

Conversations with Mr Michael J. Prichard

by
Lesley Dingle¹ and Daniel Bates²

Second Interview: Gonville & Caius (post- 1950)

Date: 8th March 2012

In March 2012, Mr Prichard was interviewed three at the Squire Law Library to record his reminiscences of over sixty years research and teaching in the Faculty of Law and Gonville & Caius College.

The interviews were recorded, and the audio version is available on this website with this transcript of those recordings. The questions and topics are sequentially numbered in the three interviews for use in a database of citations made across the Eminent Scholars Archive to personalities mentioned therein.

Interviewer: Lesley Dingle, **her questions and topics are in bold type**

Mr Prichard's answers are in normal type.

Comments added by LD, *in italics*.

All footnotes added by LD.

47. Mr Prichard, this is our second interview and at the end of the first, we ended talking about your early time at Gonville & Caius. I wonder if we could just recapitulate to fill in one or two items that occurred to me when listening to your interview.

First of all, with regard to your career, was there anything about your father or your mother's occupation which had a bearing upon the path that you ultimately chose?

I don't think so.

48. Three of your brothers were lawyers.

Yes. Dad was not himself a lawyer. He served in the ranks in the First World War, from the first day to the last. Then was first of all a commercial traveller and then manager of a paper printing firm. We had a lawyer in a great-uncle, but I don't think there was any particular tradition of lawyers in the family. In fact I suppose we were just thinking and looking for something to read at the university, because dad and mum were very keen that we should go up to the university, and Oxford and Cambridge were not really feasible.

King's, London, we went to. Harold Potter³ was extraordinarily helpful and took me in and then almost naturally my elder brother, who was still serving in the Navy out in the Far East, when he was demobbed a year later, he followed me. Then three years after that, four years after me, my youngest brother [Alan]. We all did rather well and stayed in the law.

Potter sent me off to Cambridge, or at least arranged, with Emlyn Wade⁴, who was

¹ Foreign & International Law Librarian, Squire Law Library, Cambridge University

² Freshfields Legal IT Teaching and Development Officer, Faculty of Law, Cambridge University

³ See Q8

⁴ See Q14



extraordinarily helpful, to Cambridge. My elder brother [*Brian*] went into a firm of solicitors. He preferred actual practice and went into a firm and ultimately became the senior partner. Then, many years later, when the then senior partner retired he and Megarry⁵ asked my brother to take over the treasurership of the Selden Society, of which I was already a member. So, as it were, family connection came back there.

My youngest brother [*Alan*]⁶, who was in some ways the brightest star in the family, followed me to King's, London and then stayed on and was straight away taken onto the staff there. I think he was still under 20 at the time. And then went off to Nottingham where he stayed the rest of his life, and retired, years ago now, as professor of law at Nottingham. He, the youngest one and the [*Brian*], had much the same sort of career and had many of the same teachers as I did, and we both had the same strict veneration for the same ones, generally speaking. Alan being four years after me, had slightly different ones, because more members of staff and teachers had come back after the war by that time. So the law as it were doesn't really go back behind us.

My eldest brother, who had already really started work before the war, was taken up as a territorial from Munich⁷ onwards. He didn't go to the university when he was back because he was already married and needed to get a job and get on with life. None of my elder brother's children read law... yes, one of them did, I believe practice in law. My youngest brother never had any children.

As regards my own, both my children read law, but my daughter [*Ruth*] is married and in Paris with four children and has not got time to practise at all. My son, Mark, has moved, he did read law for a while, but went into classics and then to Chinese and law. He then went into the Foreign Office, but gave it all up, he didn't like the Foreign Office greatly. He then turned to computers, and came back to St John's, where he had been an undergraduate doing Chinese (and got a first), to read for the computer science diploma. He's a computer scientist now out in Silicon Valley in California. Both Ruth and Mark, are certainly able to enjoy points of law. I should say that Ruth is married to a French advocate in Paris. So it really all started with Harold Potter, who enthused myself and my two brothers and gave us a lasting love of the law.

49. So Professor Potter was a very important mentor?

Yes. He was not an easy lecturer, but he had a love of the Common Law, which was really quite striking. Of course lived near Cambridge [*Royston*] and had very close links with people in Cambridge.

50. You had a year off from 1952-3 when you practised in the Chancery Division.

I think that was the year, yes. It wasn't really a year off. I still had to do all the teaching. There were about 50 of them. It was the time away from Cambridge during the week.

I never went into court. I was only an articled clerk in Upjohn's Chambers, but Upjohn went to the bench very soon after I got there and Bathurst became head of Chambers, although in the fact the chambers were really John Brunyate's⁸ - he was a very distinguished

⁵ Sir Robert Edgar Megarry (1910-2006). Trinity Hall. Queen's Council 1956, High Court judge 1967.

⁶ See Q8 fn2

⁷ 29th September 1938

⁸ See Q26



ex-academic. He'd been at Fellow of Trinity.

51. And you fell under him?

Yes, he was very good. To be honest, I wish I'd known a bit more.

Nowadays when I'm being pestered in college with problems of charity and Charities Act⁹ and the charitable nature of a college, all of which is perplexing the colleges at the moment, because we're very curious institutions. We are corporations and not just purely trusts. I wish I had known more of the questions to ask John Brunyate, because he was the great expert on charity. He'd written on charity¹⁰.

It was a most enjoyable year in chambers and I'm quite sure I would have enjoyed life there. It brought back very happy memories [*when*] I was called back there 45 years later, to help with a legal history case - the same chambers, 4 Stone Buildings.

I got to know Lincoln's Inn physically, though I was member of Gray's (like all Harold Potter's pupils). Arnold McNair¹¹ was also a Gray's man, and a large number of Caians at that stage were Gray's men and they have continued since, or did when I was Director of Studies.

52. This brings us then to the point that we reached in the first interview - your teaching fellowship at Gonville & Caius. There were some scholars and colleagues that I didn't ask you about, Mr Prichard. So I wonder if we could just come back first of all to T E Lewis¹², who was the librarian.

Tel, as we called him. Ellis Lewis, yes. He had been a graduate of Aberystwyth in Wales and like many of the Welsh lawyers that came up to Cambridge, as Glanville Williams did later. He stayed in Cambridge as a Fellow of Trinity Hall and he acted as librarian. He also taught lectures. The Squire Law Librarian at that stage was a very much part-time job, there were only three members of staff. Ellis Lewis was the librarian throughout the time I was there was the last of what I might call the lay librarians, with two assistants under him. Staines¹³, some of us will remember, and Ted Hill¹⁴. They did it all, with a cleaner to clean all the law rooms and the library, and prepare the tea at 11 o'clock. Then there was Miss Suckling¹⁵, who was the secretary down in the little office downstairs. That was the sole administration of the Faculty.

Lewis was well-known, and as a teacher was much loved in Trinity Hall - a very strong college man.

⁹ Charities Act 2011, replaces Charities Acts 1992, 1993 and 2006.

http://www.charitycommission.gov.uk/about_us/regulation/charbill.aspx

¹⁰ 'The Legal Definition of Charity' (1945) 61 *Law Quarterly Review*, 262.

¹¹ See Q25

¹² See Q46

¹³ Clarence Staines, Senior Assistant Librarian Squire Law Library 1931-1968.

¹⁴ Edmund "Teddy" W. Hill, (1904-1973), Library Assistant, Squire Law Library, 1920-1971.

¹⁵ Millicent A. "Betty" Suckling (d. 1988). Mayor of Cambridge (1983-84).



53. Willi Steiner¹⁶ arrived during this period.

I can't remember particularly. He became the first effectively full-time librarian.

54. 1958 to '68.

I remember that because it will overlapped with when I was Secretary of the Faculty. I got to know Willi pretty well, of course, because it was my fate to become Secretary for a three year stint and I needed sabbatical leave at the end - '65. But at the end of it I had to come back for another term.

So I think I'm probably the only one who's done six years as Secretary. It was not an easy time, not because of colleagues, they were delightful, excellent people. The Chairman in the first - Armitage¹⁷ and Gooderson¹⁸, and in the second, Glanville Williams¹⁹ was even better. It was difficult because the faculty had recognised that it was just an impossible burden for a secretary, even though we really worked entirely from a brilliant set of notes started by John Thornley²⁰ and then elaborated and put into meticulous order by Mickey Dias²¹, without which I couldn't have done the secretaryship. It effectively told you more or less what you had to do each week of full term and what had to be done by the end of full term.

The whole thing had become out of hand because of government requirements. By the time I came back the Faculty and the university had recognised they must have a full-time Secretary of the Faculty. They appointed a very charming Colonel Farrow who was retired from the army, but he needed training. So my second time was very much training Colonel Farrow to take over full-time. Quite a number of chores - doing the old income tax returns and organising with the chairman, almost responsibility for the lecture timetable.

This second one was frustrating because by that time the Faculty were very much under pressure from the administration for space and it was an almost perpetual battle to try and preserve lecture rooms and keep lecture rooms. We lost room three. Scandalously, we were promised if we would give it up for a few years. Virtually nobody now will remember lecture room three - a lovely long lecture room with the Regius Professor's chair at the end of it. A beautiful lecture room with lovely old lecture benches, where you turned down the desk part it broke into two parts. It was all solid oak, the whole thing had been put in before the war.

It was borrowed because the university said it had a temporary need for computer rooms, until the computer staff could be housed at distance - the great thing, they said about computers and the computer staff is that they can be housed at distance, out at places like Barton. This temporary need of course is still there, as you might expect!

Room three never came back and the computer staff never moved out of it. It was first that room, then it was room four, all of which were crucially important because we had to fit lectures in elsewhere. We got in exchange the east room, which had to be converted into a lecture room - a great big grand room. I remember lecturing on land law seminars, it was

¹⁶ See Q46

¹⁷ See Q14

¹⁸ R. N. Gooderson, St Catherine's College.

¹⁹ See Q11

²⁰ See Q16

²¹ See Q23



quite an attractive room to lecture in. I enjoyed lecturing on things like perpetuities with a nice large modern style blackboard to explain perpetuity. And then the students sit-in, which came to us virtually the end of my time, effectively ruined the room. Curiously the loudspeaker system was never the same afterwards. It was the first of the great 1968 sit-ins and it was never really liked or attractive after that.

Also we lost in time room six, but that also overlapped with the moving out of History and the Seeley Library from downstairs and the extension of the Squire, the expansion of the Squire into the downstairs and well as the upstairs. This completely changed the number of staff needed for the supervision of the library, because there were two completely different floors. Peter Zawada²² came in my last year when I was finishing as Secretary. And of course Willi [Steiner]²³ went. I think Gordon Hughes²⁴ followed him. Gordon wasn't very well, he was ill by that time and I'm not sure how long he lasted, but then there was Major.

55. That's right, 1968 to '70.

After that, John Baker²⁵ was there for a year. I forget what year that was.

56. '71 to '73.

I remember that because Clive Parry²⁶ was Secretary. I remember that it was the only post that we could make available for John, to bring him to Cambridge and so he became Librarian.

We were quite sure that he would not stay as Librarian, as soon as a post was available, he would get it and of course he did.

57. Do you have memories of him going back to the early seventies?

As librarian, yes. He liked that, the post suited him because he was very much attached to literature of the past, so he was superb in that way. I think he found it distracting, [as] he also had to get the latest periodicals and this and that on totally different subjects which were nothing to do with legal history, being his main interest. In fact at that stage, it was just David Yale²⁷ and myself who had been doing legal history.

58. I sense from listening to your first interview that there was this constant war of attrition between the old schools.

It really started in the sixties. When I was Secretary and then afterwards, it carried on almost endlessly. I should say that I wasn't directly or very much concerned with the Faculty in the middle seventies: the first half I was still very much, the second half, I was a bit distracted by the fact that I was Vice-Master, President of the college. I also got lumped in college at that stage with the biographical history, which was a fairly heavy responsibility, so that I didn't serve much on the Faculty Board. They were determined to stay in the Old

²² Currently Assistant Librarian, Squire Law Library

²³ See Q46

²⁴ See Q46

²⁵ Professor Sir John Hamilton Baker (1944-), Librarian, Squire Law Library 1971-1973, Professor of English Legal History University of Cambridge 1988-98, Downing Professor of the Laws of England 1998- .

²⁶ Clive Parry (1917-1982), Professor of International Law 1969-1982.

²⁷ See Q30



Schools and we had nowhere else to go, but lecture rooms bit by bit were being gobbled up or squeezed out and we lost room six, for instance, to the library. It all meant lectures instead being a standard time, were scattered all over the hours of the day.

Going back just a little bit. I do remember when it had started, Glanville Williams was lumped with this problem of accommodation. At that stage there was still a question of trying to get back Criminology into the Old Schools with us, which was now into 7 West Road, because at that stage the Old Schools were talking about a grand administration building elsewhere. I think they had their eye on the Old Addenbrookes Site²⁸. I remember that with Glanville, we spent several days going over with a tape measure virtually every room in the whole of the Old Schools, and we thought that the large Registries Office at the far end would have done nicely as a Criminology Library. Of course it all came to nothing. It was a waste of Glanville's valuable time.

He was very patient: reserved and qualified and he never spoke out very strongly, always very quiet. It continued under Clive [Parry] and Clive was slightly more, not abrasive, but certainly in his dealings with the old schools, quite firm in his views about the relative importance of the law school, the Old Schools and the Administration. But Clive died quite prematurely and really the whole of the Administration and in the seventies the age of the whole Faculty dropped quite considerably. It was getting larger and more and more people were reading the subject. I wasn't so closely involved as I had been in the sixties. The sixties are still very vivid in my mind, Faculty wise, while the Seventies are vivid college wise.

59. When you first arrived at Gonville & Caius, weekenders were still a common phenomenon. I wonder what your opinion is of this system of bringing in weekenders?

Suddenly with these students of that age and variety, I think they were very good, because the students were, the early years, much older than today. They'd largely been ex-service people and the weekenders were good. Also, of course, the examinations weren't very much geared towards the regurgitation of factual information which had been absorbed like blotting paper. I was very lucky, Emlyn [Wade] had got some very good ones. It's always been a pleasure to know that one of my earliest weekend supervisors was later the Chief Justice, Lord Lane²⁹. Geoffrey Lane had been demobbed after a very outstanding career in the RAF and starting at the bar and like everybody coming under the RAF, he was well on in his twenties.

It was a useful supplement of income to come up [to Cambridge]. Our college was extremely good, mainly I think through the influence of Arnold McNair and Emlyn Wade, who were still very influential. We could put them up at the weekend and give them dinner at high table and they enjoyed that. Arnold's nephew came up to do the International Law and of course we got a lot of Caians who could always produce international lawyers, because the legal advisors to the Foreign Office tended all to be McNair's disciples. By that time [he was a] world famous international lawyer. I also was very lucky to have as a weekend supervisor Bob McCrindle, who had been with me in London after the war, very bright.

The weekenders continued to be extremely useful, because although in the mid-fifties

²⁸ Addenbrookes Hospital was founded in 1766 on the site of the present Judge Business School, opposite the Fitzwilliam Museum, on Trumpington Street. The hospital vacated the Old Addenbrookes Site in 1976.

²⁹ Geoffrey Dawson Lane, Baron Lane AFC PC QC (1918-2005). Lord Chief Justice of England (1980-92). The later part of his term was marred by a succession of disputed convictions.



I began to get help first from Robin Cooke³⁰ when he was our research fellow [*who then returned to New Zealand*], and at the beginning of the sixties, Len Sealy³¹. Len and myself were then there all the time [*and*] weekenders could still be very useful. For instance, I used as weekenders, Mark Potter³², the son of Harold Potter, who had come to Caius, I made sure that when he came to Cambridge he was coming to Caius. Mark was a supervisor and very much liked.

It depended on the subject, but in a subject like Criminal Law, weekenders were good people to have because they knew what they were talking about and they introduced sense.

[*Also we had*] Peter Cowell³³ and Edward Davidson and quite a number [*of others*], so that the two of us were able to keep a fairly large law faculty in the college going.

That was before we had expanded, before we started to use the Tapp fund, which was a rather special fund, a rather valuable fund in college. It was half for law and half for other things, so we had a helpful amount of money. We didn't use it on just appointing college lecturers, we did have the odd research fellow. In the seventies with the Tapp, we started to quite consciously build up a link with the Commonwealth and overseas, by offering them these William Tapp studentships. They were always a very useful set of people to have about, not because they were brought here for teaching, but they were always extremely helpful on their specialist subject. It helped take some of the load off the common law subjects, which Len had done by that time, rather than I. I tended to take legal history, land law and a bit of equity, and Roman law.

60. I was going to ask you about Len Sealy, who was one of the later arrivees. He came in 1960.

1960, to the faculty - he'd come in 1959 when he'd been elected a research fellow. I admitted him as a research student and he took his PhD (about 1955-58). His supervisor had been Emlyn Wade. Then he got his research fellowship, but very quickly thereafter we needed him as a teaching fellow and he got a university post too.

So yes, it was Len and myself during the sixties. We did have a few research students to help, [*and*] we still had weekenders in the earlier part, but they tended to drop out about halfway through the sixties. And then we had Jim Farmer³⁴, who went back to become an affluent and distinguished QC in both New Zealand and Australia, flying between the two. He commuted between the two places.

61. Someone else from that period, not from Gonville & Caius, but from Queen's, who

³⁰ Robin Cooke, (1926-2006), The Right Honourable The Lord Cooke of Thorndon KBE, ONZ, QC, PC P.C., Judge of the Court of Appeal, New Zealand.

³¹ Leonard Sedgwick Sealy, Emeritus S J Berwin Professor of Corporate Law.

³² Sir Mark Howard Potter, PC FKC (b.1937), Judge, President of the Family Division and Head of Family Justice for England and Wales (2005-10). Attended The Perse School in Cambridge and Gonville & Caius College.

³³ His Honour Judge Peter Cowell, Inner Temple

³⁴ Jim Farmer QC, PhD cantab. Commercial law, public law, competition (antitrust) law. Author: *Tribunals and Government*, *Creditor and Debtor Law*, co-author: *Industrial Relations in New Zealand, Closer Economic Relations between Australia and New Zealand*.



arrived in 1961, was Derek Bowett³⁵, whom you might recall?

Yes, he didn't really overlap with me. He'd done his LL.B years before [*Downing College, 1948-51*], but then he'd been away at Manchester, hadn't he? [*Lecturer in Law, University of Manchester 1951-59, PhD 1956*]. I met him very briefly when I examined in Manchester. Then he came back then - he was International Law. He did some teaching for me and I did some teaching for him. He was effectively by himself, because by that time Arthur Armitage was President of Queen's and acting as Vice-Chancellor and very dynamic in the university.

62. Someone else you may recall, Mr Prichard, was Gareth Jones³⁶, from '61.

Curiously enough, Gareth had been at King's, London, as an undergraduate, a contemporary of my youngest brother, Alan - the one who stayed on there as a lecturer and then went off. Gareth had come up to Cambridge as an affiliated student and did the Tripos. In his first year he did the Tripos and got a bit of experience of the Cambridge supervision system. Jack Hamson³⁷ was the one who brought him to Cambridge. Hamson had been down in London as a lecturer and I remember Jack saying to me there was a very lively Welshman that he was anxious to get him up to Trinity.

Trinity by that time had long had Tony Weir³⁸ and Eli³⁹, though Eli of course by this time was overwhelmed with his London practice. Tony had done practice in London, but he became much more academic, whereas Eli was always both academic and practitioner, in a most successful way.

63. Jetting off to glamorous places, taking phone calls from far flung places, in the middle of supervisions.

Yes, Eli was. Gareth joined them because Bill Wade⁴⁰ had left. Bill had been the big man of Trinity - Jack Hamson had become professor and wasn't able to teach in those days. Bill who was the great star of the Faculty in the early fifties, was snatched off to Oxford, to a professorship, and Gareth came in to help fill [*the gap*] - Trinity had a large number of lawyers, to teach.

We had two lawyers, and Trinity had at least three (Tony Weir joined later). St John's had Bailey⁴¹, Jackson⁴² and Ken Scott⁴³, and then John Hall⁴⁴ joined them. I can't remember

³⁵ Sir Derek William Bowett (1927-2009), Whewell Professor of International Law 1981-1991.

³⁶ Gareth Jones, (b. 1930). Trinity College, Downing Professor of the Laws of England 1975-98.

³⁷ See Q25

³⁸ See Q28

³⁹ See Q36

⁴⁰ Professor Sir Henry William Rawson Wade (1918-2004). Professor of English Law, University of Oxford 1961-1976, Rouse Ball Professor of English Law, University of Cambridge 1978-1982. Master of Gonville & Caius 1976 to 1988.

⁴¹ See Q25

⁴² See Q25

⁴³ See Q25



the precise date it was John joined them

64. It was 1958.

'58, that's right, yes. So that was the old guard faculty as I remember. I don't know what Jesus did at that stage - obviously for years they depended almost exclusively upon Robbie Jennings⁴⁵. Of course he became a Whewell Professor, I can't remember the precise date. I'm not sure they had anybody until Peter Glazebrook⁴⁶ came in from Oxford.

65. So you would have known Robbie Jennings from way back?

When I was first appointed, Robbie was one of the leading ones in the fifties. He had been one of the stalwarts of the Faculty, if I put it that way. He was that middle generation, not Harry Hollond⁴⁷, not Duff⁴⁸ and Emlyn Wade⁴⁹, or even Hersch Lauterpacht⁵⁰, not that sort of age group. He was of that very interesting, very valuable group, who had decided on an academic career before the Second World War, and were now coming back to it or keeping at it: there was Jennings, Arthur Armitage, Dick Gooderson, and slightly younger, there was John Thornley.

Toby [Milsom]⁵¹ wasn't a pre-war person coming back, but Ellis Lewis was one of those, who were either coming back or staying on. It was that age group, and they were the ones who were, you might say, the powerhouse, the engine room of the Faculty.

66. That's a nice metaphor.

I remember serving on various committees to consider the first year course, the qualifying one course, which wasn't very satisfactory, with Jennings and Arthur Armitage. I was put on as one of the youngsters to try.

67. That must have been quite exciting.

Yes, in 1950. They were very much responsible for re-establishing the Faculty, with the help of the very senior ones, like Emlyn Wade, Harry Hollond ([*although he was not there*] for very long, because he retired) and Duff [*although*] not quite so dynamic. That middle group were in their thirties after the war, but were returning to an academic life.

68. Hamson perhaps would have been there?

Hamson was a bit older - halfway between that group and the older group. The older group were very much more First World War (and just after) people. Jack would have

⁴⁴ See Q25

⁴⁵ Professor Sir Robert Yewdall Jennings (1913-2004). Judge International Court of Justice 1982-95. President International Court of Justice 1991-94. Whewell Professor of International Law, 1955-81.

⁴⁶ Peter R. Glazebrook, University Lecturer in Law, Criminal Law and Legal History, 1967-2003.

⁴⁷ See Q17

⁴⁸ Patrick William Duff (1901-1991), Regius Professor of Civil Law 1945-68

⁴⁹ See Q14

⁵⁰ See Q25

⁵¹ See Q17



regarded himself as in the younger group, along with Arthur Armitage. They were the young Turks in the sense of the Faculty. I know it's difficult to think of Jack and Arthur Armitage and Robbie Jennings as young Turks, but they were very much. They carried the Faculty, there's no doubt about it. That's jumping back to the fifties.

There was John Thornley at Sidney Sussex (1949), John Hopkins⁵², who was at Queens' and then Downing (1965). But some colleges had more dons than others. David Williams⁵³ was almost the first one back at Emmanuel (1969). John Collier⁵⁴ (1967) went to Trinity Hall. So we tended to be a smallish group and we all had a idea of what the problems or the needs were of a particular college and over tea one were able to say "you've got a lot of international lawyers this year", or "you concentrate on those and I'll do your legal history", or the other way around.

69. Very unbureaucratic.

Yes, very much a I'll do yours if you do mine, sort of approach. But you had to watch out..... if you did it with Trinity, you might find that you'd got twice as many as you sent, because of course they were larger colleges. It wasn't easygoing - "I will do six of yours if you will do six of mine". It was very much more, "I will do your land law, if you will do my international". That was the basis. It wasn't an arrangement by a certain number of people or a certain number of hours. You just fitted them in.

70. Someone else I wouldn't like us to forget is Colin Turpin⁵⁵, who came in 1961.

Colin came back, yes. I got to know Colin a little because he was one of those attending my somewhat embarrassingly unintellectual lectures on comparison of English and Roman law. It was first of all transfer of movables, and then it became links between English and Roman law - I think it had changed to English and Roman law by the time Colin came.

He was a most polite, friendly and pleasant person. He knew a good deal more Roman law than I did, coming as he did from a Roman-Dutch background, but he was always allowed me to finish my lectures without too much embarrassment.

Don't forget, I wasn't a common lawyer. English law wasn't my subject and nor was Roman law. Although I'd been taught extraordinarily well, it was on a one year course, whereas in Cambridge in the undergraduate course you did two years Roman Law before you ever got near the LLB. One of the spin-offs we got from doing the lectures in the fifties, LLB on negligence in Roman law was a book which I still think is the best book, quite remarkable piece of work by Glanville Williams on joint torts, which went over with contributory negligence. (Although a good deal had been written on contributory negligence by Winfield⁵⁶, very little was done about joint torts and the relationship. Just as Glanville Williams' liability for animals is the most superb PhD ever written, so I think his book on joint torts and contributory negligence, which he only did one edition of, because he moved from that to criminal law, is quite remarkable.)

⁵² John A. Hopkins, University Lecturer, 1968-2004, Downing College.

⁵³ Sir David Glyndwr Tudor Williams (1930-2009), Rouse Ball Professor of English Law 1983-92, President of Wolfson College 1980-92, Vice-Chancellor, Cambridge University 1989-96.

⁵⁴ John Collier, Fellow of Trinity Hall, International lawyer.

⁵⁵ See Q38

⁵⁶ See Q25



He could have been a quite remarkable tort lawyer, even though he became almost exclusively a criminal lawyer. I still vividly remember first finding that it tackled various problems which the Romans had had to tackle about joint liability. Here Kurt⁵⁷ had been able to help me a bit, because Kurt Lipstein, when he had been a student in Germany, his subject had been joint liability.

71. Is that so?

We used to talk about it, but I'm afraid what we talked about now is all lost in the past. That was jumping back to the fifties.

[*In*] the seventies, which we're on, those young Turks had become the senior citizens of the Faculty and there were far more younger ones. But also the Faculty had started to have this problem of trying to remain cohesive, when it was physically being scattered all over the place. There were fewer and fewer people lecturing, ten to eleven or eleven to twelve, in the Old Schools, and there were fewer and fewer lecture rooms. Tea had ceased to be a meeting place at the witching hour of eleven o'clock in the morning. Also habits had changed and the younger generation were not willing to put up with the rather stewed tea that they got when they arrived at about ten past eleven, and they'd go off to have coffee upstairs in the Regent House, the University Combination Room, which was very conveniently situated halfway between the ground floor and the Squire Law Library upstairs.

The Faculty no doubt had become physically much more scattered than it had been, but that's inevitable, it's not the fault of the Faculty, or the fault of the lecturers. The fact [*was*] that there was more teaching to be done in the colleges, more colleges had dons and they were furthermore remote. In the old days, Jesus College had been an incredibly remote place, we were always very glad that Robbie Jennings would make his way in from Jesus, but of course we then got other colleges which were scattered and distant.

72. Do you think, Mr Prichard, that this preference for coffee contributed to the decentralisation of the Faculty?

No, not really. There were some of us who continued to go downstairs to the tea and we tended to be slightly older. The young Turks, who were now no longer young Turks, tended to go down, while the younger ones tended to go up to coffee upstairs. Of course, you see, they were all still in the Old School, so one saw them: if they weren't downstairs, you would go up to the combination room or back to the library or something. I don't think it was so much that, as when lecturers started to be given in all sorts of different places. That had become very marked by the eighties.

I think it was really just simply mass of numbers - need for larger lecture rooms, the need for some courses to have the same large lecture rooms. [*Lectures*] started to come at all times and weren't all in the morning - more of them would have to be in the later afternoon, five o'clock lectures became much more common. With lectures going to five, it meant the supervisions would tend to have to be taken in the mornings - whereas in the fifties (and I would have said in the early sixties), it would be unusual to supervise in the mornings. Most supervisions would have been done five to six, six to seven, before the undergraduate would go to hall, but of course by the seventies and certainly the eighties, this was totally changed. Supervisions had to fit into the lecture timetable - that was becoming extremely difficult.

With the increasing complexity of the Tripos, with more people, student A might be doing subjects 1, 2 and 3 and student B (who has got to if possible be supervised), is doing subjects 2, 7 and 8 or something of this sort. It became very difficult and you had to fit them

⁵⁷ See Q14



in at all sorts of hours. Supervision became a business of being slotted into particular times. I think some of the older ones of us would still like to do it five to six, six to seven, but it wasn't easy, and it became more and more difficult. I don't know what is done now.

73. I do see sometimes late afternoon supervisions. Five o'clock, you'll see a group.

Yes, but there still are lectures I think. In those days there would never be any lectures. Added to that pressure on lectures, was that Saturday dropped out of the timetable. There had been four hours in which you could fit in lectures, and I know we only fitted in the less popular lectures, or the lectures on which somebody came up from London, but when Saturday mornings ceased, they all had to be squeezed in elsewhere. And Criminology by that time was over on this [*west*] side of the river, on the Sidgwick Avenue site, and that also had lectures and was a very important part of the Tripos. Criminology hadn't existed as a subject in the Tripos in the fifties, but by the sixties and certainly the seventies it was an important part. So that also had to be fitted in and people had to come over here.

I may be overdoing it, it's not one of those subjects where one has done a scientific study of it, but it became less closely-knit, that's my impression. Of course I was getting older, so one is judging it through eyes that are getting older, but I think nobody would doubt that there was a very substantial difference between the Faculty, both in size and the cohesiveness in, say the fifties and certainly the seventies. By the late eighties it was very much more marked.

74. Mr Prichard, you were the President of Gonville & Caius.

I was President for four years.

75. And what are your outstanding memories of this?

It coincided with the first four years of Bill Wade's Mastership [*i.e.* 1976-80]. I became President four months before he became Master of the college and I suppose I had a fairly dominant part to play in the college as the President, because the Master had come in from outside and was a very busy academic. He didn't neglect the Mastership, but he was very adamant that he wanted to remain as an academic and he did of course. Very soon afterwards he was persuaded to take the Rouse Ball chair [1978-82].

76. Any specific memories of him during this time?

He was a very good Master too and I was one of the more senior officers, I had been a college lecturer for a very long time and also Prolaector of the college for almost as long. As President, I suppose I got distracted very much into that biographical history, volume 7, which just took an enormous amount of time - I shouldn't have, somewhat academically wasted, in a way. It took me three or four years to get it done, and convinced me that records would have to become computerised. Though computers were only just starting, personal computers were only just beginning (there were BBC Micros and things of this sort and Basic). After the four years, the college was anxious to find a new Senior Tutor and I almost downgraded from being President and took on the senior tutorship, which was an eight year span from 1980 to the end of '88. Then I had a year's leave, '89. So the second half of the seventies were very much concerned with the presidency and biographical history and things, and the eighties were very largely as Senior Tutor.

77. Which must have been a very big responsibility.

Yes, looking back on it, it's madness. I was determined that because we'd had such a terrible time trying to straighten out the records for the biographical history, then I decided to



computerise and persuaded the college. Bill was very helpful and supportive. So the eighties was very much a question of getting advice on what computers we should have, then also on what systems we should use. Of course [*at that stage*] none of them had settled down. This was long before Microsoft Word or anything like this: Microsoft hadn't existed. I was particularly keen that the tutorial records should be computerised and also the biographical records of the college. But that took quite a lot of writing of programmes. They're old hat now, those programmes.

Then, from the Faculty point of view, I got sucked into doing the same thing for the latter half of the nineteen-eighties - computerising the Faculty's examination system, not the rest of the Faculty. This coincided with the time when the Faculty administration was finally pushed out of the Old Schools by the Administration and the Administrative Secretary, had to go down to the Old Syndics building, which is down by the Pitt Press, Mill Lane. Some lectures [*also*] got pushed down there.

So one was running between those places and also lecturing, and examinations. The administration depended very largely on the invaluable services of three members and the Faculty owes an enormous amount to three of them. Caroline Forsell, who was having to run it from her office, down in the Old Syndics Building, even though she was also very much concerned with the Squire Law Library and organising lectures, some of which still took place in the Old Schools, while others took place in the Press Syndics site and in the Mill Lane lecture rooms.

There was Caroline Forsell and two members. I don't want to cause them to blush - one has left, but Julie Boucher⁵⁸ is still here. Julie and Linda Kernow came at the same time - youngsters [*who*] enthusiastically took up the work of learning computing. The three of us worked together. It was largely the examination period that sticks in one's mind, because all three of us were anxious to beat every other faculty in getting our examination results out, as well as right.

78. Julie of course is still here.

Julie is still here. Julie could tell you more about, she can tell you a lot about the travails of mastering and finding out what had gone wrong with a particular programme when somebody didn't turn up when he should have done in the class list. The three of us transformed the examining process. Previously (back in the fifties) it had all been done on paper and you had a group of seven or eight different ladies, and the Chairman of Examiners would call out the marks and each of them would enter them and add them up separately, then call out the results. If they didn't agree, you had to go back and find out. Of course they were purely in alphabetical order, so there was nothing in order and you went through them from As to Zs. Once you were able to computerise them, you could type in all the marks and provided you had the right programme and you had got it right, you could ensure that they got into their right position and total.

I think it is still basically the way that the Tripos examinations are presented to the examiners, but it made a very great difference to the speed. Until the eighties, Tripos meetings were always spread over at least two days. With the computer programme, you could get part one and part two in the same day, and usually in the same morning, or by the early afternoon, so that by the Friday evening you could get into the Registry and put it up. You didn't have to retype it or anything - it was all typed ready for the following day.

We didn't make any mistakes. The old system had been so complicated and took so long after the examiners had met (e.g. to rearrange everything in classes), that Harry Hollond

⁵⁸ Faculty Administration 1986- present



devised a wonderful formula where the examiners signed a list which said that the examiners were signing and authorising a list which would be authenticated by the Chairman. So they never met again afterwards.

In those days, because they had to put people into their classes from students starting with the letter A to the students going to Z, they all had to be reshuffled and if you weren't careful, they came out in the wrong place. They did on one or two occasions, [*although*] not when I was Chairman.

With the computer programme, you could get them all into groups, so that everybody knew exactly how many - 161 2.1s and 160 2.2s or something like this. And they didn't have to re-meet. I think now they have to re-meet and see the list and sign it. That was because after I had ceased, some mistakes were made. So now the examiners have to come back, but that's after my time. In the eighties, I can boast that we didn't get it wrong, but that was largely due to Julie and Linda Kernow. Linda has left us and gone over to Robinson College or Lucy Cavendish.

79. Julie is still very much valued.

Along with Caroline Forsell, the three of them were crucial in the Faculty in the eighties, so the eighties in my mind are still very much a computer decade. I may say, that I had not the slightest qualifications for computing at all, and it was entirely starting from scratch. I've still got the programmes, they were all written in language which even before I finished, had all rather been taken over by Word and Excel and things of this sort. So in the eighties I was back in the faculty, but in a rather curious [*role*] - I did not serve on the Faculty Board - being Chairman of the examining board and it took me mostly trotting between Caius and the Old Syndics site, rather than into the middle [*i.e. Old Schools*].

80. Mr Prichard, you were active in the Selden Society and in this regard, did you have much to do with Toby Milsom in his time of office?

Yes, very definitely, but I was only on the Council of the Selden Society. Toby was effectively the Literary Director.

81. Any recollections perhaps of the Centenary and the Prince's⁵⁹ visit?

Not really to the Selden Society. I had to give the Selden Society lecture, which was an agonising business, on negligence.

82. Which produced your pamphlet⁶⁰?

In fact I took that separately as a re-statement of what I'd done earlier about the emergence of the tort of negligence, which had developed out of the lectures I had given in negligence in Roman law. So when they wanted me to do the historical side of *Scott v Shepherd*, I did the lecture on the emergence of negligence. Yes, Toby was an excellent Literary Director, crucially important. That more or less overlapped with the time when my brother [*Brian*] started as Treasurer. It was a terribly heavy job. Toby gave way to Sir David Yale.

David was also very strong, and then John Baker took over and has kept going. The great thing about John is that if he is short of a volume, he'd just produce one off his shelf

⁵⁹ Duke of Edinburgh, in 1987.

⁶⁰ Prichard, M. J. 1976. *Scott v. Shepherd* (1773) and the emergence of the tort of negligence. Selden Society lecture delivered in the Old Hall of Lincoln's Inn, July 4th, 1973. *Selden Society* 43pp.



that he hasn't yet published. John has always a vast number of books which he has written but hasn't yet published. I remember at Selden Society council meetings he'd say, if that one's late and they're not able, I can fill the gap, I've got one. And it used to reduce us to amused silence. These were substantial volumes.

I should have retired as a member of the Council, particularly now that I physically can't get down there and I've left them with my resignation so that they can replace me when they have somebody they want. I shall have to tell them soon, they really ought to get round to doing something.

83. Just returning briefly to Toby Milsom. He took over from Plucknett. I wondered whether you have any memories of Theodore Plucknett⁶¹ - did you meet him?

I didn't really. I met him a bit, because he was at London School of Economics when I was an undergraduate after the war. We had rather grown up with his legislation of Edward I and he was the great iconoclast of that stage on the earlier views, which were very much legal history written by lawyers rather than legal history written by historians, or that curious middle ground with legal historians. He'd pointed out that many of the assumptions that Holdsworth⁶² had made were not really valid. He was very much still a historian. I never had anything to do with Plucknett as Literary Director.

Toby was a lawyer by training (he was a natural scientist originally), and he had more of the lawyer's feel of what lawyers were thinking about. In other words their process of thought, rather than what actually happened. [*He did*] detective work and was able to build on and I think greatly improve Plucknett's work. That's not running Plucknett down at all, but Toby took over from him at London and I think inspired a lot of people at London, including John Baker. I think John was inspired to take up legal history by Toby's lectures. Which I assume at London were much like the ones I remember very vividly, and which I told you about last time [*second interview*], which are summed up as "fun".

The idea of legal history as fun is very esoteric and probably not understandable by many people. It's fun in the way that any detective work is fun.

Plucknett had gone by that time - I don't know how long he was the Literary Director - [*some*] years after the war, but not very long after that if I remember [*1937-63*]. I think Toby took over fairly early, didn't he? [*1964-80*]

84. He [*Milsom*] does speak of it in his interviews, that Plucknett stayed in the position for perhaps longer than was desirable.

Yes, he did. Also Plucknett was very much a particular type of legal historian. He was the historian's legal historian. The lawyer who comes to legal history, he mustn't remain a lawyer, but has got to be interested in the way a lawyer thinks and how a lawyer would have been thinking, or what he meant when he did this, as opposed to what he did actually do. I think Toby was remarkably good at getting into that, very good indeed. It's a bit of detective work, but it's a very curious level of detective work, trying to get into what somebody must have been thinking or what assumptions, unspoken assumptions, underlie this approach. At least that's what I learned from Toby and I've never forgotten it. Ask what assumptions the person was he making - in what sense is he using this argument?

David Yale did an enormous amount as literary director and then John [*Baker*] took

⁶¹ Theodore Frank Thomas Plucknett (1897-1965). Professor of Legal History, LSE (1931-63). Literary Director of Selden Society (1937-63). Fellow British Academy 1946.

⁶² Sir William Searle Holdsworth, OM, KC, DCL, LL.D, FBA (1871-1944), Vinerian Professor of English Law, Oxford.



over. And now it's Neil Jones⁶³. It's become very much a Cambridge position. I think it was very dominantly a Cambridge position when the President was Geoffrey Elton⁶⁴. Geoffrey was terribly interested in, from the historian's side, legal history of the Tudor period and he was President, David was Secretary.

I remember Geoffrey deciding in his dominant way that the three officers who always had to meet for meetings (not just council meetings but individual meetings) - himself, the Secretary and the Treasurer, who traditionally met down in London about five o'clock, because the President had been a practising solicitor or a judge, Geoffrey said must have meetings in Cambridge.

I remember my brother [*Brian*] was Treasurer and he pointed out that what Geoffrey [*wanted*] sounded all very good because two of the officers live and work in Cambridge, so then the Treasurer will have to come up. As my brother pointed out a little acidly what Geoffrey had overlooked was that the Treasurer was entirely unpaid and a practising solicitor, and would have to take off most of a day to travel up to Cambridge, as opposed to, at the end of the working day in London, slipping across to Lincoln's Inn or somewhere for a meeting.

It completely changed the job - it meant that the senior partner effectively having to take a day off work and of course unpaid. It didn't last that way, David Yale was very conscious of the fact that this was a quite unreasonable burden on the Treasurer. The Treasurer of the Selden Society wasn't paid in the slightest, but he was a busy practising solicitor and he just took over the accounts and all the rest of it. It didn't last beyond Geoffrey's time, in fact not even, but it shows the difference between Geoffrey, who was a very impetuous and David Yale who was much more appreciative. My brother said that it was an absolute joy to work when David was Literary Director of the Selden Society. He didn't overlap with Toby so much.

85. Thank you so much. This has been so interesting.

⁶³ Neil Jones, PhD, Senior Lecturer, Fellow and Director of Studies in Law, Magdalene College.

⁶⁴ Sir Geoffrey Rudolph Elton, (1921-94). German-born (Gottfried Rudolf Ehrenberg), historian, specialising in Tudor period. Regius Professor of Modern History, Cambridge (1983-88).

