THE POLITICS OF THE JUDICIARY

The contribution of the realist school of legal thought to the study of law has been to provide some insight into the way the law works in fact, and thus to provide for the lawyer and the layman who is concerned about the practical workings of the law some way in which he can predict how the law will operate in his own case. Such analysis has taken two levels. First there is analysis of how judges use legal methods to reach a legal conclusion — whether that conclusion is decided before or after the process has been concluded.[1] Secondly there has been the study of what influences a judge to choose the method he does, where to use one method would allow him to reach one conclusion, whereas to use another method would allow him to reach a different end.[2] This is in fact a study of the judge's *values*. It is an accepted fact that judges in reaching their conclusions can, and in some cases must, take into account factors which are not strictly legal but which bear such labels as "public policy", or "justice"; this is especially so where a judge comes to decide a point which has not been decided before, or one on which there is an apparent conflict of authority. In that type of case an appeal to "public policy", "justice", or the "sanctity of the individual" is recognised as a legitimate part of the decision-making process. Where there is authority that appears apposite, or where statutory law appears on its face to indicate a certain direction, the judge who wishes to reach a certain conclusion will be a braver man if he steers his course explicity by the policy he wishes to pursue. He, not usually being that braver man, now resorts to subtler methods of reaching his ends. Llewellyn[3] goes deeply into what these methods are, but reaches the conclusion that there are various factors which make likely conclusions predictable. At one stage in the book he lists sixty-four ways in which precedent can be used to reach a desired end; if it is desired to follow a precedent, but the precedent is not directly in point, the extent of its application is enlarged; if it is not desirable to follow it, its application is strictly limited to its own facts. Peripheral precedents can be ignored or accepted; where the law which is the background to a decision in another jurisdiction is different, the principle behind the decision can be followed, or it can be distinguished, and so on.

Dias[4] lists a number of policy considerations which have concerned judges from time to time, and gives an analysis of the ways in which this concern has manifested itself. The considerations he lists are those of the sanctity of the person, the sanctity of property, national and social safety, social welfare, equality, fidelity to doctrine and tradition, morality, convenience and international comity. He shows

1. e.g. Karl N. Llewellyn, *The Common Law Tradition; Deciding Appeals*, 1960.
2. For a good review see Dias, *Jurisprudence*, 3rd Ed. 1970 p.p. 163ff.
3. Op. cit. esp. p.p. 77ff.
4. Op. cit. p.p. 167-194.

how, according as one of these considerations is seen to be paramount over the others in an individual instance or over a period of time, the judges have used the legitimate methods at their disposal to give that consideration primacy. Clearly if one knows which of a number of competing principles is in the ascendancy at the time a certain case arises for decision, the predictability of that decision is enhanced. For the lawyer who wishes to challenge (or perhaps even raise) a legal point, it is valuable to know what policy considerations are at that time paramount in the judge's mind. If the sanctity of the individual holds little sway, perhaps the point can be carried on the desirability of limiting the powers of the executive; if the sanctity of contract is a weighty concept, perhaps the desirability of equality will carry the day.

A judge can reach a desired end by legitimate manipulation of his legal materials; a lawyer can use similar methods to persuade a judge to find in his client's favour. Once the lawyer has decided the concepts which will bear the most weight he must find the most plausible means to use his legal materials to bring them out to the maximum advantage, and thus persuade the judge to follow a similar path in making his own decision. Llewellyn particularly, Dias and others have been concerned to help the lawyer in this task. To do so they have analysed and compared the work of high appeal courts;[5] and of course this is the most obvious path to take, for it is there that the kind of points for which this type of analysis is most useful most often arise. But that is not to say that such an analysis cannot equally validly be made of decisions of courts at a lower level. All our judiciary are trained in the same methods of legal thought and are subject to the same influences from outside society.[6] To concentrate on analysing different cases on the same level perhaps even has disadvantages over an alternative method: the method of taking a single case and following it through its twists and turns in an appeal process. Often, and at least in *Duffield's* case[7] (which I will refer to later), one has the advantage of a constant set of facts acting to remove a large number of variables and leaving the legal factors quite clearly isolated. There is also the advantage that it allows analysis of the attitudes of the courts at an approximately constant time.

Duffield v. *Police* followed the appellate path from the Magistrate's Court, through the Supreme Court to the Court of Appeal, resulting in

5. Llewellyn, p.p. 469ff.
6. Llewellyn lists 14 stabilizing factors which lead to predictability in the Appeal Courts. These are: Law conditioned officials; legal doctrine; known doctrinal techniques; responsibility for justice; one single right answer; an opinion of the court; a frozen record from below; issues limited, sharpened and phrased in advance; adversary argument by counsel; group decision; judicial security and honesty; a known bench; the general period style and its promise; a professional judicial office. Many of these factors apply also as between courts of different levels.
7. Magistrate's Court C.R. 8040/1970; *Duffield* v. *Police* (unreported, Supreme Court, Christchurch); [1971] N.Z.L.R. 710 C.A.

three decisions which are clearly the result of distinguishably different attitudes applied by a process of legal reasoning.

Keith Duffield is an experienced demonstrator and amateur litigator. In the Magistrate's Court hearing he spoke of having participated in over 25 demonstrations over the past three years. A long-time pacifist, he first suffered imprisonment for his beliefs in 1939. He has the distinction of having two cases of *Police* v. *Duffield* appear in this year's reports. His background is important, for it led the Magistrate to rule that he was personally well-known to the Police and it thus brought up the point upon which the decision was made. On the fourth of May 1970, Duffield and a number of others "sat-in" at the Army office in Cashel Street, Christchurch, as a protest against New Zealand participation in the Vietnam war, and the invasion of Cambodia four days earlier. When asked to leave, eight of the protestors refused, and were arrested on charges of wilful trespass. They were taken to the Police Station, where the Police asked them for their fingerprints and photographs. Duffield alone refused. He said that he was a pacifist and would resist non-violently any Police attempt to take his fingerprints. He was warned that the Police had power under the Police Act 1958 to take his fingerprints by force if necessary, and that it was an offence to refuse. After attempting to force him to give his fingerprints, the Police gave up and instead laid a charge under the relevant section of the Police Act. They also opposed bail on the grounds that he had refused to allow his fingerprints to be taken. The Magistrate allowed bail because he was already well known to the Police and it could not be said that any further "identification" was "necessary".

Section 57 of the Police Act 1958 provides as follows:

(1) Where any person is in lawful custody at a police station on a charge of having committed any offence, a member of the Police may, subject to any direction of his superiors, take or cause to be taken all such particulars as may be deemed necessary for the identification of that person, including his photograph, fingerprints, and footprints, and may use or cause to be used such reasonable force as may be necessary to secure those particulars.

(2) Any person who, after being cautioned, fails to comply with any demand or direction of a member of the Police acting in the exercise of his powers under this section commits an offence, and shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding forty dollars, or to both.

(3) If the person in respect of whom particulars have been taken under this section is acquitted, the particulars shall forthwith be destroyed:

Provided that this subsection shall not apply if the person is acquitted on account of his insanity or is discharged under

section 42 of the Criminal Justice Act 1954 or section 347 of the Crimes Act 1961.

H. J. Evans S.M. dismissed the charge laid against Duffield under this section essentially for the reasons he gave for allowing bail against Police opposition — that Duffield was sufficiently identified, and that any further identification was unnecessary.

The basic questions which were at stake were: in the phrase in subs. (1) "as may be deemed necessary for the identification of that person":

(a) Does the term "deemed necessary" limit the power of the Police?

(b) What does the section mean by "identification"?

The effective meaning of the answer to question (a) will, of course, depend on the answer to question (b). A broad definition of "identification" will mean that it will be a rare case indeed which falls within the widest right to appeal.

THE DECISIONS ANALYSED

The Magistrate's Court: The Inviolability of the Individual

As Evans S.M. said in his case stated for the Supreme Court, "the Police deemed the taking of fingerprints to be necessary for the purposes of identification" and "the defendant was known to the Police at Christchurch by physical appearance, by stature, by name, by repute, and by past conduct and behaviour, as a person having eight previous convictions, with no known aliases and with two physical peculiarities noted on his conviction card ("scar on left ankle", and "left leg shorter than right"), and that the Police had no record of his fingerprints. Evans S.M. carried the argument from there to say that what Duffield was arguing was that he was already sufficiently identified and that it was up to the Police to show that fingerprints were necessary for his identification. He stated the Police case as being that fingerprinting is needed for past, present and future purposes and that it should be up to the Police, not the Courts to decide whether fingerprinting is "necessary" for identification. He then proceeded to his interpretation.

As a preliminary point he referred to s. 17 of the Penal Institutions Act 1954:

(1) Subject to the provisions of any regulations made under this Act, any inmate of an institution, being a person convicted or accused of an offence, may, by direction of the Superintendent, be photographed and have his measurements and fingerprints taken; and if necessary reasonable force may be used by any officer of the institution to compel the inmate to submit to the taking of photographs, measurements, or fingerprints.

(2) Where the inmate is a person accused of an offence and is subsequently acquitted, all photographs, including the negatives, and fingerprints taken during his detention in respect of the charge of that offence shall be forthwith destroyed by the Superintendent.

In these provisions there is no requirement that fingerprinting, photographs and measurements are to be necessary for the purposes of identification. The first statutory provision for fingerprinting under the Police Act was introduced after the provision in the Penal Institutions Act, so, the argument runs, the proviso must have been intended to have some limiting effect as compared to the Penal provision, and cannot be ignored. The section does not, as it might have done, simply empower the taking of fingerprints, photographs and footprints from any person who is in custody. It also requires that the fingerprinting, photographing or footprinting be for the purposes of identification; it would not have done that if it had been intended that the Police, not the Courts, should have the last word as to whether the taking of fingerprints is legitimate in a particular situation.

This conclusion provides the basis on which to make a careful interpretation of the section. Unless there is reasonable doubt about identity, the section cannot be invoked. Evans S.M. presents an alternative interpretation, on the basis of which no further enquiry by the Courts would be possible. This is that, since it would be desirable from the Police point-of-view to take as many details as possible of all persons in custody, the legislation should be interpreted as giving them absolute discretion as to how far they wish to identify someone; whether name, address and occupation will suffice; and whether it is desirable to go further and take photographs or fingerprints is up to the Police on every occasion. If one hypothesises a prima facie equal weight to each of these arguments, one must then, says Evans S.M., "look to relevant legal principles of high authority", to choose between them. He then proceeds to refer to the dictum of Pollock C.B. in *Bowditch* v. *Balchin*[8] as quoted by Lord Atkin in his dissenting speech in *Liversidge* v. *Anderson*,[9] that "[I]n a case in which the liberty of the subject is concerned, we cannot go beyond the natural construction of the statute," and then quotes Lord Atkin directly: " . . . 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,"[10] and applies his remarks to the actions of the Police. For this association he quotes Lord Simonds in *Christie* v. *Leachinsky*:[11] "My Lords, the liberty of the subject and the convenience of the police or any other executive body are not to be weighed in the scales against each other. This case will have served a useful purpose if it enables your Lordships

8. (1850) 5 Ex. 378.
9. [1942] A.C. 206, 244.
10. [1942] A.C. 206, 244.
11. [1947] A.C. 573, 595.

once more to proclaim that a man is not to be deprived of his liberty except in due course and process of law." If, says Evans S.M., we substitute "inviolability" for "liberty" the quotation becomes entirely apposite.

Finally, in choosing the first interpretation, he quotes from the case of *Dumbell* v. *Roberts*[12] where Scott L.J. described fingerprinting before conviction (unauthorised at that time in England) as "inconsistent with our British presumption of innocence until proof of guilt," as support for his view that, though there is statutory support for the right to fingerprint, it should be subject to strict limitations. His duty is to adopt the natural interpretation and " . . . if there are two possible constructions (as would seem to be the case here), I should adopt that which appears less calculated to touch the inviolability of the subject and the presumption of innocence pending proof of guilt which is a first principle of our criminal law."

The uppermost policy consideration in Evans S.M.'s mind is that of the inviolability of the individual. While following a legitimate course, using the law in a perfectly orthodox, if unusually imaginative manner, he has used it in such a way as to reach a conclusion which he clearly desires for reasons quite outside strict legal considerations. It is one of a few decisions of his (another is *Police* v. *Jesson*[13]) which seem to indicate that this is the course he prefers to take. An examination of some of the other authority in this field which he could equally easily have applied indicates how much the result of *Duffield's* case was arrived at through the operation of a conscious predisposition. In a Scottish case, *Adair* v. *M'Garry*[14], an attitude quite opposite to that taken by Evans S.M. was taken by all except one Judge of the Court. This was an evidence case involving fingerprints in which it was admitted for the purposes of argument that if the fingerprints had been taken illegally they could not be admitted as evidence. The fingerprints had been taken forcibly without a warrant, and there was no statutory authority to take them in that way, so the question for the Court was whether the taking of fingerprints in such a manner was lawful. The Crown argued that the taking of such fingerprints was a reasonable and necessary incident in the investigation of crime and that they should therefore be entitled to exercise it without a warrant; and this was the attitude taken by the majority of the Court. Lord Justice-General Clyde said[16] "Every man is entitled to the enjoyment of personal liberty, but he forfeits that right by committing crime; and where the criminal law warrants his arrest on a criminal charge, his personal liberty is unavoidably invaded, not merely by subjecting him to detention, but also to the extent necessary to

12. [1944] 1 All E.R. 326, 330.
13. (1966) 11 M.C.D. 418.
14. [1933] S.C. (J) 72. See also *McGovern* v. *Van Riper* (1947) 54 A2d 469; *United States* v. *Kelly* (1932), 55F (2d) 67.
15. [1964] 1 Q.B. 495.
16. [1933] S.C. (J) 72, 78.

enable the Police to observe and collect the real evidence (afforded by his person, his apparel, or the contents of his pockets) of his connexion with the crime and his identity with the criminal." " . . . [W]here is the difference between observations (to which the respondent would have had to submit) of personal marks or peculiarities, had there been any such connecting him with the crime or identifying him with the criminal, and observations taken (equally without the respondent's consent) of the disposition of the ridges on the skin on his fingers in order to see if they coincide with the finger impressions on the bottles?" The other judges, except Lord Hunter, expressed similar sentiments.

In the case of *Callis* v. *Gunn,* it was pointed out by Lord Parker C.J. that Scott L.J.'s dictum in *Dumbell* v. *Roberts,* upon which Evans S.M. to some extent relied, was not supported by the other two judges in the case, and he declined to follow it. *Callis* v. *Gunn* is a decision only of the Queen's Bench, while *Dumbell* v. *Roberts* is a decision of the Court of Appeal, so the refusal to follow does not carry any weight in a strict sense. But it does indicate a direction Evans S.M. could easily have taken had he wanted to. As he admitted there were two courses open to him; both courses could equally have been justified by a "legal" argument and chain of reasoning; a choice had to be made between the two courses and that choice amounted to a value-based decision.

The Supreme Court: The Necessity for Public Security

When the Police took Duffield's case to the Supreme Court they were probably aware that the values held there were of a different nature to those of Evans S.M. The recent history of cases touching on the liberty of the individual in the Supreme Court shows a concern more for the necessity of the Police having wide-ranging and strong powers so as to ensure their most efficient functioning, than for the sanctity of the individual in such situations.[17]

Macarthur J. in the Supreme Court adopts this attitude to reverse Evans S.M.'s decision, almost without arguing against it. He defines Evans S.M.'s two possible constructions as:

(1) "that the section empowers the Police to take particulars (including photographs, fingerprints and footprints) only where the person in question is not identified at all, or is insufficiently identified." and,

(2) That the Police should be the sole judges of when it is necessary to use fingerprints etc. for identification.

He points out that Evans S.M. came to his decision on the basis of it being the least "calculated to touch the inviolability of the subject and the presumption of innocence pending proof of guilt which is a

17. e.g. *Melser* v. *Police* [1967] N.Z.L.R. 437; *Wainwright and Butler* v. *Police* [1968] N.Z.L.R. 101; *Derbyshire* v. *Police* [1967] N.Z.L.R. 391.

first principle of our criminal law", but then ignores such presumptions or the rebuttal of them in taking the second of Evans S.M.'s choices as the correct one. As the basis of his decision he refers to Police practice as expounded by counsel for the Police. What the Police use fingerprints for is past, present and future identification and that, says Macarthur J., is what the section empowers them to do. The section clearly empowers the taking of fingerprints for present identification; the fact that it allows the Police to keep records of the fingerprints if the prosecution succeeds means that it contemplates their use for future identification; if future identification is contemplated it is not relevant that present identification is not necessary as far as the Police officers on the scene are concerned. Macarthur J. sees the word "identification" as having a twofold meaning; (a) identification of the person as a particular individual (past identification) and (b) identification of the person as a party to the offence in respect of which he is being charged (present identification, which, he considers includes future identification). So identification includes past, present and future.

The argument involving comparison of s. 57 of the Police Act with s. 17 of the Penal Institutions Act is written off in three sentences. "And I do not think that comparison with s. 17 of the Penal Institutions Act 1954 shows that the words 'as may be necessary for the identification of that person' have the effect of limiting the powers of the Police in the manner suggested. It should be borne in mind that the functions of the Police are not the same as those of the prisons service. The police have very wide functions in relation to the general maintenance of public order and the detection of crime."

Macarthur J. thus does not face up to the questions of the presumptions of innocence or the inviolability of the individual, because in his analysis they do not arise. And they do not arise because he is acting as the practical (right-thinking) man who looks first to what powers the police *use* and then steps back to say that is what they *need;* and what they need is what they ought to have because "the Police have very wide functions in relation to the general maintenance of public order and the detection of crime."

He has thus clearly seen his priority value as the security of the State which cannot be assured without wide-ranging Police power. He has not misused any legal doctrines to reach his conclusion; as far as he is aware there is no precedent directly in point, and because of his pre-disposition he has no reason to turn explorer and seek out precedents which, though not directly relevant, might, by careful reasoning be turned to prove a point.

The Court of Appeal: The Limitation of Arbitrary Power and the Security of Society

On behalf of the Court of Appeal Haslam J. reached the same conclusion as Macarthur J., as he put it, "substantially for the reasons expressed by him," but though his *method* of reasoning approximates

that of Macarthur J. and the final result as regards the particular parties is the same, the predisposition and thus the course of argument is different. Haslam J. rejects the Police contention that the section allows use of fingerprints for identification past, present and future. The section exists to enable the Police to take fingerprints of a person "to establish that person's identity in respect of the offence for which he has been arrested." This includes both past identification — to establish by records of past fingerprintings whether the person is who he says he is — and present identification — comparison with prints at the scene of the crime, and to establish identity if witnesses die, fall ill or leave the country. If those pre-requisites "are fulfilled, then as a secondary result the Police force may legitimately retain the information so required . . . "

Once again there is no reference to the basic principles to which Evans S.M. referred. The basis of the decision is the convenience of the Police, but the limitation on future identification is based on construction with explicit reference to policy reasons. Haslam J. was quite clear that he would not accept the use of the power "solely to build up a collection of personal details which might facilitate in future the tracing of the perpetrator of a crime," and in this statement there is evident some concern for the limitation of executive power which is missing in Macarthur J.'s judgment.

Any apparent increased liberality is banished in practical terms by an *obiter* postscript to the decision which attempts to set out the circumstances in which the courts can examine the propriety of taking such particulars "as may be deemed necessary." This, he says, can occur only "in the rarest instances." The facts might establish clearly that there could be no foundation whatever for a decision by a police officer that such particulars were necessary, and in that event, consideration might have to be given to "the factors which weighed with Turner J. in *Reade* v. *Smith*."[18] By this form of words Haslam J. would seem to apply Turner J.'s method of reasoning rather than the actual ratio of the case. That method is to approach a case of executive discretion from the point of view that the right of the individual to freedom from arbitrary coercion by the executive is to be presumed unless it is removed in the clearest terms. In *Reade* v. *Smith* this approach led to the conclusion that a power in the Governor-General to make regulations for such purposes "as he thinks necessary" under the Education Act 1914, was not absolute and "the Court may enquire whether the Governor-General (or the Minister as the case may be) could reasonably have formed any opinion on law or on fact which is set up as a foundation of the regulations". Haslam J., then, is saying that this principle would apply in such situations as Duffield's case. It only amounts to the almost meaningless assertion that the Police will not be able to exercise their power without any risk of overruling by the Court. However it does mean that some

18. [1959] N.Z.L.R. 996.

discretion must be exercised. If a police instruction, as in *Sernack* v. *McTavish*[19] an Australian case, required the taking of fingerprints without the exercise of the discretion, this exercise would seem to be reviewable under the rule in *Reade* v. *Smith*. The Policeman cannot have "deemed" the fingerprinting necessary, because he never thought about the question. I submit that in any case Duffield's case is one in which the Court's discretion ought to be exercised, because there is considerable doubt there whether fingerprinting was necessary for past or present identification. But it would be at best a borderline case; the remote possibility of escape or of the death of the police witnesses would seem to be sufficient reason as far as the Court is concerned for the Police to be able to use their powers, and that would in practice seem to amount to an unconditional blanket power, as long as a discretion is exercised.

The final matter which Haslam J. considers is the case of *Sernack* v. *McTavish*[20] which was decided on the basis of virtually indistinguishable powers conferred by legislation in the Australian Capital Territory. There, however, the section itself did not provide for the offence of refusing to be fingerprinted, and the charge brought was one of obstructing the police in the execution of their duty. There was a Police instruction requiring fingerprints to be taken from all persons arrested without exercise of discretion, and the Court held that there being no power to make such an instruction, a Policeman could not be said to be acting in the execution of his duty when carrying it out; the charge was dismissed. On this basis Haslam J. distinguishes this case, and it certainly has no direct application. However at least one statement in this judgment is worthy of note, and could have been applied in *Duffield*'s case: "it is not sufficient that fingerprinting is thought desirable."[21] In the Police evidence in the Magistrate's Court hearing in *Duffield's* case one finds the statement that "fingerprints are taken on every occasion" and "we . . . take fingerprints of all persons who are locked up." It would seem that the procedure is exercised without consideration of necessity. Again, surely the basis on which Haslam J. justified the taking of fingerprints — that the

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19. (1970) 15 F.L.R. 381. It is believed that there is a Police general instruction in New Zealand to the following effect:
Police Manual:
"Every time a person is in lawful custody charged with an offence other than drunkenness, the member in charge of the station shall ensure that his fingerprints are taken. Where there is any doubt as to the identity, or for any reason it is considered desirable that prints should be recorded, they may be taken even though the offence charged is a minor one. G.I. F.16"
There is something of a contradiction between the first and second sentences. The first sentence definitely exceeds the limits of the legislation. The second in claiming a right to take fingerprints if "for any reason it is considered desirable", clearly also goes beyond the powers given by the Police Act, and a discretion exercised on this basis would, it is submitted be beyond the limits imposed in *Reade* v. *Smith*.
20. (1970) 15 F.L.R. 381.
21. *Ibid.*, p. 384.

arrested person might escape, or a police witness might die — is such a remote possibility that fingerprints taken under such considerations fall into the "desirable" rather than the "necessary" category.

Once again the policy comes shining through, but on this occasion in a rather compromised way. It is clear, however that the basis of the decision is a moderate concern with civil liberties, tempered by respect for the power of the Police. Whether the Court is aware how little difference this small compromise makes to the harshness of Macarthur J.'s decision is doubtful. The desired result is slightly different; the practical result is much the same.

When people talk of judges they often grace their names with epithets like "liberal" or "conservative". The labels given derive from a half-consciously perceived knowledge of the values upon which the judge founds his argument. From the foregoing analysis of Duffield's case it is possible to derive epithets to describe the attitudes of the members of the judiciary involved in that particular case, but it would be dangerous to generalise without a much more thorough analysis of their judgments in a variety of cases over a lengthy period of time. In *Duffield's* case itself, Evans S.M. comes through as a militant liberal holding strong opinions on the inviolability of the individual which he consciously allows to influence his method of argument. At the other end of the scale of conscious ideology is Haslam J., who, if he has any predilections, does not state them, but who seems to hold a genuine belief that he is showing no bias and applying the law in its purity as it is. He takes a neutral approach, but because of the inherent balance of power in the situation — the executive against the individual — a favourable result for the executive in the particular case was inevitable. Macarthur J. takes almost as strong a policy stand as Evans S.M., but his attitude could be called conservative; an affirmation of law and order. He has a conscious desire to achieve the end which, with respect, Haslam J. achieves by naivety.

Such broad statements are not of course put forward as accurate portrayals of each of the members of the judiciary involved in this case. The longer-term analysis suggested could however be valuable both for the lawyer who wants to predict whether his plea for a client will succeed, and how best to ensure success, and for the layman who wishes to know whether what he does is a breach of the law or will involve him in legal liability.

G. H. ROSENBERG.