"LET JUSTICE BE DONE"[1]

My Lord Chief Justice, Friends of the Manitoba Law Foundation:

On behalf of Lady Denning and myself, I thank you most sincerely for inviting us once more to your delightful city in this great province, "sunny Manitoba". I thank you, Chief Justice,[2] for all the kind things you said about me. It reminds me, you know, of the notice over the chemist's shop: "We dispense with accuracy".

I suspect there are one or two here who may not know or may not even believe much in the law. I do not forget those who are listening outside.[3] Perhaps it reminds me of an occasion when a Lord Bishop 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 out very clearly and distinctly, because the agnostics here are terrible."

I don't know how many of those present know who the Master of the Rolls is. Not everybody in England seems to know that. I will read you a little letter which I received a little time ago from International Students' House in London. It went in this way: "Dear Lord Denning, I am a foreign student. I graduated in mechanical engineering in the University of London and was awarded a Master of Science degree. I feel I have the necessary qualifications, motivations, energy, drive and personality to begin a successful career in an automobile industry. I will ever remain grateful to you, if you would kindly help be to begin my professional career with your company, the Rolls Royce Motor Company". But, if he did't know, perhaps I'll tell you. The Master of the Rolls, and I am the 88th, used to be in charge of the old parchment rolls on which the records of state and the courts were kept, but for the last 300 or 400 years he has been a judge, in charge now of the Court of Appeal.

The Chief Justice told you the progression of a judge after his appointment. I can tell you that the ideal judge of first instance is one who is short, simple and wrong. That does not mean to say that the Court of Appeal should be long, tedious and right, because that would be to usurp the prerogative of the House of Lords. And I see the Chief Justice of the Trial Division somewhere. You know, when I was a judge of first instance, sitting alone, I could and did do justice. You perhaps, Chief Justice, have found that in the Court of Appeal of three the chances of doing justice are two to one against.

Now this evening I have taken as my title, "Let Justice Be Done". That is part of one of the most celebrated passages of a judgment in an English court, indeed, in our English literature. The full sentence is, "Let Justice be done, even though the heavens fall". That was Lord Mansfield. The year: about 200 years ago. The occasion: John Wilkes, sometime Lord Mayor of London, an outlaw, cast into prison, seeking his release and because he was a popular hero, great crowds thronged Westminister Hall supporting his cause and pamphlets were issued in the name of the people dictating to the judges the way they should decide. This is how Lord Mansfield came to answer them: "The constitution does not allow reasons of state to influence

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1. The tenth annual Manitoba Law School Foundation Lecture, delivered in Robson Hall at the University of Manitoba on September 18, 1974, by the Right Honourable Baron Denning of Whitchurch, P.C., D.L., L.L.D., Master of the Rolls. The first lecture in this series, in 1964, had also been given by Lord Denning

2. Lord Denning had been introduced by the Hon. Samuel Freedman, Chief Justice of Manitoba and retiring Chairman of the Manitoba Law School Foundation.

3. The lecture was transmitted by closed circuit television to an overflow audience in an adjacent room.

our judgment: God forbid it should! We must not regard political consequences, howsoever formidable they might be: if rebellion were the certain consequence, we are bound to say, '*Fiat iustitia ruat coelum*'. (Let justice be done, even though the Heavens fall) . . . Once and for all, let it be understood, that no efforts of this kind will influence any man who at present sits here."[4]

Fine words indeed but Lord Mansfield did find a ground on which to reverse the outlawry and free John Wilkes for the most technical reasons. The sheriff in the warrant has used the words "my county court" without adding the two words "of Middlesex", and for want of those two words the outlawry was held bad and John Wilkes was set free. It would be *lése majesté* for me to suggest that Lord Mansfield was influenced by the public clamour but it is said that the crowd did not know which to admire more, the eloquence by which he silenced his critics or the subtlety by which he let their hero free.

"Let justice be done, even though the Heavens fall."

Now in these days when law and order is in the balance, let me say that law and order depends fundamentally on justice. Men will obey laws which are just and are justly administered, but not unjust laws or laws unjustly administered. Let me look for a moment at the world about us. We have lived through the industrial age. We are in the midst of the scientific age when man in his hundreds can in an instant solve a problem which would have taken a hundred men a hundred years to solve. When man has set his foot on the moon, we are moving into the space age. All the world watched and all the world wondered. Then come back on earth again. What do we see? Crime, violent crime, increasing everywhere; pollution, noisome pollution, increasing everywhere; corruption, corroding corruption, increasing everywhere. Surely we ought to go back the two thousand years and say, "What doth it profit a man if he gain the whole world and lose his own soul?" In organized society the soul of man finds its expression in justice.

As I said, men will obey laws which are just. The frustrations today of students or other are often due to a feeling of injustice. We must go back once more to the established rule of law.

The rule of law, as I will show, is in more peril today than it has been for many a year. Go back to the time when it was founded. Go back to the year 1215. Take the scene, a meadow called Runnymede. The commoners had cut their hay the 15th of June. The King who had oppressed the people came from his castle, the great keep of Windsor, the three miles down to the meadow. The barons came from their encampment on the other side of the river Thames. And there they met. The spoke in Norman French. My predecessor as Master of the Rolls wrote down the words in Latin. The King did not sign them: he could not write, so far as we know, and the pictures of him with the quill pen are quite mistaken. They are sealed, and the copies were sent round the cathedrals and castles of England. We have only four left, one in Salisbury, another at Lincoln, two in the British Museum. But the words founded the rule of law, words which have become engrained in the national character. You know those which establish freedom under the law: "No free man shall be taken, imprisoned, disseised, 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

4 R.V. Wilkes (1770), 4 Burr 2527, per Lord Mansfield C J at 2561

law of the land." And the next guarantee is the due administration of justice: "To none will we sell, to no one will we deny or delay, right or justice." Those words were taken in their very form by the settlers from England to the colonies of Virginia and Massachusetts, and written in the very words of those charters. Today in their shortened form you still find them in the Constitution of the United States - "No person shall be deprived of life, liberty or property without due process of law" - words which have caused a thousand cases. In Canada you have your Bill of Rights too, enshrining them. So was the rule of law founded, so it has spread through all our countries.

But what is its state today? Let me give you a few illustrations recently from England of how it is in peril. Mr. Enoch Powell goes to a university, is to address the students, is shouted down by a small minority, is not allowed to speak. Those students have not learned the first principle of freedom of speech, which means not only freedom for the views of which we approve, but freedom for the views which we most heartily detest. Take the next. Students in a good course at the University of Aberystwyth in Wales, seeking to preserve the Welsh language, the language of the bards and the poets, and feeling it was not given sufficient time on the wireless, hired a coach and came to London. They swarmed into the court where Mr. Justice Lawton was trying an important libel case, they filled the well of the court, they swarmed into the public gallery, they shouted slogans, they sang songs all in Welsh, but committed no violence. The judge had the doors shut. Those who apologized he fined fifty pounds, those who did not he sentenced to prison for three months. They had not learned the first lesson, that if you strike at the course of justice you are striking at that on which civilized society itself depends. Let me tell you there was an appeal to my court and, as in a case which concerns the liberty of the subject we always hear it at once, we heard it within four days, and we decided (I will not go into the arguments, but there was a good argument that those sentences ought to have been suspended and not enforced at once.) We affirmed the decision but we sentenced them to only four days, which meant they were released at once. What was the reaction? From England I had anonymous postcards (one of them said, "you lousy coward", the other said "you ought to resign") but from Wales, from the heads of the universities, from the Doctors of Divinity, paeans of praise: Justice had been done.

The last instance of this kind. Cambridge. There were at dinner at one of the hotels persons who were thought to have some sympathy with the Greek colonels. Students-no doubt, in aid as they thought, of a good cause - invaded the hotel; they overthrew the tables, they assaulted the men, they frightened the women, they broke the windows and did a great deal of damage. They had not realized or learned the first lesson. You must - however good your end - obtain it by lawful means and not by unlawful. The judge sentenced one to eighteen months, the other to two years, and that surely was his attempt to uphold the rule of law.

So much for students. What about trade unions? We have had an Act passed, the Industrial Relations Act, we have had a court set up, the Industrial Relations Court, in an attempt to bring the trade unions with the rule of law. The trade unions, you know, have the strength of a giant. As Shakespeare said: "O, it is excellent to have a giant's strength, but it is tyrannous to use it like a giant."[5] That court and that Act have failed to bring

5 Shakespeare, **Measure for Measure**, Act II, Sc. 2, Line 107

the unions within the rule of law. Take one instance: when five dockers were imprisoned because they disobeyed the order of the court as to picketing, the whole trade union movement came up in arms, they threatened to shut down the power stations and to bring the whole country to a standstill, and on some pretext or another those five dockers were set free. Another case was one where the court ordered compensation of 40,000 pounds to be paid by a union which had disobeyed the rules, and sequestered its funds. The trade unions again threatened to bring the country to a standstill, to shut down the power stations, and somehow or other someone else found the money. As I look upon these instances, I recall those words of Rudyard Kipling:

> "And still when Mob or Monarch lays
> Too rude a hand on English ways,
> The whisper wakes, the shudder plays,
> Across the reeds at Runnymede."

These and like instances, led me to say what I have said: the rule of law is in more peril today than it has been for many a long year.

Now let me go across the border for a moment to the great United States of America. You know what Lord Acton, the historian, said: "Power tends to corrupt; absolute power tends to corrupt absolutely."[7] There was a President of the United States who quite recently claimed to be above the law. He was ambitious. Ambitious for a second term. He had tapes installed in the White house, ambitious that his work should go down to posterity in words of praise. He hadn't remembered another statesman who fell also, Cardinal Wolsey, into whose mouth Shakespeare put these words:"Be just, and fear not; let all the ends thou aim'st at be thy country's, thy God's and truth's" And after his fall he said, "Had I but served my God with half the zeal I served my King, he would not in mine age have left me naked to my enemies."[8] Yes, a President claimed to be above the law. We have had all that before. A King has claimed to be above the law in England. I will recall the incident for you. King James I claimed a right to try cases himself. He called the judges together, headed by Lord Coke. He claimed it by the divine right of kings and called the Archbishop Bancroft to witness. He said to the judges, "I have often heard the boast that your English law is founded on reason. Then why haven't I reason as well as you, the Judges?" To which Lord Coke replied, "True it is your Majesty has great gifts of science and of nature, but your Majesty is not learned in the laws of this your realm of England which is a science requiring long years to attain the cognizance of. The law is the golden wand by which the rights of your majesty's subjects are measured. It is by the law that your majesty is kept in security and in peace." The King was furious. "And I am to be under the Law? It's treason to affirm it." Then Coke replied, quoting Bracton three hundred years before, "Thus said Bracton 'The King is under no man save under God and the law' ".[9] That was the watchword under which Parliament and the common lawyers fought a civil war. It was the watchword quoted repeatedly at the trial of Charles I. It was the word which brought that King to the loss of his head. The President of the United States has not lost his head yet.

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6. Rudyard Kipling, "The Reeds of Runnymede", fifth verse.
7. Lord Acton, in a letter to Bishop Mandell Creighton, 1887.
8. Shakespeare, **King Henry the Eight**, Act III, Sc. 2.
9. Coke, 12 **Rep.** 64-65; see also C.D. Bowen, **The Lion and the Throne** (1956), Chapter 22.

That great cause across the border has lessons which we have known before. The President claimed privilege that he was not bound to produce the tapes. It was Presidential privilege. We had all that a little while ago in our courts. The ministers of the Crown used to claim that by their very word they could refuse documents if the minister said it was in the public interest not to disclose them. They went back to an authority in 1942 for it: but recently, in the case of *Conway* v. *Rimmer*, the House of Lords have said that the ministers of the Crown have no such privilege.[10] It is for the judges to say wheather or not the public interest justifies their refusal. Incidentally - I am a little surprised to see it said that the tapes were the property of the former President. I may tell you that in the Profumo case no document was the property of its author, nor even copyright in it.

Another parallel. All that was probably brought to light by the researches of the journalists of the Washington Post. It might never have been heard of otherwise. I have often wondered whether that could have happened in England. We have our rulings of contempt of court. Let me tell you of a recent case when it came into question. You will remember that in 1962 the Distillers Company produced and sold a drug which would be of use for women who were pregnant so as to relieve the tension and the like. After the women took those drugs the babies were born deformed, some without arms, some without legs - just a mere trunk and a head, many of them. Actions were started in 1962. Ten years later, come 1972, those actions had not come to trial. The *Sunday Times* prepared a series of articles in which they accused, or were about to accuse, the Distillers Company of the negligence of those for whom it was responsible. That case was brought before the Court of Appeal and we held of one voice that in that particular case the public interest justified the publication of the articles. But the case was reversed by the House of Lords on the ground that these cases were still pending, after ten years, and the articles might prejudice a settlement." I won't criticise the decision except to say that Lord Justice Phillimore has a committee on contempt of court and we are awaiting the report of that committee with interest.[12]

The Court of Appeal can't reverse the House of Lords. Not always!

Allow me one word and I will finish that topic. Since I have been in Canada, I have been asked time after time, was President Ford right to pardon former President Nixon? At first I thought it was a humane act of mercy and of leniency, especially in view of the former President's health. But I have now begun to realize that there are arguments, very strong arguments, on the other side. Is not the rule of law being imperilled? A pardon in English law we could well understand after conviction or after sentence, after all was ascertained, but I do not think our English law would allow a pardon beforehand.

We had a civil war about that. We have a Bill of Rights which denies to any king any power to dispense with or suspend the laws of England. The Constitution of the United States might do it, but not the Law of England.

Now may I touch on other important points.

I know you have in Canada your Bill of Rights. But if the freedom of the individual which is so dear to our hearts is to be maintained it will be by the

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10. **Conway v. Rimmer**, [1968] A.C. 910 (H.L.).

11. **Attorney-General v. Times Newspapers Ltd.**, [1974] A.C. 273 (H.L.), reversing [1973] Q.B. 710 (C.A.).

12. The report of the Committee, completed with Lord Cameron acting as chairman during Lord Justice Phillimore's serious and ultimately fatal illness, has since been published: **Cmnd.** 5794. For summaries of its contents, see Lowe, 125 **New Law Journal** (1975), 513 and 526, and Sauvain, 38 **Mod. Law Rev.** (1975), 311.

decision of the judges. Whenever a counsel comes to our court or that of any judge in England, he has only to say, "My lord, I have an application which concerns the liberty of the subject" - it may be an application for bail, it may be for habeas corpus - but whatever it is, that application is put first. All other interests, however powerful or worthy, are put aside. And as a little old instance of it I would remind you of the case from the days of slavery when slaves were chattels. The owner of a slave brought him from Jamaica to London and was about to take him back. The slave did not want to go. He sought asylum in England. The master had him in irons in a ship on the Thames. That slave brought his writ of habeas corpus before Lord Mansfield - our great writ, which you and I inherit, which protects the freedom of the individual. He brought his writ of habeas corpus before Lord Mansfield and Lord Mansfield in a celebrated judgment said, "[e]very person coming to England is entitled to the protection of our laws, whatever oppression he may heretofore have suffered and whatever maybe the colour of his skin. The air of England is too pure for any slave to breath. Let the black go free."[13] And a modern instance, when I was sitting with Lord Goddard. An army officer had been demobilised for twelve months after serving in Germany. He had gone back to his work as a bank clerk in the north of England. At midnight the provost marshal came and arrested him and hauled him over to Germany where he was court martialed, on the allegation that he had made away with some funds some years before. The court-martial convicted him and sentenced him to two years. He brought his habeas corpus before us. We called upon the Secretary of State for War to justify this detention and he could not, because the regulations only permitted it within three months of demobilisation and here twelve months had gone by. Again, he was set free.[14]

This freedom is only to be interfered with in extreme emergency. We had it in the war with our Regulation 18B. I myself was one of those detaining fifth columnists, without trial on suspicion. I remember how I detained a person in the north of England who had often visited Germany. Because we suspected that in his lonely vicarage he might harbour parachuters I ordered him to be detained, without trial. Only extreme emergency can justify such a detention.

We have just been to South Africa, and to the great liberal universities there of Capetown and Witwatersrand, and let me tell you I was aghast at some of the things I heard. A young student who was with us and took us around had got a place at Clare College, Cambridge but they would not allow him a passport to go there. Of course I asked, "Why, if you are not acceptable to them here, do they refuse you a passport?" "Oh they would be afraid of what I say. They'd give me an exit permit," he said "but only on condition I never return. But I want to return," he said, "to do what I can for my country." Another student we met was banned from meeting with more than one or two others together, banned from going to any general meeting. I asked him, "Who made these orders?" "Oh, some clerk in an office." "What was the charge against you?" "We don't know." "Any appeal?" "No appeal." Where is the freedom of the individual there?

I have referred not only to the freedom of the individual, I have referred - and this is another of our fundamental freedoms - to our freedom of speech. Let me tell you that was founded by the juries of England. The

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13. **R.v. Sommersett**, 20 St. Tr. 1.

14. **R.v. Governor of Wandsworth Prison, ex. p. Boydell**, [1948] 2K.B. 193.

great case, again, was one before Lord Mansfield. A letter writer, called Junius as a *non de plume* - we don't know his identity even now - had written articles in the London Evening Post saying that the King and the executive did not know the language of truth till they heard it in the complaints of their subjects. For that, the printers and publishers were charged before Lord Mansfield with seditious libel.[15] For once Lord Mansfield had got his law wrong. He said the question of libel or no libel was for the judge. All that the jury had to say was whether the words were printed and published or not, which they clearly were. He gave in effect a clear direction to them to find the printers and publishers gulity. That jury went out. They stayed out so long that Lord Mansfield went back to his house in Bloomsbury Square to await the verdict. After five and one-half hours they came back and in defiance of that great Judge they found the printers and publishers not guilty. It is said the hurrahs reverberated across the metropolis till they reached the ears of Lord Mansfield himself in Bloomsbury Square. That case and that verdict led Charles James Fox to introduce the Libel Act[16] and from that day to this freedom of speech and freedom of the press has been safeguarded in England.

But it was kept within the bounds. And I will show you just one case on the other side. The press must not publish material so as to prejudice a fair trial. I remember the case of Haigh, a murderer, who murdered women for the sake of their money and then disposed of their bodies in an acid bath thinking that if they could not find the body you could not be convicted of murder. That was bad law, as others beside him have found. But after Haigh was arrested but before he was tried, the Daily Mirror came out with a banner headline - "Vampire Arrested" - and on the bottom a full description of how the murderers were convicted. The editor and the newspaper were brought before Lord Goddard. He said there had been no more scandalous case, that it was worthy of condign punishment, and he fined the newspaper ten thousand pounds. He sent the editor to prison for three months and he said, let the directors beware: if anything of this kind should happen again they will find that the arm of the law is long enough to reach them too.[17] There has been no trouble from that newspaper ever since.

But within such bounds we allow freedom of the press and just as an interlude I will remind you of an occasion when we the judges got across the press. It was a case where two journalists claimed to have a privilege. They claimed it before Lord Radcliffe. They said they need not disclose their sources of information, that they were privileged from doing it. We held that was not so. Journalists have not a privilege, nor a clergyman, nor doctors, only the lawyers have a privilege. We sentenced one to six months, we sentenced the other to three.[18] As I say, we were in bad odour with the newspapers after that. As I keep the records, I brought tonight a copy of one paper. On the front of it it said "Any judge or barrister who gets involved in a scandal during the next year of so must expect the full treatment". Then inside, as bold as brass, "Is it likely that Lord Denning will be caught in a call girl's boudoir?"

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15. 20 State Tr. (10 George III, 1770) 869.

16. Fox's Libel Act, 1792.

17. **R.v. Bolam, ex. p. Haigh** (1949), 3 Sol Jo. 220.

18. **Attorney-General** v. **Mulholland; Attorney-General** v. **Foster,** [1963] 2 Q.B. 477 (C.A.). The privilege had been claimed before Lord Radcliffe, sitting as chairman of a tribunal; to which the Tribunal of Inquiry (Evidence) Act, 1921, applies, set up to inquire into breaches of security in connection with spying offences committed by Vansall, an Admiralty clerk.

Freedom of the individual, freedom of speech and freedom of the press are cardinal freedoms.

May I just say one word about the police? It is all very well to speak about freedom - the freedom of everyone of us to think what he will, to say what he will, to go where he will on his lawful occasions, except as prevented by the law. But what good is our freedom to us, if our houses are liable to be broken in by marauders, or our women folk assaulted, or the like? In addition to the freedom of the individual you must have the security of society. The police must have powers to arrest and bring people to trial and there must be just laws to see that the guilty are convicted. I often feel we do not support the police as much as we ought to do. They are the very frontline of our defence against those who would destroy our society. In a week or two's time the judges of England, and I amongst them, will go to Westminister Abbey at the beginning of the legal year and the prayer which is said on that occasion is always in this sense, to clear the innocent and convict and punish the guilty. I often feel that our laws, although they are well designed to clear the innocent, often form a complicated net by which a guilty person can escape.

Now finally may I say a word about the great developments of our time in regard to law reform. We are passing through in England, I am sure here too, an era of law reform. Now at one time you know there was the reproach in England, that there was one law for the rich and another for the poor. If you know Charles Dickens, in *Bleak House* he portrays the situation 150 years ago: fog up the river, fog down the river, fog in the streets and in the throats and in the very heart of the fog in Lincoln's Inn Old Hall sit the Lord High Chancellors. There they were, he says, in the long matted well of the court - the attorneys, the counsel with their pleadings, their rejoinders, their "mountains of costly nonsense" piled before them. This is the Court of Chancery

> "Which gives monyed might, the means abundantly of wearying out the right; which so exhausts finances, patience, coinage, hope; so overthrows the brain and breaks the heart; that there is not an honourable man among its practioners who would not give - who does not often give - the warning, suffer any wrong that can be done you, rather than come here!' "[19]

150 years ago! Forty years ago when I started, there was no legal aid. The accused man could be told by the judge if you have L1/3/6 you can choose any of these gentlemen here before you - he pointed to the back of one of our wigs. We would see him in the cell the night before and go and defend him as best as we could. My very first case in the High Court concerned a lady whose dentist had dropped a piece of tooth down her throat. I took on the case for the lady for no pay. I did it because of the help it would give me if we won, and we won. How different it is now. In every criminal case in England and in every civil case, when a man has not the means to pay for his own legal aid, the State pays. It means in many cases, cases are contested at greater length than they otherwise would be, with leading counsel and junior counsel employed. It is very good for the profession. But it also has removed the criticism of one law for the rich and another for the poor.

Family law has been reformed out of measure. You know what Blackstone said of the Englishman's privilege, it was to beat his wife with a stick so long as it was no thicker than his thumb. And you know the old

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19. Charles Dickens, **Bleak House**, (1852-3), Ch. 1.

adage - "a woman, a dog and a worn out tree, the more you beat 'em the better they be." We have altered all that now. Divorce is now available for irretrievable breakdown of marriage. Virtually every case goes uncontested in the courts; the only questions which are left are the custody of the children, the maintenance of the wife or the division of the property.

We are embarking - Lord Pearson of Minnedosa is considering it now - on an enquiry as to whether the whole of our law as to personal injuries should be revolutionised, so instead of having to prove fault there should be liability without fault or on a general insurance fund.

And in all these ways, and many others, we are in the midst of an era of law reform. Perhaps I may remind you on this occasion of another occasion 150 years ago when Lord Brougham introduced great legal reforms. He spoke in the House for six hours, longer than I shall speak now; he refreshed himself with oranges from the butler Bellamy's basket. When he came into his prerogration he said this: "It was the boast of Augustus . . . that he found Rome of brick and left if of marble . . . But how much nobler will be the sovereign's boast when he shall have it to say that he found law dear and left it cheap; found it a sealed book, and left it a living letter; found it the patrimony of the rich, left it the inheritance of the poor; found it the two edged sword of craft and oppression, left it the staff of honesty and the shield of innocence."[20]

We cannot attain but we can seek and strive as he did. In our days, we can try too. In doing so let us always remember the spiritual inheritance which we have: the instinct for justice which means that right and not might is the true basis of society; the instinct for liberty, which means that free wil and not force is the true basis of government. Surely we can speak in the words of Wordsworth:

> "We must be free or die, who speak the tongue
> That Shakespeare spake: the faith and morals hold
> which Milton held. In everything we are sprung
> Of Earth's first blood, have titles manifold."

In Winnipeg, in Canada, in England, we have titles manifold to secure the rule of law, but in order to do so we must ever ensure that justice be done.

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20. Henry, Lord Brougham, on motion in the House of Commons that a commission should be issued to inquire to the defects occasioned by time and otherwise, in the laws of the realm, and into the means necessary for removing the same, February 1828: **Hansard**, xviii, 127. See also Atlay, **The Victorian Chancellors**, (1906) Vol. I, pp. 283 **et seq.**

21. William Wordsworth, "It is not to be thought that the Flood of British freedom . . ." (1802 or 1803), printed as poem XVI in Part I of Poems Dedicated to National Independence and Liberty in **Poetical Works**, ed. Hutchinson, Oxford University Press, 1907.