

This is My Life

*The Rt. Hon. Lord Denning, Master of the Rolls**

Mr Chairman, thank you for inviting me here. Thanks also to Messrs Child & Co., for providing the occasion. As you all know, I have just had my birthday, eighty years old. But 'not out' yet, I hope! I will tell you a story given to me on my birthday. To introduce it, I remind you of one of my after-dinner stories.

In responding for the guests, I say: "There's nothing I like better than to eat with nice people, to drink with nice people, and to sleep with a contented mind." Some students from Malaysia capped it. The President, Tun Suffian, sent me on my birthday a copy of the *Straits Times* in Kuala Lumpur. This is how they interpreted it: "He expounded his philosophy of life – to have a clear conscience and to sleep with a contented woman."

I get into trouble with husbands, too. I expect you have heard of the Deserted Wife's Equity: and of the wife's share of the matrimonial home? This is what a husband wrote to me:

"Dear Sir:

You are a disgrace to all mankind. To let whores break up homes and expect us chaps to keep them. They rob us of what we've worked for and put us on the street.

I only hope you have the same trouble as us. So do us all a favour – take a Rolls and run right off Beachy Head and don't come back!"

I did not do them that favour. Here I am still. I'm a little nervous in the presence of so many members of the House of Lords. They think I have been turning things upside-down, standing them on their heads. For them I may parody the lines of Lewis Carroll:

"You are old, Master of the Rolls," the young man said,

"And your hair has become very white,

And yet you incessantly stand on your head.

Do you think at your age it is right?"

"In my youth", the Master replied to his son,

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“I feared it might injure the brain,
But now I’m perfectly sure I have none,
Why, I do it again and again.”

This evening my title is: “This is My Life.” In a way all of us are actors. To make your points effective, you must not only be the advocate. You must be the actor, too. So I’m going to start with Shakespeare, which you know perhaps as well as I but I will repeat it again for you tonight:

“All the world’s a stage,
And all the men and women merely players:
They have their exits and their entrances;
And one man in his time plays many parts,
His acts being seven ages.”

(I’ve been through them all.)

“At first the infant,
Mewling and puking in the nurse’s arms.
And then the whining school-boy, with his satchel,
And shining morning face, creeping like snail
Unwillingly to school.”

(I’ve done all that, except the whining, I hope.)

“And then the lover
Sighing like furnace, with a woful ballad
Made to his mistress’ eyebrow.”

(I’ve done all that. Have you? Do young men nowadays write poems to their girl-friends?)

“Then a soldier
Full of strange oaths, and bearded like the pard . . .
Seeking the bubble reputation
Even in the cannon’s mouth.”

(I’ll tell you about it later. I’ve done it.)

“And then the justice
In fair round belly with good capon lin’d . . .
Full of wise saws and modern instances.”

(I hope I have not the fair round belly.)

“And so he plays his part. The sixth age shifts
Into the lean and slipper’d pantaloon
With spectacles on nose and pouch on side,

His youthful hose well sav'd, a world too wide
For his shrunk shank.”

(Have I got to that? I don't use glasses even now to read. I haven't come to the last scene of all. I'll wait until I retire for that.)

“Last scene of all,
That ends this strange eventful history,
Is second childishness and mere oblivion,
Sans teeth, sans eyes, sans taste, sans everything.”

I am going to take you this evening to some of those ages in my life. I'm going to start with the soldier, just to remind you youngsters of what some of us have been through.

In March 1918, when I was just nineteen, the Germans had attacked and driven our forces back just before the Gates of Paris. We, the youngsters, after only a few months' training, were rushed out to hold the line. These were Lord Haig's words to us:

“There must be no retirement. Every position must be held till the last man. With our backs to the wall and believing in the justice of our cause, we will fight to the end.”

So we did. When I got out there – a Second Lieutenant in the Sappers – there were great gaps in our line. We had to dig in under shell-fire. We held them back. After four months we went forward – building our bridges under enemy fire – eventually to victory.

After the army, I went back to Oxford. I read mathematics. I taught at Winchester. I didn't want to be a schoolteacher all my life. So I returned to Oxford and read law quickly in one year. I came to the Bar. So we started on our way.

How different it was then for us than for you now. There were no Government grants at all. We had to get the money as best we could from scholarships, and the like. There were no early briefs. I made only £70 in my first year. It was seven years before I made a thousand a year. Only then was I able to get married.

Gradually I got into interesting work. Can you tell me the name of this one? It was when I was a Junior. There was a lady in North Wales with a little tobacconist's shop. A salesman came and sold her an automatic machine, payable by instalments. He said to her: (I remember now the long brown form) – he said: “Sign here.” So she signed there. The machine was delivered, but it didn't work. They sent the mechanic down three times. Still it wouldn't work. So she didn't pay the instalments. The Company took her to the County Court. When she said it wouldn't work, they said: “Look at the clause.” There in very small print, if you could read it:

“Any condition or warranty, expressed or implied, by statute or by common law, is hereby excluded.”

The County Court Judge managed to get round that clause somehow. The lady took the case to the Court of Appeal. I was there instructed for the Company. I said to Lord Justice Scrutton: "But look, she's signed it. Even though she couldn't, – and didn't – read it, in the absence of fraud she's bound." Lord Justice Scrutton said: "Yes, yes, in the absence of fraud, or, I would add, misrepresentation", he said, "she's bound." So we, the Company, were victorious in the Court of Appeal. In those days I wasn't concerned so much with the rightness of the cause. I was concerned only, as a member of the Bar, to win it if I could. But, the Reporter was wise. He didn't think much of it. He didn't record it in the Law Reports. But my Company had it privately printed: and I went round the County Courts of England winning case after case most unrighteously for this Company. That was my first contact with exception clauses. We have done a lot more since. I won't go through them now. We invented the doctrine of fundamental breach. We got rid of those exception clauses altogether until the House of Lords in the *Suisse Atlantique*¹ case said we were wrong. But we've been getting round that case ever since!

I would tell you of another case as a Junior. (These all have their lessons for you, which I will tell you.) This is a dramatic story.

There was a Major Rowlandson once who insured his life for £80,000. The insurance was due to come to an end at three o'clock on a June afternoon. If he couldn't find the premium, it would lapse. If he died before three, all the money would come in. If he died after three, there would be no money at all. That afternoon, at half-past two, he went to his solicitor in Chancery Lane here. At a quarter-to-three, he came out and called a taxi. He said to the taxi-driver: "Drive me to my flat in Albemarle Street"; and added: "As you pass St James's Palace clock, look at the time and note it." The taxi-driver went along Fleet Street here and the Strand. He went along The Mall. As he passed St James's Palace clock, there it was. Three minutes to three. Up St James's Street. The taxi-driver heard a bang, stopped the taxi, got out. There in the cab was Major Rowlandson – dead! Two minutes to three – just in time!

We were instructed for the personal representatives.

We claimed against the Insurance Company for the money. They said No. It was a crime: and we couldn't get it, although the contract said we could. We said that Major Rowlandson was non-compos mentis. It was tried before Mr Justice Swift in a special jury. I was led by Sir William Jowitt. He put the case dramatically to the jury. "Three minutes to three", he said, "two minutes to three." The Judge was Mr Justice Swift. He went out to lunch. He always had a good lunch, did Mr Justice Swift! He liked one or two tots of whisky. In the afternoon he came back. In summing up to the jury, he said: "Wasn't this the act of a gallant English gentleman, killing himself for the sake of his creditors?" The jury found him of sound mind. The Court of Appeal said that, as a result, we could not claim the money. We went to the House of Lords. Sir William Jowitt led me. He had to leave

1. *Suisse Atlantique Société d'Armement Maritime S.A. v. Rotterdamsche Kolen Centrale* [1967] 1 A.C.361.

early and turned to me; and, referring to the suicide of Ophelia, said: "Give them all that." I gave it to them. It didn't do any good. The House of Lords said that suicide, *felo de se*, was the most heinous crime known to our English law. A man rushing into the presence of his maker unasked. So we lost.

Now let me tell the sequel. In the House of Lords later we had a Bill, now an Act of Parliament.² Suicide is no longer a crime. Attempted suicide is no longer a crime. We should have won that case now.

And then the War. Let me give a few pictures of the Second War. I wasn't young enough to go to the Front Line again. I was the Legal Advisor to the Regional Commissioner of the North East. It was my task to detain people, the Fifth Columnists, under Regulation 18B.³ We detained people without trial on suspicion that they were a danger. There was a parson who was called the 'Nazi Parson' in a village in Yorkshire. He had often spent his holidays in Germany. The military authorities arrested him, and detained him. They were fearful that German parachutists might come down to his lonely vicarage. They might sabotage our war effort by blowing up bridges, and the like. Although there was no case against him, no proof at all, I detained him under '18B'. The Bishop of Ripon protested, but we took no notice. '18B', you should know, was one of the regulations under which we had power of detention without trial. There are still some countries round the world where they have preventive detention, as it is called. I hope we shan't have it back again except in times of great emergency. But, let me remind you of what in those years Lord Atkin said in *Liversidge v. Anderson*:

"In this country amid the clash of arms, the laws are not silent. They may be changed, but they speak the same language in war as in peace. It has always been one of the pillars of freedom, one of the principles of liberty for which on recent authority we are now fighting, that the Judges are no respecters of persons, and stand between the subject and any attempted encroachments on his liberty by the executive, alert to see that any coercive action is justified in law."

That is the task of the Judges today. To disallow any coercive action, except insofar as can be justified by law. No matter whether it is coercive action by the executive, or coercive action by a trade union, or coercive action by anybody, it is the duty of the Judges to be no respecters of persons and be alert to see that any coercive action is justified by law. Otherwise it is to be condemned.

Before I part from the Second War, let me tell how things were in London here during the bombing. When the flying bombs came, I was a Judge. We sat in the basements of the Law Courts. On one occasion, when I was sitting, two witnesses

2. Suicide Act 1961.

3. Defence of the Realm – General Regulations Detention Orders 1939 – 978 superseded by 1681 Miscellaneous Amendments 18B (p.815).

4. [1942] A.C.206, 244.

came back after lunch with their faces bleeding and scratched by cuts from the flying bombs. They came and gave their evidence in the Court before me. That is how the people of England withstood the onslaught of war. I would remind you of what Winston Churchill said at that time when the enemy were the other side of the Channel with their overpowering tanks and aircraft:

“We shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender.”

The people of London, the people of England, won through. Perhaps I might conclude this part by those words which I would quote from Shakespeare:

“This England never did, nor never shall,
Lie at the proud foot of a conqueror,
But when it first did help to wound itself.
Now these her princes are come home again,
Come the three corners of the world in arms,
And we shall shock them:
Nought shall make us rue,
If England to itself do rest but true.”

So there I leave the Second War. But in the course of it, I would tell you of another dramatic case in which I was King’s Counsel. I was instructed by the Attorney-General – he gave a few briefs around to the Silks – to defend a young sailor who was charged with murder. He’d strangled a girl on Southampton Common. I went to see him the night before in the cells in Winchester. There he was, dirty and unkempt. I asked him what his defence was. He said the girl had slapped his face. He had put his hands round her throat, and she died. Was there any defence? Not much of a defence of provocation so as to reduce it from murder to manslaughter. But I thought I would put it to the jury. I told the young man to clean himself up before the next day. There he was, when he was arraigned, as smart and nice a young sailor as ever you did see. The Judge was Mr Justice Charles, also of the Western Circuit. He ran dead against my client. I put him into the box and asked him: “Did you have your ship torpedoed under you three times?” The Judge boomed out: “Many a sailor has had his ship torpedoed under him and he doesn’t go strangle a woman!” Next, when I was going to put my defence of provocation to the jury, the Judge said he wasn’t going to put it. There was not sufficient provocation here to reduce it to manslaughter. Was I, as Counsel, to put it? I did. It is the duty of Counsel to put every legitimate defence. I put the defence of provocation to the jury. The Judge did as he said he would. He told the jury that there was no defence of provocation here. That was virtually a direction to find him guilty of murder, because, if there was no provocation, it was clearly murder. Well, it was a Hampshire jury, and I’m a Hampshire man! The jury found him guilty of ‘manslaughter only’. The Judge turned to the jury, and

said: "Get out of the box. You've been false to your oaths. You're not fit to be there." As they left the box, they were heard to say "The Judge was biased." (He's not the first Judge to find that, if he goes too far one way, the jury will go the other way. That's what the juries on the Western Circuit have done ever since Judge Jeffreys' day – though they gave in to him!) But, to finish the case – the Judge, addressing the sailor, said that he had to accept the verdict: but he went on and sentenced him to thirteen years' imprisonment. I thought that was too long, seeing it was manslaughter only, as the jury had found. So I told the sailor he could appeal if he liked, but I had to warn him that in those days the Court of Criminal Appeal could increase the sentence if they so wished. Afterwards (I think I've lost it now), I received a little note which he wrote to me from the prison in pencil. He thanked me. He said: "After considering all the circumstances, I have decided not to appeal." I'm sure he's been restored to his friends and relations long since. The moral of that story is: Stick up to the Judge. It's one of the duties of Counsel to be courageous on behalf of his client, using all proper weapons, but no improper ones.

So much for my time at the Bar. Early in 1944 I was made a High Court Judge. It was whilst I was arguing a case in the Lords in which Lord Simon, the Lord Chancellor, was sitting. He appointed me to the Divorce Division. Divorce – I hadn't done any before. I went on circuit with Mr Justice Cassels. He and I trying to get through the lists. He did 83 in one day. That was his record. I did 52. We had to do it. After eighteen months Lord Jowitt was Lord Chancellor. He transferred me to the King's Bench. I was there for three years. One of the most instructive experiences is to be a Judge of Assize on an English circuit. In those days, different from now, capital punishment was the order of the day. Flogging was the order of the day. Was it wrong? I remember a youngster of eighteen coming behind an old woman of eighty and hitting her over the head and injuring her badly, and stealing her savings of £20 in money. I ordered him twenty-five strokes of the birch. Was I wrong? I remember also trying a case at Gloucester where an Army Officer, a Captain, was charged with murdering his wife. He was a small-arms instructor. His wife led him an awful life, nagging and going for him continually. One day, coming back from his course, she went at him so much that he picked up his revolver and shot her dead – pregnant as she was! Was he guilty of murder or manslaughter? Obviously of murder. Words were not then thought sufficient provocation to reduce it to manslaughter. I so directed the jury. I don't know whether it was the tone of my voice or not, but I did tell them that it was to be their verdict and not for me. It was for them to come to their own decision. (I ought to tell you of a little incident at that trial so as to warn you that Judges notice things. When the King's Counsel for the defence was addressing the jury, he put his knee up with his foot on the seat – a most inelegant stance – to add to it, he had his fly buttons undone! Be careful of your dress!) The jury found the officer guilty of manslaughter. I sentenced him to two years' imprisonment. All those in the gallery cheered. They had watched the case. They had heard the evidence, as I did. They

knew perfectly well that this man did not deserve capital punishment. That is why the jury found manslaughter only. They do not go by the strict law at all. They go by the good sense of the case.

I suppose that I am one of the few Judges left now who have passed sentence of death. I have on many occasions, using the formula "You shall be hanged by the neck until you are dead: and may the Lord have mercy on your soul." The Chaplain says, "Amen." It is never done now.

Is capital punishment right or wrong? In giving evidence before the Royal Commission on capital punishment I was in favour of it – for murder most foul. That was some years ago now. Some years afterwards I changed my mind. It is not a legal question. It is a question of policy. It is an ethical question. Is it right that we, as a society, should do a thing – hang a man – which none of us individually would be prepared to do, or even to witness? On such grounds I changed my mind. Parliament was right to abolish capital punishment. It was right to abolish flogging. Those days are past.

Before leaving my time in the King's Bench, I must tell you of a case known to all students. It is the *High Trees*⁵ case. Some landlords let a flat in London early in the War at £200 a year. It was a lease under seal. During the War, because everyone was leaving London, they promised to reduce it by half, from £200 to £100. After the War was over they thought to themselves: "Oh, it's all right. It is under seal. It is in a deed. So we will make him pay the full amount for all the time." They sued him for the full amount. I did not reserve judgment. I gave it straight off the reel. At the Bar I had to do some research into all these cases. I held that if a person makes a promise intending it to be binding and to be acted upon, and it is in fact acted upon, he should not be allowed to go back on it. Just that simple principle. What a flurry it caused! They still talk about it. I hope that most of you, the younger generation, will agree with me. So I pass by quickly the *High Trees* case. I scamper on till we come to the Court of Appeal.

I would have liked to have stayed longer as a High Court Judge in the King's Bench. I found much human interest in hearing and seeing the witnesses, in summing-up to the juries, and in deciding cases. On my own, I especially enjoyed going my own circuit as a Judge – the Western Circuit. I got all the way round to Exeter, and then (I wanted to go on to Winchester, because my old mother was still alive) Lord Jowitt called me back to London to be the Chairman of a Committee on Divorce. Mark you, we did some good on that Committee. We got the divorces through for the men after the War in very quick time. Only too often the wives had gone off with other men and had children by them. So it was quite right that divorces should be granted quickly. The Committee made its report in three months. It was implemented at once. We devised a useful stratagem. We kept divorce in the High Court by getting County Court Judges to do the work.

5. *Central London Property Trust Ltd. v. High Trees House Ltd.* [1947] K.B.130.

So I went to the Court of Appeal. When I was a Judge of first instance sitting alone I could and did do justice: but in the Court of Appeal of three I found the chances of doing justice were: "Two to One against".

I found myself sitting with Chancery colleagues. I can tell you a true story about them. Lord Justice Somervell, a good Common Lawyer, found himself every term in the Chancery side of the Court. Lord Evershed, my predecessor, had put him there, where they're supposed to do Equity. You know the maxim of Equity – "He who comes to Equity must come with clean hands." Lord Justice Asquith came to me one morning. He said to me: "I can't think what's come over our brother Somervell lately. Always before he goes into Court he will keep washing his hands." But Lord Justice Somervell capped it himself a day or two afterwards. We were waiting for him, Lord Justice Asquith and I. He arrived, and explained why he was late. He had had a puncture in his tyre on Constitution Hill and had to change the tyre. There he was with his hands all dirty. We said: "Aren't you going to wash your hands before you go into Court?" He said: "It doesn't matter today. We're in the Divorce Court today."

Those were exciting times in the Court of Appeal. We saved a lot of deserted wives. We got on with them quite well. We did not let the husbands turn them out. Nor could a mistress. Nor a bank. But the House of Lords said we were wrong. It was immediately rectified by Parliament. Then there were exception clauses. We managed to get round those by the doctrine of fundamental breach. If a person is guilty of a breach which goes to the very root of the contract, we held that he couldn't rely on the exemption clause. We didn't do too badly till the House of Lords reversed it. But it has been put right now. We can look to see whether a clause is reasonable or not. If it is not reasonable, we can hold it to be bad or not reasonable to apply. So all's well now, after all these years. At all events I hope you will find it so.

Then I went to the House of Lords. I was there for five years. I didn't want to stay there much. They do not have the same number of cases as we do. But in the vacations I thought I'd keep my hand in with the crime. I was Chairman of Quarter Sessions at Lewes at East Sussex. (That was possible before the Beeching Commission did away with Quarter Sessions.) I will tell you a story about it. It's a little bit exaggerated, but the substance has some truth in it. The first case I had at Lewes was 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 most just result, they came to the usual result – they found him 'Not Guilty'. So the next case I thought I'd try different tactics. This was a man who was charged with being in possession of house-breaking implements by night. This time I turned to the jury. I put on my most sarcastic and ironic manner. I 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 esteem in which he held him, then of course you will find him not guilty." They did.

One day in the House of Lords, Lord Kilmuir turned to me at lunch. (We all lunch together, the Law Lords in the Lords.) He said: "Would you like to go back to be Master of the Rolls?" Lord Evershed was just retiring. I said: "Yes, I would." So I went back to the Court of Appeal. I've been there sixteen or seventeen years now. Was I right, or was I wrong? A lot of people have asked me: "Why did you let yourself be demoted like that?" The answer is that I would much rather be in the place where I've got some influence on the development of the law. Soon after I went back I was asked to do an important job. You youngsters will not have heard of Mr Profumo, the Secretary of State for War. He had gone out with a young lady called Christine Keeler. It was said that he went into her room as the Russian attaché was coming out. Some politicians thought they had a good thing on this. Here was the Secretary of State for War getting embroiled with a Russian spy. Oh, the turmoil! The rumours that went round! The Ministers of the Crown, they all were having their characters taken away by rumour. So much so that someone had to enquire into it. You will find that when Governments are in difficulty, the one person they can rely upon, and whom the people of England will trust, is a Judge, because he's independent and impartial (no civil servants or anybody like that). See how they call on Lord Scarman, quite rightly, from time to time. Whether it was right or wrong, they did call upon me for the Profumo Enquiry. I did my Report in about two-and-an-half months. I had to sit through the long vacation. I did it all by myself. I believe it did some good. After that case they had a new interpretation of the two eras of Christianity – B.C. and A.D. B.C. is 'Before Christine'; and A.D. is 'After Denning'.

The Master of the Rolls is *ex officio* the Chairman of the Magna Carta Trust. In 1965 it was 750 years since the year 1215, when the Barons came from the other side of the River at Staines and the King came from his castle, the Great Keep at Windsor. They met on 15th June in the meadow which is called Runnymede. There the rule of law was founded, not only for England, but all the great territories overseas. The Master of the Rolls was there. He was one of the few there who could write. He wrote it all down in Latin. Stephen Langton, the Archbishop, drafted most of it. I can recite two of the most famous chapters. The first guarantees freedom under the law:

"No freeman shall be taken, imprisoned, be disseised, outlawed, banished, or in any wise 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."

The next guarantees the due administration of justice:

"To none will we sell, to no-one will we delay or deny right or justice."

Those are the words which have come down through the centuries. They have done much to build the character of the English people. The Americans took them, with the rights of Englishmen, to Virginia, and to Massachusetts. They are in their charters.

But, when I see some of the things that happen today in England – strikes, blackings, secondary picketings – whatever you like to call it, I remember Kipling's words:

“Whenever mob or monarch lays
Too rude a hand on English ways,
A whisper wakes, a shudder plays
Across the reeds at Runnymede.”

It was in 1965 that we celebrated Magna Carta. Much has happened in the years since. You will, perhaps, have noticed them. I hope you will have noticed *Freddie Laker's Case*.⁶ It was only because of the decision of the Court of Appeal that his Sky-Train ever got into the air. The Minister had declared he would not give his sanction for it. He was influenced by the big B.O.A.C. and other Airlines. He wouldn't give his sanction. He claimed a right by his prerogative.

We declared that the Secretary of State had misused his powers. So, Freddie Laker got his Sky-Train into the air. Whenever Ministers abuse or exceed their powers, I hope the Judges will be able to put a restraining hand upon them.

'The Master of the Rolls' is an old old title. Lots of people don't know what it means. I will tell you of a nice true letter. It was from International Students' House. It said:

“Dear Lord Denning,

I am an Indian citizen. 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, motivation, 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 me to begin my professional career with your Company, the Rolls Royce Motor Company.”

So, there you know who the Master of the Rolls is!

May I just say a word to those of you on coming to the law. I would quote a few words of Francis Bacon,⁷ one of the great sons of this House of Gray's Inn (I'm very proud they recently made me a Bencher) – where I am speaking this evening. He said:

“I hold every man a debtor to his profession. From the which as men of course do seek to receive countenance and profit. So ought they of duty to endeavour themselves by way of amends to be a help and ornament thereunto.”

Try to be a help and ornament in the profession into which you come. Law is the foundation of the civilised society. Unless we maintain law and order, society itself will crumble.

6. *Laker Airways v. Department of Trade* [1977] Q.B.643.

7. Preface to the *Maxims of the Law*.

Lastly, the words of an American poet, Van Dyke:

“Four things a man must learn to do
If he would make his record true.
To think without confusion clearly,
To act from honest motives purely,
To love his fellow-men sincerely,
And trust in God and heaven securely.”

May you all make your record true.
At the end, these few words of Hilaire Belloc:

“From quiet homes and first beginnings,
Out to the undiscovered end,
There’s nothing worth the wear of winning
But laughter and the love of friends.”

Are you not – are we all not – in law, friends in pursuit of truth and justice? Let us do our part in it.