purpose. To do law and justice in mercy how shall they be merciful? Unless they have in them something of that quality which as Shakespeare says 'Droppeth as the gentle rain from Heaven upon the place beneath.' Such are our aims, such are the traditions which we have inherited over the centuries.

Finally, thanking you all for your kindness to us, I would recall the words of Hilaire Belloc: 'From quiet homes and first beginning unto the undiscovered end, there's nothing worth the wear of winning, save laughter and a love of friends.