

Conversations with Mr Michael J. Prichard

by
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Third Interview: Research projects

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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.

86. Mr Prichard, last week we spoke about your career at Gonville and Caius and, before we leave this topic, there are two further points to cover, first, your sabbaticals during this period and, secondly, your biographical activities. So, could we start with your sabbaticals?

Well, there's really not so much to say about my sabbaticals because, in fact, I didn't go away at all in either of them. It was really a question of trying to find the time to journey down to London to get on with admiralty work [*this is apropos Hale & Fleetwood*³]. On both occasions, 1964-1965 and 1974-1975, I seemed to get pulled back, because I was in Cambridge much of the time. It was really just a question of getting me out of London, because the place had become a little bit more accessible by the second [*time*]. The first, was when it was still Chancery Lane.

The arrangements for calling for material had got a bit better. Frankly, neither David [Yale]⁴ nor myself found it at all easy, partly because it was nowhere near what one was teaching. In fact, in retrospect, you might say it was a mistake to undertake it. It was totally different, distinct and miles away from what the college teaching one was doing. It was a question of somebody trying to re-gear to fit into admiralty jurisdiction.

Yes, I think neither of us had realised just what a colossal amount of material there is down there - an absolutely phenomenal amount.

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³ M.J. Prichard and D.E.C. Yale (Editors). 1993. *Hale and Fleetwood on Admiralty Jurisdiction*. The Selden Society

⁴ See Q30



87. So, you used your sabbaticals to.....

Go through the materials. Look at the material bit by bit. One hadn't realised that the subject was what was dealt with in the Admiralty Court, as well as the Admiralty Court itself.

David was, by far, the hardest worker - a phenomenal worker, but he ranged more widely. In some ways, he had more of a task [*than I*] because of my earlier interest in extraterritorial criminal jurisdictions which sprang from the fifties when I was working on the extraterritoriality of criminal law and British Forces abroad. That one was actually HCA1⁵, the first of the A51, enormous great collections. They call it oyer and terminer - it was the criminal records of the Admiralty Criminal Court. That in itself is quite unique, because it was set up in 1535 as a common law assize court, but staffed by civilian, that is Roman lawyer civilian, clerks. It was a curious combination of civil law procedure, when the actual trial, however, was in English criminal law, and presided usually by an English common law judge, though technically the one who's in charge of it was the admiralty judge. An almost unique combination of civilian and common law judge.

It must be about the only time they ever sat side by side on the bench administering the same law. So, in some ways that was interesting, because we had, by this time, decided we would have to concentrate on relations between the Common Law and the Admiralty Law.

The records are incredibly voluminous. I managed to read virtually all of the ones of the HCA1. They're a much under-estimated source of information on criminal law because they are still the earliest continuous record of trials in criminal cases at, what I call assize on a court level, going back to 1535. Much earlier than the Old Bailey sessions, and they go on until when the jurisdiction was taken over in the 1840's.

The Central Criminal Court, took it over and that ended the association with the Admiralty Court. But all the records came to the Admiralty Court, because not only was the admiralty judge, the presiding judge of the court, in the matter of form, but also the registrar of that court also acted as the clerk of the criminal court. So, in fact all the records came into the Admiralty Court. It's quite unique, the oyer and terminer records of admiralty (HCA1).

88. And this was in the Public Records Office, Mr Prichard?

Yes, they're all in the public records. And there was another reason why I started then, because it was number one as opposed to all the way through to 51.

But there had been some excellent work done on it - indexing and cataloguing, by one of the assistant keepers down there, Bell, a remarkable piece of work. That made it easier, because it illustrated one particular side of the clash between common law jurisdiction within the counties and the admiralty jurisdiction on the high seas. That was the main contribution I made to the *Hale and Fleetwood*.

David did most of the other stuff. I concentrated on that side and helped with the Introduction. I have to say that the readable parts of that book are by him and the indigestible parts are by me. David always had a facility for expanding in a way that was easy to read, and quite different from my own.

We shared the work of the actual getting the text of Hale⁶ and Fleetwood⁷ together.

⁵ High Court of Admiralty: Oyer and Terminer Records. The documents are criminal records generated by the Admiralty Court from its statutory institution in 1535 to its transfer to the Central Criminal Court in 1834. <http://www.nationalarchives.gov.uk/catalogue/displaycataloguedetails.asp?CATID=7290&CATLN=3&accessmethod=5&j=1>

⁶ Sir Matthew Hale (1609-1676), barrister, judge and jurist



That took us down to the Maritime Museum⁸ when Marsden⁹ had done a lot of work. He was the first person who did any work on the history of the admiralty in the late nineteenth century and a little bit at Oxford too. They [*the Museum*] had some jurisdiction, but it was mostly in the Public Records Office.

89. During your sabbaticals?

Yes, and other times, in summers, and as soon as one was able to break free of teaching. I think it is a matter of regret to both of us that they're still in the Squire Law Library, enormous great files of stuff, none of which were ever published.

90. I wondered what had happened to all the data that you must have accumulated..

I collected it, and when David moved away to North Wales I took it, but I haven't got room in college. At that time, I had just become Editor of the Cambridge Law Journal and they'd given me a room in the new Squire, and the filing cabinets came over there. When I ceased to be Editor, I left them, I'm afraid, so they are still all in the care of David Wills¹⁰, tucked away in the bowels of the Squire Law Library.

But they're very scattered - they have been used by pupils since. I had a research student, though I wouldn't formally become her supervisor, because I wasn't a historian. The Faculty of History were working on eighteenth century admiralty jurisdiction, although that was in prize¹¹. We had pulled them out from time to time, but I'm afraid it's almost a closed book now - it's all there, an enormous number of records.

Unfortunately it was a little before one could get reasonable Xerox's and the records have now tended to fade very badly, and the same with microfilm. Also they're all rather jumbled. Today, one would photograph the stuff. Bringing in one's own camera would have been an enormous change [for documents that were] incredibly difficult to decipher or indeed to read.

91. Mr Prichard, can you tell us a little bit about the background, and how this came about, for the project which began in 1960 and was financed by the Pilgrim Foundation?

It was really the Registrar, Kenneth McGuffie¹², who was a very enthusiastic person and very keen to have a history of the Court of Admiralty written because there was very

⁷ Sir William Fleetwood (1525-1594), Sergeant at Law to Elizabeth I and Recorder of London

⁸ Greenwich, <http://www.rmg.co.uk/national-maritime-museum/>

⁹ Reginald Godfrey Marsden. *Select Pleas in the Court of Admiralty (1390-1602)* (Vol. 6 1892, Vol. 11 1897). *A Treatise on the Law of Collisions at Sea*. London: Stevens & Sons Ltd., 1897. Also *Voyage of the Barbara to Brazil, Anno 1540* (ed.), *Trans Roy Historical Soc* 1902. The High Court of Admiralty in Relation to National History, Commerce and the Colonisation of America A.D. 1550-1650

¹⁰ See Q46

¹¹ Prize in admiralty law refers to equipment, vehicles, vessels, and cargo captured during armed conflict. It would be made the subject of a prize case, an *in rem* proceeding in which the court determined the status of the property and the manner in which it was to be disposed of

¹² Kenneth McGuffie, Registrar, Admiralty Court (?1955-1972), author of "*British Shipping Laws, vol. 1 Admiralty Practice*". London: Stevens & Sons Ltd., 1964



little on it, and it was coming up for the centenary of the laws of Oléron¹³. He approached David who told him and the Pilgrim Trust that he couldn't possibly do it alone. He suggested to me that I might join in the project. So, that's how it arose.

They got a grant from the Pilgrim Trust. In the end we used relatively little of the Pilgrim Trust money because the facilities for getting the stuff out of the Public Records Office wasn't so much a question of money, as physical access of the things and mastering them.

I'm afraid it dragged on far, far too long. All David and myself can say is it was quite remote, unfortunately, from anything we were actually engaged in teaching or researching on in our ordinary work, either in college or in the university. I think both of us recognised that one had to wait until the end of term and then turn almost back to the files.

92. Professor Potter¹⁴ had originally been commissioned by the Selden to edit these materials, but he didn't do it?

That's right. Yes Potter had handed the job on to Albert Kiralfy¹⁵, who taught me at King's London, and he collected quite a lot of materials. He had to do it through the war period, so that he was working in even more difficult conditions with the Public Record Office at that stage and much of his work was more concerned on the Common Law side. He was very helpful, and handed over a lot of his material to us many years later. We went down to his house at Wimbledon, had a very pleasant day, but it wasn't really possible to conflate it with much of what we had collected.

In a way, David was the hero of that, if there is a hero, in that he did quite a lot of different parts, some of which got published, but some never did. There's the part about the Cinque Ports and Scottish Admiralty, all of which had their own little story, but all of which were really a fairly large demanding task in themselves.

In the seventies, we decided we would have to restrict what could possibly be published, and the most interesting side to a lawyer would be the jurisdictional side and the clash between the common law and the admiralty side. That could be very nicely brought out by comparing and looking at two works, Fleetwood and Hale. Admittedly, they are both common lawyers' works, rather than the civilian works, but the civilians didn't actually write anything quite as neatly compact as Hale and Fleetwood's. And Hale's writing on jurisdiction, the admiralty jurisdiction, is incredibly learned and it had attracted the attention of Reginald Marsden. He had constantly referred to it, and that's why we gravitated towards Hale.

Fleetwood came in, not quite as an afterthought. David had the happy idea that Hale [*on its own*] would give an entirely common law approach and rather anti-civilian approach, [*but with*] somebody [*Fleetwood*] who, although insisting on the supremacy of the common law, did have a feel for the sort of problems and thinking of civilian lawyers [*would give a more balanced approach*]. Both of us found, and what is very difficult both to explain and for others to understand, is the totally different mind-set and way of thinking and expressing

¹³ The Rolls of Oléron. First formal statement of maritime law in NW Europe, promulgated by Eleanor of Aquitaine circa 1160. 800th centenary thereof

¹⁴ See Q8

¹⁵ See Q11



themselves that the civilians had. So if you pick up a Common Law report, Coke's¹⁶ report source, Spelman¹⁷ reports, they may be inadequate, it's not a question of already having an acquaintance with what they say, but on almost any subject you can follow their reasoning, which is very much the common law, inductive reasoning. But both of us found it extraordinarily difficult, and we still do, and we're not the only ones, in really understanding the force of an argument as presented by a civilian - at the risk of bringing down the wrath of comparative lawyers and European Union lawyers.

It's a bit like the difficulties common lawyers have today in trying to understand judgments from the continent, where they go on and on and on. I'm not being rude about them, but a very long time, and then reach a conclusion which doesn't seem necessarily to follow logically. I'm not saying it's illogical, but somehow it comes to a conclusion which suggests almost that the processes of mind, the thinking, doesn't appear there. It's just this, and therefore that, and therefore something further - a whole lot of things are put out and then a conclusion is reached. I may be doing it a total injustice now, but there were a very large number and very clear what they say. They say about 20 points, and then the conclusion which can't be quite sure which of the points has really been effective.

I'm trying to explain that the common lawyer has that difficulty, and did in the sixteenth century because then it was a great deal more difficult because they were scattered across references without trying to explain them, simply because one civil lawyer would know what it would mean if you referred to a text in the Digest, or a Canon Law writer, or something, [*and*] it would just be almost [*that*] the reference was enough. You didn't have to go further - you didn't have to set out the text of it at all. It's remarkably difficult for common lawyers coming 500 or 400 years later.

Also as to civilian procedure, I have talked to Scottish lawyers, who are a sight closer to it, and they find it equally baffling to work out exactly how cases actually worked in the civil law courts. In Common Law courts we've got so used to, and know all about writs of arrest, and *capias ad respondendum*¹⁸ and pleading, but the procedures in the Admiralty Court were very different. Of course, that's why one had to give a good deal of attention to the whole concept of proceeding *in rem* and actions *in rem*.

93. How ironic that it has now come to the civil lawyers again through the EU? The wheel has come full circle after the Rolls of Oléron.

Oh, absolutely, yes. I'm not commenting adversely on the civil law approach or anything, but it was at that stage totally alien, not only to modern common lawyers who tended to look down their noses at anything over the sea, but also to most common law legal historians. They had been so concerned with common law, pleading the common law procedure and common law writings and judgments and their accounts of cases, that there were virtually no accounts of cases, because a [*civilian*] case didn't have any particular importance. What was important was the text to which the judge had referred in that case. It is extraordinarily difficult for common lawyers to get into the mind-set of a civilian at that time. That's why I'm quite relieved that I'm retired before I had to deal with European Law.

¹⁶ Sir Edward Coke, (1552-1634), Attorney-General for Elizabeth I, Chief Justice of the Common Pleas 1613-16 (James I)

¹⁷ Henry Spelman (c.1564-1641), writer on law, his dictionary: *Glossarium archaiologicum: continens latino-barbara, peregrina, obsoleta, & novatae significationis vocabula*. Second ed. London: apud Aliciam Ward, 1664. 35 cm

¹⁸ *capias ad respondendum* (you may capture him in order for him to reply)



94. One of the reviewers, Wiswall¹⁹ tells of the great excitement when you uncovered, in 1966, the Admiralty bill indicting Henry Hudson's crew from mutiny. That must have been quite a moment.

Oh, yes, Frank was my pupil. Yes, I found that one actually, I think there is a Xerox copy somewhere in the Squire Law Library bowel, of the actual indictment, not of Henry Hudson, but of the prisoners. It's in the oyer and terminer records from James I. It's one of the HCA records.

Frank was one of my really quite outstanding research students. He came over because he had been an American maritime lawyer, and admiralty jurisdiction in America has always had a rather special place that it lost in this country because it is federal jurisdiction²⁰. So, they've had the same problem of federal jurisdiction and state jurisdiction and, therefore, many of the problems that we had in the seventeenth century. American maritime lawyers are much more aware of it - federal [law]. They've always had this notion of the Admiralty Court of America being almost the guardian of the seamen, as opposed to the officers and it always had that, sort of, charitable notion.

It's always been a big subject in America, and Frank came over to do history and did a remarkably good PhD. Clive Parry²¹ was appointed the examiner and Clive, of course, was quite a ferocious examiner. I remember his telling me he gave a rave review of it for the Faculty Board. I was on Degree Committee at the time and it said this has been a most enjoyable task, whereas reading most PhD's is torture. And so he got the Whewell Prize as well, and his book was published. In fact, I'm very sure I don't agree with him about the origins of the action in rem, as he was only concerned with the eighteenth/ nineteenth century, [whereas] David and myself were largely concerned with the sixteenth century. There are three centuries between.

95. Something else that he [Wiswall] mentioned in his review - he gave a very colourful account of Kenneth McGuffie, who apparently kept champagne in his hospital room during his last days. He, of course, gave very generous support to the project? Did you meet him?

Yes, one always feels sad that he died before we could even get out the Selden Society volume, because he had been terribly anxious: "I see a grand, great history of the Court of Admiralty". For a long time, we tried to do that and produce an account of the history of the court, but that proved far too difficult - just too vast a project for just two persons. We hadn't got any research assistants to undertake [the work], and also it was down in London and one was just coming backwards and forwards and backwards and forwards. It's not at all easy. We concentrated, as I said in the Preface, in the end that, to get something out.

96. A further development, Mr Prichard, of your maritime interest was your Dalhousie Law Journal paper²².

¹⁹ Frank L Wiswall, Jr, PhD, Maritime lawyer. 1970, *The Development of Admiralty Jurisdiction Since 1800*

²⁰ For US position, see: <http://www.mcgill.ca/maritimelaw/comparative/marlawmix/>

²¹ See Q56

²² Prichard, M. J. 1984. Crime at sea: admiralty sessions and the background to later colonial jurisdiction. *Dalhousie Law Journal* (Dalhousie-Berkeley Lectures on Legal History) (Great Britain) (transcript)



I was asked to do something quite different on provinces in Canada, but I told them that I was quite incompetent to do that, but if they wanted something which was a contribution to knowledge, I would much prefer to tell them a little bit about extraterritorial criminal jurisdiction.

97. So this was for a much wider audience, though, than the Selden Society?

Well, slightly more though it was still very much directed towards lawyers who were concerned with extraterritorial jurisdiction, and particularly maritime extraterritorial jurisdiction. So it became of some interest to people in places like Australia, who were just beginning to be concerned with jurisdiction in respect of offshore oil drilling and the rest. The whole business of what might be called colonial extraterritorial jurisdiction, which is really quite important. It used to trouble the Australian courts and they enjoyed that [*the paper*] but, unfortunately, at Dalhousie library there was an awful fire [1985] and I think all the copies of it disappeared. They were burned. I've never had a copy myself, believe it or not.

98. Thankfully it's available from HeinOnline. It's certainly a very informative piece.

I'm sure it is now, yes - but I remember I never actually saw it.

Justice Bruce McPherson²³ said he began to understand it is a problem. It [*the paper*] stemmed from, not just the jurisdiction, but when I was dealing (in the fifties), with the Army Act and offences abroad, as well as fascinating talks I used to have with Glanville Williams²⁴. He was concerned with the territorial extent of criminal law, because, [*in addition*] to the jurisdictional problem, there's also the concept of how far is it an offence. This is not just who could try it, but is it an offence for somebody on a ship under a British flag, to do this or that?

I was reminded of all the fuss and agony of all that subject throughout the centuries, it was a very long [*running problem*]. It's affected not just things like piracy, murder or theft at sea, but also things like smuggling, which might be more considered revenue offences. I occasionally think of it today when we have this problem of extraditing people who may have been acting in this country - not technically breaking English law, but because it has repercussions over the Internet or wherever it is, in, say, constitutes an offence in the United States and the whole problem of extradition. You can just see what we're getting into here. Like who should try a Briton for some sort of offence committed on the River Tagus, - [*that was one*] I had to dig out for Glanville Williams.

99. Your earliest paper, which I managed to find, was published when you were 27 years old, and that was your Army Act and murder abroad which you've alluded to. Were you interested in military law and, later, the admiralty?

I had no particular interest in military law until the *Cambridge Law Journal* wanted an article done on Sergeant Page, who had been arrested for an offence in Egypt after the Second World War and who should try him²⁵. If a British military court had tried him, what

²³ Bruce Harvey McPherson (b. 1936), Australian Court of Appeal (1991-2006). Born in South Africa, graduated from Cambridge in 1959 before moving to Brisbane

²⁴ See Q11

²⁵ Prichard, M. J. 1954. The Army Act and Murder Abroad *CLJ* 1954 vol. 12 p 232. Page was not the first British soldier to "murder" a foreigner on foreign soil, nor was he the first to be tried and convicted by a court-martial for so doing. He was, however, the first to take advantage of the passing of the Courts-Martial (Appeals)



law did they apply? Is it the ordinary criminal law? *Page* had to deal with that subject. They wanted Garth Moore²⁶ to write a note and Garth said “Oh, no” He couldn’t take this one on - it was too wide. I forget who was the editor of the *Cambridge Law Journal* at that stage, but they asked me to do it. It was supposed to be a case note but, as so often with things, as soon as I dug into it, the case note turned into being an article. But that started me - I was getting interested.

I didn’t take it further because I am not an international lawyer: that is the one subject we were never taught at London - it’s been a closed book. What David and myself did on admiralty would have been better if both of us had been international lawyers, because much of the work on admiralty jurisdiction appears in American international law journals. There’s a vast amount more in American international law journals than any English work on the history of the admiralty.

100. But your early work, seemed to me, to be the beginnings of your later interest in jurisdiction?

Yes, it was, but, it was slightly accidental in both cases. The one is that the *Cambridge Law Journal* wanted me to write on *R v Page* and if that hadn’t come before the courts at that time, I don’t think I would possibly have given any thought to it. I’m a bit too easily distracted by these things.

With the admiralty jurisdiction, I know it sounds mad, but admiralties in criminal jurisdiction was ACA1, and it was the first set of files. Having got down there, it was very difficult to leave them. It would take a long time to work through. I read most of the trials between 1735 and 48, and there’s an enormous number about where the little ports of the Zuider Zee in Holland, because their little trading boats tended to be the ones out of Monnickendam, Volendam and places like that, tended to be particularly subject to pirates in the channel for some reason. I can remember trying to work out exactly where Monnickendam and Volendam were in the Zuider Zee because the owners of those ships who said they’d been raided by English pirates in the Channel, and the English will try them.

101. You’ve also shown a great interest in tort, specifically the whole problem of getting the action correct and the evolution of the notion of negligence.

Again, the work which, in retrospect, I will be proudest of, well not proudest of, that’s the wrong word, but glad to have done. It’s one it grew out of discussion in the tea room in the Law Faculty with Glanville Williams. He was just commenting that he’d been reading a case in the nineteenth century, that was very interesting to show that there were a number of different causes of action pleaded. It got me on to say why was it that they chose to plead in this one way, and then in a totally different way for a second plea, all in the same case? Not so much what the intellectual reasoning behind it was, but what was the practical reason for doing this?

That’s what really got me interested in the action on the case and why. The big problem at that stage was that Winfield had said years and years ago, even before the war that there was a great problem - why should plaintiffs choose to sue in negligence and accept a burden of proof when, if they had sued in trespass, they wouldn’t have the burden of proof?

Act, 1951, upon such a conviction. His case thus provided at last an authoritative ruling on a point which had previously been the silent responsibility of the Judge Advocate General, namely, whether such a killing could indeed be murder within the meaning of section 41 of the Army Act, 1881

²⁶ Reverend E Garth Moore DCL (1906-1990) Corpus Christi, canon law, Chairman legal advisory commission to Church of England



And yet they did. , and yet in fact, they came almost totally to sue in negligence and not in trespass. In other words, they choose the action on the case.

The bright idea came from [*Glanville Williams*], but I took it on to find the that they chose the, apparently, more difficult task of bringing an action of negligence, which is an action of case, but which requires a burden of proof which is much heavier than trespass, which was the obvious way. I think I was able to produce the solution, but I'm not blowing my trumpet. I remember Toby Milsom said how enormously he enjoyed the diagram, as I put it. I think it was about the only diagram that appears in the *Cambridge Law Journal*, the four quadrants, and what the advantage was to the plaintiff in taking two quadrants, rather than the other two. He did me the compliment of saying, many years later, that he used to enjoy reproducing this in his class in London.

102. That is very interesting.

Legal history, but that, of course is much later. That's eighteenth century. That led me to become more and more convinced that Glanville Williams had been right when many years before, he had said that, contrary to Winfield²⁷ (who believed that the action on the case for negligence was a nineteenth century phenomenon, which he associated with the introductions of trains that would run down anything from cabinet ministers to wandering cows) Glanville had drawn attention to *Mitchil v Alestree* in the seventeenth century [1676]²⁸. [Although] it was in the seventeenth century rather little had been reported, but if one looked at the books of pleadings, (which people hadn't), clearly there's much more evidence.

Since then John Baker's²⁹ taken the whole idea much further, and dug out so much more from the records on the action on the case. I'm not claiming priority, [but] I was there first in that sense, [although] merely, if you like, in the chain, with Glanville starting [it].

103. Professor Kiralfy³⁰ did his PhD in 1936 on this topic, and Professor Baker has recently referred to it, to this paper in 1996. So perhaps your time at King's.....?

Oh, yes, Potter was always very emphatic about the forms of action. They were very much the thing as a result of Maitland's famous lecture on the forms of action³¹. There's a good deal in Kiralfy, but he was slightly unfortunate, [in that] he had done all his work before the war when there was a dominant theory still being projected.

This had grown up in the Common Law ever since the time of Coke etc, on the notion of relations between action on the case, and action of trespass and things and the idea of, in like cases, one's an extension of the other. He was still living in that [era] and doing all his

²⁷ See Q25

²⁸ (1762) 1 Vent 295: 86 ER 190

²⁹ See Q55

³⁰ See Q11. His PhD thesis was "The Action on the Case" started 1936. See J.H. Baker, "Kiralfy's The Action on the Case" *Journal of Legal History* 16, 1995, p. 231

³¹ See F. W. Maitland: *The Forms of Action at Common Law*, 1909 at:

<http://www.fordham.edu/halsall/basis/maitland-formsofaction.asp>

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work as a young student he was still dominated by the views of people like Holdsworth³² and Winfield.

I remember when I came here that the blinding flash of the obvious, a phrase that Toby Milsom³³ liked, and that I got with Toby's re-interpretation of what was meant by action on the case, has had a slightly new approach to the whole subject of what do we mean by an action on the case. That [*has been*] enormously elaborated by John Baker. So, Albert's work on action on the case is valuable for the information, but it's a pity that it was presented before the new light on it, because it would have been seen in a slightly different light.

But [*he did*] an enormous amount of work on action on the case as a student. On top of that, there was the enormous amount of work [*he did*] on the admiralty jurisdiction. That was never published, though I'm sure that we give him due credit in that volume. It's interesting for somebody like myself [*who*] builds up a corpus of information, but sometimes when you go back to the earlier stuff, you're hunting for information and you look at it in a totally new light. This makes it much more difficult to make deductions from the earlier stuff. I can't explain it very clearly. [*In the case of*] of negligence, Albert Kiralfy was still very much dominated by the Winfield idea that negligence, as an action on the case, is an off-shoot of trespass, which developed predominantly in the nineteenth century. But he was aware of some of those early cases. When I came to look at it, I had the hindsight and enormous help of having both Glanville Williams' views about it, and also the totally new light that Toby Milsom had been casting on it since the 1950's.

There's almost been a revolution in the approach to legal history by what I call the legal historians who are lawyers. A transformation since Toby's early stuff on action on the case - his three articles on action on the case. There are other sides to a purely historian approach to the Middle Ages. Then, of course, on top of that, John Baker goes on and never stops producing materials at a slightly later stage. It's been fun to be alive at the same time as all three of them, Glanville, Toby and John - and David too. We've been very lucky in Cambridge with legal history in that sense.

104. Mr Prichard, before we move to your later project, could we just come back to the biographical compilation that you did with J B Skemp³⁴?

That's really a totally different [*story*] - it was really very mechanical. It was not an intellectual process of law, [*but*] it was an enormous amount of work, a colossal amount.

105. With no computers - how did you actually manage?

The colleges always had card indexes. It was really a question of checking them, and following it up. It was just a very long hard slog. Computers were only just starting, but it convinced me that the college records would have to be computerised. Having done that as Senior Tutor then I got appointed Chairman of the Examiners and I couldn't resist (as I should have) computerising the Tripos. It's a totally different process, as I think I mentioned that last time. Previously you just had enough ladies writing things down, taking hours and days and days and days.

106. How did you meet Skemp?

Skemp had done most of the work, and all the Introductions are his. He was a former

³² See Q83

³³ See Q17

³⁴ Joseph Bright Skemp (1910-1992), Professor of Greek Durham University (1950-73)



Fellow of the college. He was a classicist living in Cambridge, and the college just asked him, as an ex-Fellow, to undertake that biographical history. He did it with the assistance of the staff. The trouble was, while he was doing what might be called the history and intellectual work of writing the introductions, the compilation of the cards and the material went sadly wrong.

I wasn't concerned, but one of the Fellows, Len Sealy, reported to the Council that really it wasn't good enough. The factual information was only half. I'd just become President of the college and Vice Master and I got dragged into taking it on. Skemp was very happy - he realised he hadn't got the control over the staff, but I had the authority, being Vice Master. But I wasn't a tutor or senior tutor. I wasn't in charge and didn't deploy the tutorial office staff (and it was a very large tutorial office staff who dealt with junior members' records). I just had to settle down and do it myself, with the family. Actually, my children helped, even though they were about 13 or 14. They would come in and check through. It was a slogging job, I must say.

107. Did you play any role in maintaining these records after 1978?

Oh, yes, certainly, because a couple of years later, I became Senior Tutor, after being President. You might say I switched downwards because they needed a Senior Tutor and they needed complete re-organisation. Because I'd taken over the idea of computerising the records, I had the job for the next ten years of checking that they were all right, as it were. They've been computerised ever since and, from that it spread to having to take over the tripos examining.

108. Mr Prichard, your time as Editor of the *Cambridge Law Journal*. Do you have any memories of that? Were you ever in a position where authors were perhaps a bit miffed because you turned down their articles?

That was much later - just after I retired [1995].

Well, if they did, I didn't really get the impression that they were miffed. You have to turn people down, and I think one or two were a bit upset. But I found a lot of gratitude to the Editor for trying to help people when publishing. One does the technique of gently suggesting to somebody that a particular paragraph or sentence might be a little bit more clearly expressed and it takes a bit of tact. Sometimes one's successful and sometimes not. And I was gently pointing out to some people that they have made a slight error, that Strasbourg is spelt a little differently. That's all right, but if they're fairly senior judiciary, then it's a bit more tactful. But they took it all in good part. It was actually very enjoyable. I enjoyed being Editor of the *Cambridge Law Journal* very much.

[LMD: This point to Q110. *Readers should note that Mr Prichard, when referring to the switch from Eastern Press to Cambridge University Press, is talking of a period ~30 years before he became Editor- 1966/67. Professor Hamson was Editor at that time*]

I have to say that it was, again just like the biographical history, going a bit haywire from the printing and publication point of view and having it taken over, the Cambridge Law Journal suffered badly. Well, no, the wrong word. The Journal didn't suffer, but it was an enormous amount of work when the Eastern Press, who had done it since the twenties - one could rely upon them, they were the great academic publishers of journals- got taken over by one of the newspaper type printing authorities. I forget which one it was [*Wembley Press*]. One of the big conglomerates.

They, effectively, ran down very quickly, the whole of the Reading Printing Press. Reading had been this printing area. It had all been done there, and I can vividly remember



how different it was. The early issues, the very early issues, one could be a proper Editor, concerning oneself purely with the intellectual content of the material, and you could leave it to the press to set it up on the right page. They would technically point out if something seemed to be slightly wrong. I've forgotten the name of the man - he was an absolute treasure - he was the old style printer compositor and checker. They just simply shut the Eastern Press down, and outsourced this to little firms in Wiltshire and Somerset and places like this, and it was extraordinarily difficult. In the end, this one fell on David. We decided the university press must have a go and it got handed over there. So, it's all done there now - printed by the university press. But, if you go back and look at the *Cambridge Law Journal*, for many, many years it was printed by the Eastern Press.

109. Very interesting.

Printing was quite remarkable - they did much more than just print. They really did set it up. You didn't have to bother, for instance, to set it up properly. You would rely upon their getting the contents properly ordered and putting the page numbers in after they'd been from galley proof to page proof stage. All that was done.

The transformation from when it was then done straight to no galleys, straight page proofs and changing them around, was pretty horrific. I got a lot of help from the staff of the Faculty, but that was a frustrating side of the work. The editing side was very enjoyable. I got to know, or rather, made contact with people without actually meeting them and became quite friendly with a number of people who sent in submissions and corresponded with them. In those days, it was more correspondence than telephone, and I had some very enjoyable correspondence with various people, some of whom, they didn't let on at the time. One didn't let on. I would go into the names, but one didn't let on that she was, in fact, the [wife] of an ex-student of mine in Caius. I had known her under her married name. I got this letter from somebody in their maiden name, and I enjoyed it [*the paper*], I liked it and I took it and I made some suggestions and they were gratefully accepted. It's only years later that I found out she was the same person I knew in a totally different name.

110. So, she published under her maiden name?

Under her maiden name at another university. But she was the wife of a student who I'd known for years, and who was himself an academic. I just simply did not know when I got this lady. There are quite a lot like that.

Again, just as there had been an earlier transformation with the introduction of the computer, so with the *CLJ*, I remember very clearly the total change of tempo with email, because towards the later years, email had come in. Whereas previously all submissions, and therefore corrected proofs went back by boat or by air mail - physical copy - and with so many of the contributors seemed to live in New Zealand or Australia it was quite difficult [*knowing*] whether you [*would get*] them back in time and relying [*on the post*], I remember what a remarkable change it was with email. People like Brian Coote³⁵ and Jim Evans³⁶ would send me things from New Zealand. Previously one had to wait three weeks or more.

It would come over email and you would print it out, and, of course, you could immediately send it on by email to anybody to correct and they'd send back the corrected one. It made life a very different tempo. It didn't change the style of the work, but it changed totally the tempo of the thing. A bit like the change in tempo in the tripos examining

³⁵ Formerly, Faculty of Law, University of Auckland

³⁶ Jim Evans, Professor, Faculty of Law, University of Auckland



by introducing computers.

I enjoyed the Cambridge Law Journal - it was quite a lot of re-organisation up here [on the *Sidgwick site*], because Colin [Turpin]³⁷ had done it all from his rooms in Clare. I brought it over here, because the Faculty was coming over, and this was the obvious place for it, and that coincided, more or less, with the collapse of the Eastern Press, which meant that one had to keep rather more stuff here and do far more work producing and preparing it. We couldn't just send him an article. You had to get it into a file and send the disk as well. Sending the disks by post and things. I enjoyed working down there and it's always been a pleasure to work in the Squire Law Library. There're always people about that you can weep on their shoulder and nab them when you want something special.

Of course, there was always Kurt [Lipstein]³⁸ of course, I could always tackle him when any particular article referred to some sort of abstruse continental case, or something like this. I'd toddle along and see him and ask him was this kosher and correct and was the reference correct?

111. And always delighted to help.

Of course, you could be sure he was here every day. I would cycle over every day virtually.

112. Mr Prichard. You retired, of course, in 1995 and then you embarked upon your fascinating Waterhouse Gate project?

Ah, no, that was later. I was dragged back into Chambers first - was asked by an ex-pupil, who is now one of the leading QC's in that set of Chambers for Stone Buildings, whether I would come back to become a member of Chambers for the purpose of being able to participate in a particular case.

113. Which was?

Because I did mineral rights. The case had been rumbling on for centuries on mineral rights in North Wales and turned very largely upon the meaning of a particular sentence, or a couple of sentences, in a grant in 1635. I might have gone in as an expert witness but they were anxious to have somebody who would be able to sit in Chambers and talk and discuss. As I'd been a pupil in those Chambers, I went back as a door tenant. That went on four or five years.

That might seem to be dragging the case on, but since it had been going on for about four centuries, it wasn't too bad that it was just four years or so. It was settled soon after I came back and I couldn't do it anymore - luckily we had got to the settlement stage.

Then I had a fairly mild stroke in 2001, just as I'd taken on the *Cambridge Law Journal*. I was doing the Cambridge Law Journal and also going down to the case at the same time. That, effectively, stopped me going to London. So, there was no question of being able to do anything more. They didn't need me anyhow, because it was settled by that time.

114. What was the case name, Mr Prichard?

Well I really can't say at the moment what it was, but it never came to court. It was [to do with] the Crown and it concerned the Lordship of Bromfield and Yale, in North

³⁷ See Q38

³⁸ See Q14



Wales³⁹. But mining rights. It was fascinating, and we needed help in the end, because John Baker was then dragged in on the other side - so, we would be going down on the other sides to fight each other. It never went to court. It only got to arbitration, before Mr Lord Justice Slade⁴⁰, who is retired. It was the ex-Lord Justice Slade who impressed me enormously with his control. There was a large number of Slades, but that one impressed me very much. We called in David Yale (who, by that time had gone to live in North Wales), for his help which proved remarkably apt because of the connection between Bromfield and Yale. It's the March of the Lordship of Bromfield and Yale.

There are the Border Marches all the way down the Welsh - English [*border*]. And Yale is his family name - they used to live in this area and had moved to Snowdonia a century ago. It gave him and Elizabeth great pleasure. Dorothy and I went up to stay with him. We had an outing and we went back to see the old house in Yale, but the real thing was to look at the great big map which the plaintiff's family had kept since the middle of the eighteenth century - an enormous great map of the area showing all the coal deposits and things. Also up there was the house, the mansion of Yale

That, again, was enormous fun, but it was enormously tiring because it took one down to London and back every day - [*having to*] fight for a place on the train. But it was great fun, and it revived memories of a very enjoyable year under John Brunyate⁴¹ when I was a pupil in the fifties. It was slightly amusing to go back as a tenant to Chambers, approximately 45 years after being there. They'd all gone, of course, and changed - there was nobody left, but they knew the people I'd known.

115. Mr Prichard, did you remember the name of the arbitration tribunal?

Oh, no, it wasn't a tribunal. It was just agreed that they went before arbitrators between us. It wasn't a formal arbitration. It was just under the Arbitration Act that the two parties felt that they would prefer to go before an arbitrator rather than a judge. I remember being told that the great thing about arbitration wasn't that it was cheaper. It wasn't that it was swifter. It wasn't for any of the usual advantages of arbitration, that are usually put on paper as the reasons for going to arbitration. It was none of those. The real reason why one always went to arbitration was to choose the judge. Both parties could choose a judge who was really competent in the subject.

I'm not saying you choose your judge, in the sense of bias, or anything like this, but that you knew that this one, for instance, required a real ability to understand documents in sixteenth and seventeenth century Latin. We had an enormous advantage of having somebody who had not only been a judge of the Court of Appeal, but had also been a very, very good classical scholar. So, he was at home straight away reading all these documents. We just sat, not in a court of arbitration, but just in an arbitration. The parties hired a room in Middle Temple - the Middle Temple had various arbitration rooms. It was the nearest I really got to

³⁹ Denbighshire.

<http://www.nationalarchives.gov.uk/catalogue/displaycataloguedetails.asp?CATID=4214566&CATLN=6&accessmethod=5&j=1>

Mineral rights: Lead & Zinc - http://www.chesterarchaeolsoc.org.uk/WilliamsCJ&WilliamsRA2012_1.pdf

"To the south-west, across the county boundary in Denbighshire, the mineral rights of the lordship of Bromfield and Yale had belonged to the Grosvenors of Eaton Hall in Cheshire since 1601" from Welsh Journals Online, *Flintshire Historical Society journal*, The lead mines of the Alyn valley, 29 1979-1980

⁴⁰ Rt Hon. Sir Christopher John Slade, (b. 1927) Lord Justice of Appeal (1982-91)

⁴¹ See Q26



court.

I never actually had to appear before their Lordships. I had been in the court in the fifties, but this was just going back. But that took me through before the *Cambridge Law Journal*. Then there was the *Cambridge Law Journal*, and I'm afraid, since then, I've been entirely preoccupied with college and college history and [other] matters. The first one was the Gate.

116. A fascinating piece of detective work.

Yes, it was detective work. One of my pupils said that I really ought to have made my fortune on my legal history book by writing detective novels. It was a long job because it took months for things to dawn. It was the same sort of work as legal history. What was in the mind of the person who did this? Not so much the effect of it, but what was in the mind? It was Toby Milsom's technique of saying what is it that caused the plaintiff to put it this way or that way?

117. Not what was said, but what was not said.

Well, yes. That and just finding the thing and then finding that as late as 1937 something happened. Nobody in college had the slightest inkling about it by [that] time. Nobody mentioned the fact that there'd been an iron gate there. It had just disappeared from everybody's memory, and that was only 15 years before that it had gone. There was the war, and yet there were still Fellows who must have been there and known exactly what had happened. But they never mentioned it, and by the time we had to think about it, Fellows of the college were merely trying to find some way where it would be suitable to put up a memorial to Francis Crick⁴², who was a Member of the college.

Since we would not be allowed to put up a plaque on the outside of any of our buildings, or indeed on the inside, how else do we commemorate Crick? I had the idea that that gateway, that crypt almost, would have been right, if only it wasn't such a dark and gloomy place. It was a dreadful place. It was just like a coal hole. I became more and more convinced that if we got rid of, what I call the tympanum above the gate, that's the semi-circular arc, that that would throw light onto the place. Looking at it from here [referring to a photograph], you could never see that. It was just black, dark. That led me on to asking could Waterhouse⁴³ really have intended to make it quite so dark and gloomy? Bit by bit the penny dropped that no, he must have put in a metal gate and one just assumed the metal gate had gone or, [perhaps] it had never been put up, and there were arguments.

I was trying to persuade the Fellows on going back and looking at the Francis Frith⁴⁴ collection of photographs. I mentioned that simply because I see it's on the BBC⁴⁵. It's giving a programme on these early photographs which this chap took when railway trains came in and became a popular form of travel in the eighteen eighties. He had a bright idea of

⁴² Francis Harry Compton Crick, (1916-2004). Co-discoverer with James Watson of the structure of DNA (February 1953), J.W. Kieckhefer Distinguished Research Professor at the Salk Institute for Biological Studies in La Jolla, California

⁴³ Alfred Waterhouse (1830-1905), architect. Designed Natural History Museum, Manchester Town Hall, Lime Street Station Liverpool, work at Balliol College Oxford. Work at Jesus, Trinity, Pembroke and Girton. 1867 designed the New College Buildings for Gonville & Caius, including the Great Gate and wrought iron gates

⁴⁴ Francis Frith (1822-1898), pioneer photographer

⁴⁵ BBC "Britain's First Photo Album", with John Sergeant, http://www.bbc.co.uk/pressoffice/pressreleases/stories/2011/08_august/25/photo.shtml



going round to every town in England and taking photographs of it, and then selling the photographs, of course, to people who had come to visit the place, seaside towns and the rest.

So the Frith collection is still an on-going concern with the most enormous collection of photographs from the eighteen eighties, eighteen nineties. They're almost in every city in England. In any book you pick up, you'll almost certainly find that the photograph comes from there, just like picture postcards of the sea - you know "Having a wonderful time at the sea"! Most of those, if they weren't jokey cartoons, were pictures of the place that would have almost certainly been taken by Frith. I remember being put onto those, and sorting through and trying to see whether there were any pictures of the great gate [*at the entrance to Gonville & Caius*], and finally finding there definitely were. The next problem was what happened to the gate and when was it removed? But it's all in the book. It took a long time.

118. Mr Prichard, what form did the memorial to Crick eventually take?

It hasn't taken anything yet, but I think there will be something there. I'm sure there will be something there for Crick - once I'd lightened it up by putting the iron gate back, they're now all enthusiastic for using it for Crick, whereas previously they poo-pooed it.

119. I see. There is a plaque to you, though?

Yes they insisted on putting up one there - I won't say over my dead body, but I was not enthusiastic about it at all, but there was just one against 110 Fellows. I managed to persuade the other 109 or 110, or whatever it may be, to put back the iron gate when I found it, I didn't take on persuading them not to put up the plaque. It's only a little thing.

120. I hope you will be able to show me that plaque. I would love to see it.

Well, at some stage, yes - come and have a look at it, by all means.

121. Thank you.

At the moment, they're re-painting the gate over that last couple of days. It's a little fun thing, the plaque, which amuses my grandchildren. They insist on photographs, and the rest.

122. Returning briefly to Crick. When he discovered the DNA structure in 1953, do you remember that occasion?

Oh, yes. He wasn't a Fellow of the college, but he was a research student of the college. What I might call a very senior research student of the college, in the sense that he was much older. He was in his thirties. He had been a clear, very bright scientist before the war. He had then been on admiralty scientific work during the war, and he had come back and been accepted as a research student to work in the Cavendish laboratory under Bragg⁴⁶ who was the Cavendish professor. The subject he was working on from that point of view was not what really interested him, which was of course DNA. The structure was much more a question of crystallography and he wandered off crystallography onto what might we'd call biology.

Although he was a research student, he was of a sufficient eminence at that age that we made him a member of the room. He would come in and dine fairly frequently.

123. Do you remember him? I read that he had a very infectious and reverberating laugh?

⁴⁶ Professor Sir William Lawrence Bragg, (1890-1971), Nobel Laureate, Director, Cavendish Laboratory



Oh, absolutely, yes. Always very lively. No, it was always fun to be dining the same night as Crick. Great fun. He was a good chap, very lively, very friendly. That sense about when you say infectious laugh, yes.

124. Was there a special celebration when he was awarded the Nobel Prize in 1962⁴⁷?

I think, at that stage, he'd become a Fellow of Churchill, hadn't he? We didn't have anything very special for him, because he had already, if you like, been poached by Churchill - he was a Fellow there. He was still a member of High Table and, in the course of time, we made him an honorary Fellow. Churchill College had just been set up and he was one of their Fellows. I suppose in those days you didn't really give a special dinner or celebration for a Fellow of a college - not anti the other college. That was their privilege, and one didn't try and poach it from them. But he remained a Member and we made him an Honorary Fellow soon afterwards.

125. So, it was someone you saw quite a bit of during this time?

Oh, yes. Much more before he went to Churchill. We delayed making him an Honorary Fellow because he was a Fellow of Churchill. He was a bit embarrassed at that stage, because he was just about to resign his Fellowship at Churchill, which he did in protest against their building a chapel there. So, he was a bit embarrassed, [*but also*] a bit hesitant about accepting an Honorary Fellowship from us, but he did, I'm glad to say.

He remained a very welcome visitor whenever he came back, which he did from time to time. Posthumously he is responsible for two and a half years work [*for our*] wish to celebrate him. There's no great rush now to get it up for him because it won't be until the centenary of his birth. I think it will be 2017 [*in fact, 2016*], so we've still got some years to go, but at least there is a place there now, provided they don't mess up Waterhouse's work too much. I've always thought it's an admirable place to put plaques of some sort to people, because they can be seen from the outside. [*But*] I'm staying clear of that - I'm not on the committee. Most of them are biologists and people on the MRC and medics, but they're well advanced with what they're going to do and I think it will cause quite a stir among the public. One would like to put up something outside saying we are Crick College, not Clare - because Clare is associated with Watson⁴⁸, it's rather overshadowed [*us*]. We're all intensely proud of Crick and his work.

126. Mr Prichard, what of your other projects in retirement?

At the moment, one is rather overwhelming me. This is the quincentenary of John Caius⁴⁹ birth in 1510, which of course came up in 2010. We were starting to ask ourselves what various things we should undertake to celebrate this. One of the suggestions was that the statutes that John Caius had given to the college, when he re-founded it in September 1557, and which he finally edited in 1573 had never been really properly been edited or printed. Although versions were printed in the Royal Commission of the 1850's, they've never been translated and one of our Fellows, an ancient historian, suggested it would be an admirable thing if we just did a little translation of the statutes.

⁴⁷ Jointly with James Watson and Maurice Wilkins for Physiology and Medicine. See http://www.nobelprize.org/nobel_prizes/medicine/laureates/1962/index.html

⁴⁸ James Dewey Watson, (b. 1928) co-discoverer of the structure of DNA with Francis Crick. Director of Cold Spring Harbor Laboratory, Long Island (1968-2007)

⁴⁹ John Caius, (1510-1573), physician, second founder of Gonville & Caius College



The Fellows were very happy with that and they said, well who's going to do it? The historian said he was too busy and we turned, of course, to Christopher Brooke⁵⁰. But the great historian was also were busy. The other classicist, the Dean, she was also busy. I made the foolish mistake of saying, while I wasn't very competent and they were, because I was neither an ordinary social historian nor a classicist, and certainly knew very little about the history of the college, I had been acquiring a good deal of facility with looking at sixteenth and seventeenth century Latin. Also had done Latin documents, Tudor documents, and Stuart documents, because I'd been doing so down to London for the arbitration [*of the Bromfield and Yale case*], a few years earlier. I said I will try and produce a rough draft and then somebody more competent can take it on.

Well, what's happened is, I've been left with the whole thing. I'm not grumbling, but they're more than happy to leave it, but it's proving quite a job to produce an edition both in Latin and also a translation. Although I was there just to translate, it was a fairly complex Latin style that I found I have to edit. It's pretty good, the printed text, but there are mistakes and you have to watch out for these pitfalls. Frankly, it's been keeping me hopelessly busy for the last two and a half years, mainly because those statutes are particularly interesting, just from a collegiate Cambridge point of view.

I know it's very parochial, but they are rather a unique statutes, because they were given by a founder who had himself been a Fellow of the college and knew, therefore, what he was talking about. Whereas for instance, Henry VIII had founded Trinity and may have founded one of the other colleges and yet another one, and so on. So, the founders hadn't been, as it were, experts. That was not the case with Caius and his statutes. [*They*], therefore, are very much fuller on many things than other statutes of other colleges in the sixteenth century.

Moreover, they came at a time when there was just starting to be rampant inflation, and he was acutely aware of the fact that his predecessors in the college had rather mis-managed the funds of the college. The college that he remembered, no doubt over rosily in his mind, was from just before the dissolution of the monasteries when he had been a Fellow. When he came back, he was horrified to find that most of the funds had disappeared, so that his statutes are far more detailed upon how to manage college possessions, which, of course, were all land. [*They are*] far more detailed than any other Cambridge or Oxford college, quite remarkable.

They had very precise statutory instructions about what terms must be imposed upon the sees of land, so that I found myself having to call upon my memory of the history of English Land Law in a quite remarkable fashion. In particular much of it was concerned with what was already dead learning when I started, which was all on copyhold⁵¹, which had gone in 1925 [1922]. There's a remarkable amount on land.

⁵⁰ Christopher Nugent Lawrence Brooke, MA, Litt.D, CBE, FBA (b. 1927-) , mediaeval historian, Dixie Professor Emeritus of Ecclesiastical History. Taught at Gonville & Caius 1977-94. See Christopher Brooke, *A History of Gonville and Caius College*, 1985, The Boydell Press, Woodbridge

⁵¹ Copyhold tenure was tenure of land according to the custom of the manor, the "title deeds" being a copy of the record of the manorial court. The privileges granted to each tenant, and the exact services he was to render to the Lord of the Manor in return for them, were described in a book kept by the Steward, who gave a copy of the same to the tenant; copyholders in contrast to freeholders. Copyholds were gradually enfranchised (turned into ordinary holdings of land – either freehold or 999-year leasehold) as a result of the Copyhold Acts during the 19th century. Law of Property Act 1922 extinguished them.

<http://www.legislation.gov.uk/ukpga/Geo5/12-13/16/contents>

Law of Property Act 1922. An Act to assimilate and amend the law of real and personal estate, to abolish copyhold and other special tenures



That's kept me hopelessly busy ever since. I've done the translation and the text, but writing commentary on this has involved trying to understand what remains of the records of the college, particularly the financial ones. So I'm, at the moment, again having to tell them that I was no classicist and no social historian. I now find, to my horror, that equally I'm no economic historian and, therefore, having to work out corn rents, for instance, and the prices of corn. It's not important, but it affected very greatly the standing of Fellows and the financial position of Fellows and students in the college at that time. So it's of relevance, but it's all completely new learning [*for me*] - economic history is a completely closed book to me, like so many other books. But that's on-going at the moment.

It really is taking far too much of my time and too many other things are having to be put aside and falling behind. At least it keeps me active, I suppose, and keeps me going into the college archives most days of the week, but not for long. I have to be at home much of the time. So, I shall get back to them, when I leave you.

127. Well, Mr Prichard, all that remains is for me to thank you so much for these fascinating accounts, for which I'm extremely grateful. I know that they will be of great interest to our readers. Thank you so much.

All right, well, there we are. Back to it.

