

bution made by the members of the legal profession in this regard during the past year.

The lawyers of the province decided to commemorate the 50th Anniversary of the foundation of the Manitoba Law School which was celebrated in October, 1964 by the establishment of an endowment fund to be known as the "Manitoba Law School Foundation", the income from which is to be devoted in perpetuity to the interests of the school and the advancement of legal education or research generally.

In furtherance of the above purposes the Foundation has commenced a lecture series, in which the inaugural lecture was given on the 15th day of September, 1965, by the Right Honourable Lord Denning, Master of the Rolls.

Lord Denning addressed the students of the Law School in an informal manner in the morning of the 15th of September, and then delivered his lecture (which is published below) to students, practitioners, and the public in general, in Riddell Hall of United College in the afternoon. In the evening there was a banquet at the Royal Alexandra Hotel, attended by about 400 members of the legal profession and their wives, at the close of which there was a short speech by Lord Denning.

It is planned that the second lecture of this series will be delivered by Mr. Justice Walter Schaefer of the Supreme Court of Illinois on October 13th, 1966.

With this very practical token of the continued interest of the profession in legal education the members of the faculty feel that although the School may be losing its actual ties with the Law Society, it will continue to enjoy its help and co-operation in the new era ahead.

LAW AND LIFE IN OUR TIME*

Mr. Chancellor, Your Honour, Ladies and Gentlemen:

I much appreciate the honor in inviting me to deliver the first lecture in the series you have founded. But when I see the distinguished company here, the Lieutenant-Governor, the Judges, and other eminent lawyers, I think of a letter I received recently which told me and invited me to a banquet, and it said that the Lord Mayor himself would be there, and the Attorney-General, and other imminent lawyers!

In the presence of the Professors of the Faculty of Law, I feel some diffidence in giving a lecture on law. You know, judges in every case have to come to a decision. Professors have not. And so, it can well be said that the Judge has to find a solution for every difficulty, whereas in the Law Reviews, the Professors find a difficulty for every solution! But, today, on this lovely sunny day, it is a great pleasure for me to

*By Rt. Hon. Lord Denning.

come to you in Manitoba to talk of life and the law in our time. May I start by reminding you of what Tennyson said of England:

A land where a man may speak his will,
A land of settled government,
A land of just and old reknown,
Where Freedom broadens slowly down
From precedent to precedent.

The precedents go back for centuries. I would remind you it is 750 years since Magna Carta was sealed, the great Charter which, for the whole world, founded the rule of law. When a tyrant King sought exactions from his subjects, the Barons rebelled against him, and he, at the meadow of Runnymede, in June of 1215, acceded to their demands. I would not say that he signed the document. As far as we know he could not write his own name. But it was sealed; it was drawn up by one of my earliest predecessors. I am the Master of the Rolls; the 88th Master of the Rolls in charge of all the records and rolls of the Chancery of England. It was one of my predecessors who drew up those famous phrases in the Magna Carta. The first one guarantees freedom for every man under the law. Let me tell it to you: "No free man shall be taken, imprisoned, disseized, outlawed, banished, or in any way destroyed, nor will we proceed against him or prosecute him, except by the lawful judgment of his Peers, and by the law of the land."

That is the guarantee of freedom under the law—the next followed it; the guarantee of the due administration of justice. "To none will we sell, to no one will we delay or deny right or justice." Those words have echoed down the centuries and have brought kings and governments under the rule of law. Our civilization depends on the maintenance of the rule of law, not only within the nation, but also in these days, between the nations.

Now, I am going to go through with you some instances of how the law of England has been changed to meet the needs of the times.

First, I would take the Criminal Law. There is a murder case, which the students will know has aroused much controversy, *Smith v. Director of Prosecutions*. A policeman had stopped a car which he suspected was being driven by a thief. He told the driver to pull into the side of the road, and he did so. The policeman went to ask him some questions. The driver suddenly started up the car so as to get away. The policeman clung to the side of the car, onto the bonnet, thumping on the windscreen to get the driver to stop, but he would not. He zig zagged up the road with the policeman on the bonnet, trying to throw the policeman off. He ran against the oncoming cars, pushing the policeman's body against those cars, against the first one with a bang, indenting the car, and a second, and then a third—the policeman fell off and fell under an oncoming car and was killed. The driver was charged with murder. The great debate was this: what was the inten-

tion necessary to constitute murder? Had the driver to intend actually to kill the policeman? Or would it not be sufficient if a reasonable man would have realized that the policeman would have been seriously injured? And in the result, the House of Lords held that it was sufficient if the driver, as a reasonable man, *must have realized* that grievous harm would happen to the policeman. I was a party to that decision. Was it right or wrong? He was found guilty of murder. I answer the decision was right, but it has been misinterpreted by the critics. The essential thing is to look at the mind of the accused man to see what he himself intended. But you can only find out his intention by judging it, by testing it, on the criteria of an ordinary reasonable man. If an ordinary reasonable man would have realized that grievous harm would ensue, you can infer that this man knew. That decision, so explained, puts the criminal law on its proper footing.

Now, another case in the Criminal Law which also leads to much controversy is this. You know the civilian lawyers have this maxim: *Nulla Poene sine lege*. (There can be no crime unless there has been a law prohibiting it). The House of Lords had a case two or three years ago, in which the publisher of a booklet published it with the names and addresses of prostitutes, with photographs of nude women, and sold it. And the prostitutes paid a fee, anything from half a crown to 15 shillings, for the insertions in this booklet, which was called "The Ladies Directory". The publisher was prosecuted for conspiring to corrupt public morals. It was said that this was a new offence, unknown to the law. But the House of Lords held that our criminal law was not restricted to offences previously known. They held that there was an offence of a conspiracy to corrupt public morals, and the publisher was held guilty. One judge dissented. What was right? I did not myself sit in that case, but I think I should have found myself with the minority. It seems to me in these days, with our advanced civilization, a man shouldn't be guilty of a crime retrospectively. As it happens, the publisher was adequately punished because he was found guilty of living on the earnings of prostitution.

So much for those two features of our criminal law, new in our time, but we have had a great debate recently in England on capital punishment, and I believe it is being debated, or about to be debated, here in Canada again. And what is the position? In England we have in the last few years divided murders into capital murders on the one hand, such as murdering a policeman, shooting an individual, or murdering in the course of theft; and on the other hand non-capital murders, such as stabbing or the crime passionel and the rest. Now, there has been a Bill before parliament to abolish capital punishment for all murders. I spoke against it. For you all know I am not only a judge, I am also a member of the legislature. I can go to the House of Lords and do, and speak, and vote, not on party political matters, but on social matters, or on matters of law reform. I have been asked,

why did I speak in favor of capital punishment? Why did I oppose its abolition? The answer is this: in these days when crimes, especially violent crimes, have increased in number, we should not take away any deterrent. And I ask myself, what is the alternative? The alternative in England is only imprisonment for life, but that does not mean what it says. It does not mean *for life*. It means an indeterminate sentence, at the discretion of the executive. A murderer who is reprieved gets, thus, a life sentence. In practice he serves only nine years. He may be let out at a lesser time. The Home Office say that any man kept in prison for more than nine years, rots away. Therefore, unless he is a pressing danger, he should be released, and often is.

Now, I ask myself, how does that compare with cases like those train robbers who got away with two and a half million pounds, and suffered thirty years imprisonment. Supposing one of those had killed a policeman; he wouldn't get a day longer; he would get less for the murder than he would for the robbery. Indeed, what deterrent is there for a man who is about to kill a policeman, or to kill a prison warden, if capital punishment is abolished? On the other hand, I realize that the force of the arguments based on statistical evidence could say, "There is no evidence that there are more murders in countries which have abolished capital punishment than those who have not". I also realize the moral force of the question, "How can it be right for the state to execute an individual when none of us individually would be prepared to do the act, or even to witness it". Those are the familiar arguments we all know on both sides of the question. In all events, in England, it has by an overwhelming vote of those Houses of Parliament, been settled that capital punishment should be abolished for murder. It needs the Royal assent which will undoubtedly be given, say in October or November, but it is for the period of five years, a trial period.

But, I ask myself, if there is to be an indeterminate sentence for murder—a sentence at the discretion of the executive—will there not soon be a cry that for any persons spending long periods of imprisonment, such as the train robbers, there should be an indeterminate sentence also? It may be right—I say not one way or the other—but, if so, we shall have a change, unbeknown before, to the law, whereby the judge does not determine the sentence, he does not sentence the man to such-and-such number of years—he is leaving it to the discretion of the executive.

Now, one further matter in our criminal law I would mention. You know the victims of crimes of violence have had hitherto no compensation except such as they can recover from the criminal; and he, more often than not, ninety-nine times out of a hundred, has no money with which to pay any compensation. Now, in England, we have now instituted a fund for compensating the victims of crimes of violence. It is an *ex gratia* award. There is no legal right to it. But it is given

on the same basis as awards of damages in personal injury cases. In the case of a murderer of a taxi man the other day, his widow was granted 2,000 pounds compensation out of this fund. This is a new thing, unprecedented in the world, compensation payable by the state for the victims of crimes of violence.

Now, may I go on to another great aspect of law and life in our times. And this time I would go to race relations. This is a problem which other countries are faced with, particularly the United States of America. But I would like to say, that in England, the law has, I hope, always been fair and equal, irrespective of race, religion, or colour. I go back to the case over 200 years ago, to the days of slavery, when it was lawful in our British colonies, for men to own slaves as if they were a chattel. In about 1776, the owner of a slave called Somerset, brought him from Jamaica to England, and was about to return with him to Jamaica. The slave did not want to go. The owner had him in irons on a ship in the Thames. Somerset brought his Writ of Habeas Corpus before Lord Mansfield in London—you know the great writ which protects the freedom of the individual from any unjust imprisonment. He brought his writ before Lord Mansfield. Lord Mansfield then declared in his memorable words: "The air of England is too pure for any slave to breathe—let the black go free", and he was set free. Now, after all these years, you know, one of the first declarations, the universal declaration of human right, no one shall be held in slavery or servitude. It was established in England by the decision of the judges. No country, no people, ever did more for the abolition of slavery than did the English people; men like Samuel Wilberforce and the others.

But now, let me go on a little with the history of racial relations. Let me take an instance which you may remember in recent years, when there were more coloured people coming into England. There was, in the Nottinghill district of London, a riot in which youths set upon coloured people in the streets. They were only about 17 years of age, these white boys. In the ordinary way, the judge might not have sentenced them to imprisonment of any long term, probably not more than six months, but the judge sent these to prison for long periods of years. This is what my colleague, Mr. Justice Salmon, said:

On the night of the 24th of August, you nine men formed yourselves into a gang, and set out on a cruel and vicious manhunt. You armed yourselves with iron bars and other weapons. Your quarry was any man, providing there were not more than two of them together, whose skin happened to be a different colour from your own. Two of them were lucky enough to escape before you were able to inflict other than comparatively minor injuries. The other three you left senseless and bleeding upon the pavement.

And he went on:

Everyone, irrespective of their colour, is entitled to walk through our streets, safely, with their heads erect and free from fear. This is one of our proudest traditions, and one which the law will unfailingly uphold. If anyone seeks, as you have done, to trample on those rights, the law will be swift to punish you, the guilty, and protect the victims.

You may ask, "What are the objects of punishment?" The judge sentenced those youths to five, six and seven years, whereas in the ordinary way for such an assault it would not be more than six or nine months. They might even be on probation. The objects of punishment are not confined to deterrence or to reform. Another object is to show the emphatic denunciation of a community of a crime. Those sentences by that judge did indeed achieve what was desired. Thereafter, all right-thinking people in England would have nothing whatever to do with racial violence. So, also, when I think of capital punishment, I think that one of the objectives should be the emphatic denunciation by the community of a crime.

Let me tell you of a recent alteration in the law of race relations. First, the law before the new Act. Shortly after the war, a newspaper, in the North of England, in Lancashire, published an article which was very critical of the Jews, saying they had been active in the black market. It was such as to be calculated to instil hatred of the Jews. That newspaper was prosecuted for seditious libel before one of my colleagues, Lord Birkett, who directed the jury that in order that there should be seditious libel, there has to be incitement of violence, and here there was none. There is no such thing as group libel in English law. The jury, after deliberation of twenty minutes, found the newspaper not guilty. That law has now been altered. We have now, during this last session of parliament, passed the Race Relations Act, and I have a copy of it here before me. It is now an offence for any person to publish or distribute written matter if it is calculated or likely to stir up hatred against any section of the public, distinguished by colour, race, ethnic, or national origin. Or, indeed, if he uses such words in a public place or at a public meeting, it is an offence. So now, if any person, or a newspaper, publishes words such as to instill hatred against any race on account of their colour, or indeed on account of their race, such as Jews, that is a criminal offence. Furthermore, there shall be no discrimination in any place or public resort, hotel, or other places whatsoever; if there is, an injunction can be obtained from the Courts against the hotel or proprietor in order to prevent him from practicing any discrimination. Likewise with covenants, if any covenant in an agreement seeks to prohibit the disposal of premises to any person on account of his race or colour or nationality, it is invalid.

But we must remember that there is a tremendous social problem involved. We cannot overlook the fact that many people of different colours and nationalities come to England. It is, after all, a very good place to be. There is freedom there—there is equality—there is high wages. But we haven't room for everyone. Often those who come have different standards of housing, of health, of morals. We can't be overwhelmed, lest our own standards suffer in the process. And, therefore, as you may have seen, this present government equally with the last, has found it necessary to impose considerable restrictions

on immigration. And I am sure that would accord with the views of every ordinary person in England. We, after all, must maintain our standards, and one of those standards is freedom for all, irrespective of race or nationality.

From race relations, may I turn for a moment to our Civil Law. Most of the cases in the English courts today, civil courts, 80-85% are concerned with personal injustice to individuals, many are injuries on the road in motor accidents, others are injuries on premises, or injuries to workmen at their work. We have developed that law greatly, largely by Act of Parliament. Twenty to thirty years ago, the law, based on judicial decision, said that if a man injured in an accident, was in any degree at fault himself, he could recover nothing. We have altered all that. If both are to blame, the damages are apportioned. We also had a law that if a workman was damaged by the negligence of his fellow workman, again he could recover nothing, owing to the doctrine of common employment. We have abolished that too. We also had, with occupiers of premises, a whole series of antiquated distinctions between people who were called, oddly enough, licensees, invitees, and trespassers. We have abolished all that also. We have simply got a plain duty by every person whose reasonable care towards his neighbor. The law students will know that the most important case in the law of negligence in recent years has been the case where the manufacturers of some ginger beer, made it so carelessly they left a snail in the bottom of the bottle. The manufacturer sold it to the wholesaler, and the wholesaler sold it to the retailer, the retailer sold it to the husband, and the husband let his wife drink it. And she was made ill. Previously, she would have had no course of action because she had no contract with the manufacturer. Lord Atkin founded himself on the Christian precept, "Thou shalt love thy neighbor as thyself". He said that precept transformed into law is, "Thou shalt not injure thy neighbour". Who, then, is my neighbour? He whom I ought to have in contemplation when I am considering my actions and what effect they will have. That case revolutionized the whole of our law on this subject. Indeed, it has been taken one step further. Some years ago there was a case where an accountant had made out some accounts for a company very carelessly. He put the company down as holding a lot of property when they didn't have it at all. Relying on the accounts, an investor put monies into the company, and lost them. He sued the accountant. The Court of Appeal said that no action lay against the accountant as the investor had no contract with the accountant. I am glad to say that a year or two ago, the House of Lords said that the Court of Appeal was wrong—there is a duty of care between the accountant and a person who invests on the faith of his report. Nowadays, the accountant would have been held liable. But mark the next step. The lawyers, or rather the Bar, have become a little anxious about this, because, in England, there is a division between Barristers

and Solicitors. A barrister is not liable for negligent advice or negligence in any way. Some people think that the rule was made by the judges because they are recruited from the Bar! But now, the Bar in England was a little bit apprehensive. If they give advice on which a person acts, and they give it negligently, there is no reason in principle why they should not be liable in damages. A solicitor clearly will be negligent. If he omits to bring an action within three years when he ought to have done, and the party loses, he is liable. What about the barrister? I can't tell you what the judges will do when it comes before them. I will not pronounce on it now in case it does come before us.

The law is, however, still developing. It is all very well to say liability is based on negligence. But those of you who have had experience in personal injury cases as I have, know that there may often be something very unjust about requiring a plaintiff to prove negligence. I have often had cases where a person suffering concussion in a collision, and, after concussion, a person often does not remember anything. He cannot give evidence of what happened. Sometimes a man is killed in a collision. The widow hasn't got any evidence, and can't prove negligence. Is that quite fair? We have, and I hope you have, compulsory insurance for all motorists, so if they injure a third person, the insurance company has to pay up, but only if negligence is proved against the driver. Are we right, in these days, in making liability depend on proof of negligence? Ought it not to be the wider concept: on whom should the risk fall? In accidents in road cases, ought not the risk to fall on the motorist? In a factory, ought not the risk to fall on the employer who stands to profit from the workman's work? The wider question is being asked, "Ought there not to be compulsory insurance for these cases so that those injured can be compensated?" But at the moment, I think it would take a long time to alter our fundamental principle that liability depends on proof of negligence. Again we have had the most difficult cases on the assessment of damages in these matters. Nowadays, medical science can prolong life greatly. A young woman was so severely injured in an accident that she was rendered unconscious permanently, yet she was able to live for months and months. A claim was brought on her behalf for damages. She was called the "sleeping beauty". Tremendous damages were recovered—I forget the amount—20 or 25,000 pounds. Within a little while after, she died. The money just goes to her relatives. Is that right? Other cases are those of the paraplegic who is paralyzed from the waist down, or the quadraplegic who is paralyzed in all four limbs. How are the damages to be assessed? The question arises—ought these cases to be tried by a jury? Some people thought they ought to be. In the Court of Appeal, we summoned a full court of five to consider the question. We held that damages in such cases are impossible of any real assessment. The only way is to evolve a standard whereby

judges are able to give the same sort of figures in one case as another. There ought to be a scale of damages. It should be assessed by judges, and not by jury. And so we have held that in the ordinary way in these cases they should be tried by a judge alone.

May I go on to yet another crucial topic, and that is, trade unions. A hundred years ago, trade unions were unlawful. It was criminal for a body of men to combine together to try and increase their wages. But, by a series of Acts, commencing in 1875, and culminating in 1906, trade unions were given immunity from the law. They were put above the law and couldn't be sued for tort. Nor could their officers in the case of any trade dispute. Their situation recalls Shakespeare's words, "Oh, it is a great thing to have a giant's strength, but it's tyrannous to use it like a giant." But we judges have been putting a check on it. The House of Lords, in two or three recent cases, have been striking once more for the freedom of the individual. Let me tell you of two cases. There was a Mr. Bonsor who was a musician. The musicians in England have a closed shop. No one can get employment at the theatre, or with an orchestra, unless he is a member of the Musician's Union. The employers, before employing a man, must ask: "Are you a member of the union?" "If you aren't, I am afraid we can't employ you." Mr. Bonsor was a member in the Musician's Union but he couldn't keep up his subscriptions. For that the secretary struck him off the registry of members. He tried to get work at Cheltenham at a theatre there. The proprietor said, "I can't employ you, you aren't a member of the union, you've been struck off." He couldn't get employment anywhere as a musician. He had to resort to work, scraping the rust off Brighton pier. He brought his action against the union. They said, "Oh, we are not an incorporated body—we can't be sued." But the House of Lords held, as I understand it, that the trade union is a legal entity. It can be sued. Damages were recovered against the trade union. Unfortunately Mr. Bonsor died before judgment, but his widow got the money.

The latest case, which has created far more disturbance amongst trade unions, is about Mr. Rookes, who was a skilled draftsman at London Airport. They have a draftsman's union which is a closed shop. Mr. Rookes did not want to join the union. The union officer said, "Oh, yes, you must", and they went to the airport authorities and said, "Well, you must get rid of Mr. Rookes. If you don't get rid of him, we will all go on strike." The airport authorities did as they were told. They sacked Mr. Rookes. Mr. Rookes brought his action against the trade union officers. The House of Lords held there was a tort, a wrong of intimidation, wrongfully threatening a person, and inflicting injury on another. The union was not protected by the provisions of the Trade Unions Act, and Mr. Rookes got damages. This has upset the trade unions a great deal.

There have been other cases lately where injunctions have been granted against trade unions who were threatening a strike. So much so that the trade unions have said, "We want to be restored to our privileges." The government has passed a short Act, in effect reversing Rookes' case. But they realize that great social and political questions are involved, and a Royal Commission has been appointed under Lord Donovan, to enquire into the whole matter. I expect this will take two or three years to report. There is no more important question in our time than how to reconcile the legitimate demands of trade unions and workmen with the freedom of the individual.

May I just pass now from there to the procedural field. One of the greatest developments in our time is that of legal aid. At one time it was said in England, there is one law for the rich, and another for the poor. The rich man could go to the eminent counsel to argue for him, whereas the poor man could afford nothing. Many of us in those days conducted cases for nothing. In most cases, justice was done. But there were some cases in which that didn't happen. Now, since 1947, we have had a system of legal aid in England, whereby any person who can't afford the lawyer's fee, has those fees paid for him by the state. If he can afford to contribute, then he must contribute something towards the costs. The result is that a large part of the litigation in England is now financed by the state. It is a great benefit to the lawyers. When I was young I didn't get anything for these cases, but now the young barrister gets going very quickly. He does not have to spend his early years as a briefless barrister. But legal aid is kept within control. There is a committee to see whether it is a reasonable case to be fought or not; and the National Assistance Board looks into the man's income. No man is deprived of justice for want of means. This has been extended into the criminal field. Every accused man can get defended at the expense of the state. There is no public defender, or anything of that kind. The man can select his own solicitor and counsel. If he does not know a lawyer, the court will appoint one for him. In nearly every case, the man is defended by the state. I expect you have heard Gideon's case in the United States. The Supreme Court has held that a man was wrongly committed because he had not been given counsel in the court of trial. This has been followed in hundreds of cases so that many old "lags" have been released. I would suggest that that weakness in the system would be remedied if the State paid for the defence of the man at reasonable rates. Under our system of legal aid, lawyers are paid really full fees. I believe you are one of the only two provinces in the British Commonwealth which allows contingency fees. Do you know what contingency fees are? If a man has suffered damages in an accident or anything of that kind, and he wants to get his lawyer to act for him, he can go to the lawyer, and the lawyer will say, "Well, I know you haven't got any money. So I will do this case for you for nothing, if

you will let me have one-third or one-half of the damages." The man says, "Yes, I will." In England this is entirely unlawful. It is champerty, because we think that would induce the lawyer to have an interest in the case. He might suborn false evidence, or paint the picture too highly. Even produce to the jury the dismembered arm! I can understand that contingency fees are a way of getting justice for a poor person when there is no legal aid. But when there is legal aid, there is no justification for it. Legal aid has proved successful. We have to keep a tight hand on it sometimes to see it is not abused. But it has been one of the beneficial social reforms of England in recent years.

My time is nearly up. But I have just traced for you many of the changes which have taken place in the law of England in recent years, as I hope, keeping it in accord with the times. The law cannot stand still. If law is to obtain the respect of the people it must do justice. You may ask, "What is justice?" It is a question which has been asked for thousands of years by people far wiser than you and me. Socrates asked it two thousand years ago, and never got a satisfactory answer. Justice isn't something temporal—it is eternal—and the nearest approach to a definition that I can give is, "Justice is what the right-thinking members of the community believe to be fair." We, all of us responsible people, represent the right-thinking members of the community, attempting to do as best we can what is fair, not only between man and man, but between man and the State. It is best expressed, perhaps, in the oath which every judge in England, and I am sure, here, likewise, takes on his appointment. You may remember how it runs—it is worth recalling every word of it. "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 favor, affection or ill-will."

Take each phrase of that oath:

"I swear by Almighty God"—thereby he affirms his belief in God, and hence in true religion;

"that I will do right"—that 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"—it must, of course, be according to law;

"without fear or favor, affection, or ill-will"—without fear of the powerful, favor of the wealthy, without affection to one side or ill-will to another, I will do right.

It is very like the words of the Queen herself, at her Coronation, when 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. They represent her to execute law and justice, in mercy. How shall they be merciful unless they have in them something of that quality which, as Shakespeare said, “droppeth as the gentle rain from heaven upon the earth below”.

Those are the attributes of justice. Those are the attributes which, in all the changing times of life, we, the lawyers, must strive to uphold, but keeping them, as in the instances I have given you today, in accord with the needs of the times, but subject always to the rule of law.

