

**Conversations with Professor Sir John Hamilton Baker**  
**Part 1: Early Life and Career**

by  
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*This is an interview with the twenty-fifth personality for the Eminent Scholars Archive. Professor Sir John Baker is Emeritus Downing Professor of the Laws of England at the University of Cambridge. The interview was recorded, and the audio version is available on this website.*

*Questions in the interviews are sequentially numbered for use in a database of citations to personalities mentioned across the Eminent Scholars Archive.*

Interviewer: Lesley Dingle, her questions are **in bold type**.  
Professor Baker's answers are in normal type.  
Comments added by LD, [*in italics*]. Footnotes added by LD.

**1. Professor Baker, you have been associated with the Law Faculty at Cambridge for close on 45 years and before that, you were at UCL for nine. Of the 24 eminent scholars I've already had the privilege of interviewing, you are the fourth legal historian. One of the hallmarks of your work has been the wide range of topics, from mediaeval to modern law, into which you have delved, some of which at first seem arcane in the extreme. Little seems to have escaped your forensic investigation and your erudite pen and hopefully, you will enlighten us as to what drove you to be so comprehensive in the course of your prodigious scholarly output. However, before we come to these matters, could we in the first instance talk about and establish the general outlines of your career?**

**In the first few interviews therefore, perhaps you will be able to provide some reminiscences and impressions of the two famous institutes in which you spent your academic life, as well as the eminent personalities therein. So could we start with your early life. You were born, Professor Baker, in Sheffield in 1944, 10<sup>th</sup> April?**

Yes, that's right. That was during the War. My mother came from Sheffield. Her father was a hairdresser, and they had a respectable house in Sheffield. My father came from Essex. They met at Weston-Super-Mare when my mother was on holiday and my father was serving in the army, and they married in 1943. By the time I was born, my father was off in Egypt and I didn't see him until I was two. So my early years were spent living in my mother's house where I was born, and then we moved south when my father came back after the war - and came down to Essex, which was his territory.

**2. It would have been about 1949 when you moved down?**

It was a bit before that I think.

**3. Do you have any memories of Sheffield at that time?**

Well, I think I left when I was two, so I don't have very distinct memories. I have trivial memories about the house of course, which seemed enormous then - I don't suppose it was. But nothing very specific, no.

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<sup>2</sup> Freshfields Legal IT Teaching and Development Officer, Faculty of Law, Cambridge University.



**4. You attended the Trinity Road Primary School in Chelmsford from 1949 to '55. I wonder whether you had any recollections of this time?**

Perhaps I could add in answer to your previous question, a story that my mother told me. Of course the big Sheffield blitz<sup>3</sup> was over before I was born, and it had destroyed the place where she used to work completely - but she tells a story that we had an air-raid shelter at the bottom of the garden and one night when the sirens went, because of the doodlebugs<sup>4</sup>, she said, "We'll go down under the stairs instead of going down to the shelter," and that night the shelter got a direct hit and was destroyed. I've always thought that was a very lucky chance that we just escaped that. Of course I remember nothing of it at all [*LD: possibly late 1944*]<sup>5</sup>.

**5. Extraordinary. Speaking of your mother reminds me that I should perhaps have asked you whether either of your parents had any legal or historical background?**

No, not at all, I think my parents, if they had lived today, would have gone to university and would have done quite well, but that wasn't open to them in those days. My mother left school, having done well, and went to work in a rather grand store in Sheffield. My father had to leave school at 14. He was brought up in really quite poor surroundings in an 18<sup>th</sup> century cottage at Pleshey near Chelmsford, which hadn't really been altered since the 18<sup>th</sup> century. There was no running water, no electricity, no gas and he left the village school at 14 with virtually no education. I think he went into cars. He mended cars until the war came, and then he did well in the war, became Warrant Officer class 1. Then when he came back, he went into the police force and had really quite a stellar career and ended up as Assistant Chief Constable. So there was a sort of legal connection there, but I don't think that is why I took to the law.

**6. Perhaps we could come now to the time when you first attended the Trinity Road Primary School, did you have any recollections of that - this is 1949?**

I owe a great deal to Trinity Road Primary School, which was a very simple school for relatively poor local children, but we were given a very good preparation for grammar school. They encouraged us to study. There was no pressure - I don't remember doing homework - but by the time we left, we were doing maths at least to the level of the second form in the grammar school. Three boys in my class went to Cambridge, not counting me (because I didn't, to begin with). One of them became a research fellow and I became a professor. That's not a bad haul for a little school with people from very humble backgrounds. So I owe a lot to them.

My only specific memories from that time are not related to the school at all. My first memory ever of an event was the Festival of Britain in 1951, which my parents took me to - and I found it utterly exhausting. Then, the next year, I vividly remember being in the cloak-room at school on a wet day, picking up my gabardine overcoat, and somebody said, "The king is dead," and I thought, well, that's very strange, kings don't die, do they? But sure enough he had, and then the next year we had the coronation. I think that had a profound effect on me, as it did on many people at the time. We got this flickering black and white television set, as everybody did that year and watched this spectacular event in London with a stirring, moving commentary by Richard Dimbleby<sup>6</sup>. There was an exhibition in Chelmsford of "Heraldry in Essex" at this time, and I was bowled over by these manuscripts and seals and

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<sup>3</sup> 12 December and 15 December 1940.

<sup>4</sup> V1-flying bombs, *Vergeltungswaffe I*.

<sup>5</sup> <http://www.chrishobbs.com/beightondoodlebug1944.htm>

<sup>6</sup> Frederick Richard Dimbleby, CBE, (1913-1965), BBC broadcaster, leading TV news commentator.



paintings of coats of arms, and so forth. I can trace my interest in history to that moment. I think that's what started it, a very antiquarian sort of interest. It would be called material culture now, I suppose, not really history; but that's when my fascination with the past began.

**7. At such an early age, it's very interesting that you were able to pursue it quite systematically.**

By the time I was at grammar school, I was cycling around Essex looking at churches and making notes of monuments and so forth - so I always had that interest.

**8. I find that very interesting. Professor Baker. You attended in 1955 the King Edward VI Grammar School at Chelmsford<sup>7</sup> and fittingly, it was founded in 1551, which is the period around which much of your legal research has focused. I wondered whether perhaps the ambiance and the atmosphere at the school and the connections were a further spur to your interests?**

I'm not sure about that. It was a Victorian building, but arranged rather like a Tudor college with quadrangles and so forth. It definitely had an academic atmosphere which I'm sure had an effect on all of us. I'm not sure that the history came from that. As I say, I already had an interest in history. But I felt very privileged to go to such an institution. We were taught well.

**9. Professor Baker, to continue through on the subject of your education or secondary education at KEGS. It is a very famous state school and it had a well-developed house system and I wondered to which house you belonged and whether this sense of fellowship was in any way similar to the Oxbridge [college] fellowship?**

I was in Strutt House, which was named after an antiquary, appropriately enough, I suppose. I probably should have been in Tindal House which was named after a famous chief justice in the 19<sup>th</sup> century. But not being a sportsman, it didn't really have a great deal of significance for me. It was mostly for sporting competitions. I only once took part in a cross country run because my house was one short and going to be disqualified, and they said to me, "We really need you to take part," so I did my duty and ran; by the time I got to the finishing line, everyone had gone, but I saved the House. No, it didn't mean very much.

**10. I wonder what your favourite academic subjects were at that point?**

Well, I have to confess that I was never very turned on by school subjects. All my real interests were outside school. I always found it more interesting to find things out for myself than to be taught for exams. I didn't like the way History was taught for O-level, because the subjects didn't interest me: we had to study things like Metternich or the conquistadors, which I might find interesting now, but at that age I wanted to know about English History and we didn't seem to do that at all. Since I was equally good at Sciences, it was decided at an early age that it would be the Science side that I should go on and so I started specialising in science, but it was without any tremendous enthusiasm. I quite liked maths, but the careers-people told me I ought to be a research chemist - I think that was the line they had set out for me - but I can't say that I was actually enthused by anything that I did at school. Looking back on it, obviously the things that were most useful to me were things that I didn't realise at the time were going to be any use at all, like Latin - which we all had to do in those days because it was a requirement for Oxbridge entrance. I didn't know why I was doing it, I didn't like it very much - I didn't like languages - but it was probably

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<sup>7</sup> <http://www.kegs.org.uk/>



the most useful thing I learned. The other remarkable stroke of luck I had was that, because I was in the science sixth form, we had to do something cultural and one of the options was to go down to the local record office and do something. I was set the task of editing some 14<sup>th</sup> century manorial rolls<sup>8</sup>. So I was taught palaeography by one of the archivists<sup>9</sup> (who had actually written a guide to palaeography, so I had the right person teaching me). Later on, when I turned to look at legal manuscripts, it never occurred to me that I was reading funny handwriting, because I had already done that at school. I'd never have had that advantage if I had been reading History at school. Again, that was an extremely useful piece of learning.

**11. Yes, extraordinary. By chance it propelled you on this path.**

Yes, and it fitted in with my private interests in local history, but it never really occurred to me that the interesting part of history could be something you would do for an exam or for a career, it was just something interesting. The village, Pleshey, where my grandparents lived, had a wonderful motte- and- bailey- castle, or the remains of one, which was completely overgrown with trees in those days - a wonderful smell of leaf-mold when you went into it - I used to go and sit there sometimes and imagine what it would have been like. At the age of about 13 I wrote a little history of Pleshey and borrowed some 18<sup>th</sup> century books from the local library, which you could in those days, and took them home. It wasn't a great work of scholarship, but it again shows that I had this leaning which was in no way connected with what I was doing at school.

**12. Did you have any special mentors or teachers whom you remember from those days?**

Well, I remember quite a few of the teachers because there were some real characters, but I wouldn't call them mentors because, as I say, I wasn't really doing subjects that enthused me.

No, I could enumerate all of them, as of course you can with memories from that age, but I wouldn't say they were a significant influence. The headmaster was a very significant character who I think *was* responsible for the school being what it is - Mr Fanshawe<sup>10</sup> who died very recently aged 102 [LD: 103], I owe a lot to him, for what he did to the school, and for helping me despite not being terribly academic at school.

**13. I noticed, Professor Baker, that you are listed as a notable pupil from 1900-1960 on the Wikipedia KEGS site and I wondered whether you had seen that entry and whether you have any contacts with the school?**

Well, that's very kind of them, they must be short of candidates. I haven't had a great many contacts, no. They made me a vice-president of their 450-year appeal recently and also I went back for the centenary of the Corps of Drums, which meant a lot to me when I was at school - I was the drum major - I went back and gave the speech at the anniversary dinner, having been in the Corps of Drums half way through that 100 years, which I found rather alarming when I realized it.

**14. That brings us to the start of your tertiary education, which was at UCL beginning**

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<sup>8</sup> Roxwell Manor records in the Essex Record Office.

<sup>9</sup> Miss Hilda Grieve.

<sup>10</sup> Nigel Fanshawe, (1911-2015) head of King Edward VI Grammar School (KEGS) (1949-1977).

<http://www.telegraph.co.uk/education/secondaryeducation/8112837/Grammar-schools-Old-school-wisdom.html>  
<http://www.essexlive.news/king-edward-vi-grammar-school-head-teacher-nigel/story-25973965-detail/story.html>



**in 1962 as an undergraduate. I wonder what made you choose UCL rather than Oxbridge?**

Well, I applied to Cambridge, but I didn't get in - and quite rightly. I applied to read sciences originally. I did an entrance exam in Natural Sciences, and then at the very last minute, I went to Mr Fanshawe and said, "I'm sorry, sir, but I don't actually want to read science at university." He was a bit shocked and said, "Well, what do you want to read, Baker?" and I said, "I think Archaeology, sir". He said, "You can't Baker, you haven't read Greek." So after a bit of discussion it turned out that the only subject I could do at that point was law, because you didn't need to know anything to read law. So we started looking round at places, and I changed my Cambridge application to Law, but I did an absolutely terrible interview and they were quite right to turn me down. I had two offers, one of them from UCL, which seemed to be a very good place to go, so I was only too pleased to accept it.

**15. Do you recall any particular mentors at UCL while you were an undergraduate?**

No, I wouldn't say there were any mentors at UCL. The mentor, if any, that I had was Toby Milsom at the LSE because we still had the very last remnants of intercollegiate teaching at London when I was there. We had to go down to Kings College, for instance, to do Evidence with a Professor Nokes<sup>11</sup> and for Legal History we were sent down to the LSE to Milsom<sup>12</sup>. It was, I think, only his second year there, if I remember rightly. He had just taken over from Plucknett<sup>13</sup>. That was the most fascinating course I had done. Of course, it tied in with all my interests.

**16. I wondered how you had met him, apropos your first book (1971), when he had been at LSE.**

Yes, I was one of his students there while I was at UCL.

**17. He was obviously a very inspiring lecturer or teacher?**

Yes. They were very small classes and he had a completely different method of teaching than he had of writing, so he never had lectures written out. It was just one or two notes scribbled on the back of an envelope or a card. They were very chatty, and yet you learned a lot without seeming to. He was a very brilliant man.

**18. With that wonderful sense of humour as well.**

Yes, indeed.

**19. Did you enjoy your London years, Professor Baker - did you find living in London exciting?**

Well, I didn't like London as a place to live in very much, to be honest. My first year we were stuck out at Muswell Hill. UCL made us share rooms if we were living out that far, so that we didn't despair. So I did share a room with somebody else, but it was a very long way away and it was quite a long bus journey to get to the nearest underground station. Fortunately, I was able to move into Gordon Street during my first year and so one was almost living in college. (There were still some private houses there then). But yes, of course it was exciting. I was away from home for the first time, and training for a career. But I

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<sup>11</sup> Professor Gerald Nokes, Professor of Law, King's College London (1955-66).

<sup>12</sup> Stroud Francis Charles (Toby) Milsom, QC MA FBA (1923-2016), Professor of Legal History LSE (1964-76), Professor of Law Cambridge 1976-90.

<sup>13</sup> Theodore Frank Thomas Plucknett (1897-1965), Professor of Legal History, LSE (1931-63). Literary Director of Selden Society (1937-63).



wouldn't say that I really liked London terribly much.

**20. You were awarded the Andrews Medal and Prize in 1965 during this time. Could you tell us something about this award?**

I think that was just for what they deemed to be the best result in the final exam. I wouldn't have got it in my second year. But since they'd offered me a teaching post, I thought I'd better pull my socks up and try and get a first, so I did.

**21. Then you stayed on after you graduated. You stayed from '65 to '71 and spent six years as an assistant lecturer and then lecturer, and I wonder if you could outline for us the circumstances of your deciding to stay at UCL?**

It was decided for me. It was never my intention to be an academic - never dreamed of it - I wasn't an academic type, as I thought. I was going to the Bar in my mind. But the head of department, George Keeton<sup>14</sup>, had a policy of grabbing people before they got into practice because he knew he wouldn't get them back afterwards. So he summoned me one day because he'd actually seen some of my private research work on the history of lawyers, which obviously (he thought) looked as though I might become an academic, and said, "Would you like a lectureship?" I was taken aback and he said, "Well, it needn't interfere with your going to the Bar, it will tide you over, give you a salary of £1,000 a year," which in those days was just enough to live on - with London weightings, £1,000 - and so there wasn't really much choice. I said, "Yes, of course, I'd be delighted". So I just carried on, and was teaching the people I'd known a year below me (which was a rather strange experience), without a PhD or anything of that sort. That's the way it was then - no appointments committees, no application, no references.

**22. I remember other scholars whom I have interviewed saying the same about appointments and how very different it was.**

It was. Of course, and - one would say this, having been on the successful end of it - but it actually worked just as well as the present system. I suppose there's a sense of unfairness for those who don't get appointed and that's why we have gone over to the way we do it nowadays, but it did on the whole work.

**23. What subjects were you teaching at that point?**

I just did Contract and Tort (I think) and English Legal System perhaps, which was a subject we used to teach in those days. I was responsible for Legal History, but I obviously carried on the practice of sending them down to the LSE for Milsom - except for one year in 1968 when he was away and I took over his lectures at the LSE. That was the year they were having trouble with student revolutionaries and so on, and I remember only half my class turned up one day; as I was going back past the Law Courts, there was a newspaper placard saying "Student revolutionaries close law school, rebel lecturer continues". I rather liked to think that was me, but I don't think it was.

**24. From that period, are there any memorable colleagues who stand out?**

Well, those I knew best were Peter Birks<sup>15</sup>, who went on to Oxford - I think he was probably closest to my interests - we had adjoining rooms, and we had a lot in common, but

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<sup>14</sup> George Williams Keeton, (1902-1989), Professor of English Law University College London (1937-69), Dean of Law 1939-54.

<sup>15</sup> Peter Brian Herrenden Birks (1941-2004). Regius Professor of Civil Law, Oxford, Fellow of All Souls College, Oxford (1989-2004).



he went off to Oxford while I was there, so it was only a short time. And Bill Butler<sup>16</sup>, who was a Soviet law expert, which was quite a long way from my interests, but he shared my interest in old books and pursuing historical puzzles and so we had a lot in common spiritually, I think. We used to go on book-buying expeditions to remote parts of the country.

**25. Very interesting, he's still quite active?**

Yes, indeed. Yes, he was quite a livewire, even in those days.

**26. Professor Baker, at that stage, you joined the Society of Public Teachers of Law. This seems to imply that you took your teaching very seriously, was this a way of providing support for teaching?**

No, I think everybody joined then, or were encouraged to. It just seemed to be the right thing to do and we went to the conferences in those days. And I joined whatever it was that got your name in the *Law List* at the same time, so I was hedging my bets.

**27. It was during this period that your first book on the *Introduction to English Legal History* in 1971 came out. It was written while you were there and so you obviously carried through with the interest that you had had since a child in historical research. I think you have intimated that it was Toby Milsom who was the inspiration for this?**

Yes, undoubtedly, but I would never have had the gall to write a text book if I hadn't been asked by Butterworths to do it. It was their idea. They said they just wanted a very simple elementary introduction. They didn't tell me that Milsom was writing his book at the same time. I now know that they'd asked Milsom to revise Plucknett, which was the textbook we had previously used, and he had said he would rather write his own book, which they agreed to. Then it became a rather more sophisticated idea than what they'd had in mind, which was a fairly elementary book, and so they asked me if I could do an idiot's guide. The first edition was only about 200 pages, I think, and cost two guineas (if I remember rightly) or maybe it was even less. So it was a very, very simple book - it's grown bigger over time.

**28. Nevertheless, it made a formidable undertaking for such an early stage in your career. This book which has grown and grown and is now *The book*. You say it was an elementary book, but having glanced at it and we will come to it later, it's certainly not... I wouldn't call it elementary. It must have been quite an undertaking at that stage of your career?**

Well, it didn't seem so, oddly enough. It didn't rest very much on original research. I hadn't done much then. The only insights in it were probably plagiarised unconsciously from Milsom - I just assumed that was the way Legal History was. I probably didn't fully appreciate then (before *Historical Foundations* was published) just how innovative Milsom was. But I didn't mean to say anything new. I just thought, I've been a student myself not long ago, and perhaps I'm well placed to explain the subject in simple terms for students. I would never have written it later in my career. But I've been stuck with it, and all I could do was try to make it slightly better as time went on. I would have probably done it differently if I had thought of it later.

**29. Right. While you were at UCL, in addition to everything else, you also did your Bar qualifications and I just wonder how you managed to fit that all in and whether you**

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<sup>16</sup> William Elliott Butler, (1939- ) Reader in Comparative Law UCL (1970-76), Professor (2005, Emeritus) of Comparative Law UCL (1976-2005), John Edward Fowler Professor of Law, Pennsylvania State University (2005- ), Professorial Research Associate, SOAS (2006- ).



### **ever practiced at all?**

No. I intended to, and that was the whole point of reading Law. I thought I'd have a go at the Bar, though I knew it was very difficult and the chances are I wouldn't succeed - and then I'd become an archivist or something. But in order to be called to the Bar in 1966, as I was, you had to start eating dinners in 1963, so I joined the Inner Temple a term after going to UCL. Then one had to do the Bar exams, which in those days didn't require a course. You could take a course if you wanted to, but - rather arrogantly - I thought, well, I'm now a Law lecturer, I should be able to teach myself. So I set aside a few weeks. A lot of the subjects were the same as we had just done [as undergraduates] but we had to add on all sorts of things that I hadn't done, like pleading - drafting, jactitation petitions and so forth - and I had never done Company Law, so I took a week to teach myself company law and have never understood it since. I managed to scrape through with a 2:2, which I was quite pleased with after a month's work - and it was regarded as a pass exam, so it didn't really matter. That was it. I never actually even got as far as doing a pupillage, which I intended to do. George Keeton also said to me that I ought to do a PhD in my spare time based on this research I had been doing privately on the serjeants at law. He said, "Just improve it a bit and we'll put it in for a PhD. I'll supervise you." Well, supervision amounted (I think) to a couple of conversations in the loo when he said, "How's the work going?", and that was it. So it wasn't a very good PhD. But I did teach myself quite a lot of what one needs to know about doing research, manuscript materials and so forth, so it was useful to me: but it wasn't publishable.

I mentioned that because it distracted me from doing the pupillage which I would otherwise have done.

### **30. I understand. Did you in this time, have any overseas visits at all?**

No.

### **31. According to your CV, you produced in this time your book on Legal History, as well as 12 articles. Bearing in mind, you had teaching duties and the Bar exams, it's an impressive achievement, which leads one to conclude that even at that early stage, Professor Baker, you must have been extremely well organised.**

Well, I don't think I've ever been very organised, but I was enthusiastic about Legal History. Looking back, it's obvious that I was always going to become an academic, but I think in those London years, until I took the decision to come to Cambridge, I still thought that I was someday going to be a barrister. I remember that in my first passport, where it said "profession", I put "barrister". My father-in-law, who was a clergyman, said, "That's absolutely right, if I'm asked for my profession, it's "clerk in holy orders", but if it's my occupation, it's "vicar of wherever" ". So I thought, yes: profession, "barrister", occupation, "lecturer in law". But of course, I was spending all my time doing historical research. I mean, we were very lucky at UCL, being only five minutes away from the British Museum - which was where the library then was - and so I could go down and look at manuscripts, which I started doing as an undergraduate. They gave me a ticket even then. I was enthused by an article that Brian Simpson<sup>17</sup> wrote about Spelman's<sup>18</sup> reports which he'd discovered, so I went off and looked at the manuscript myself. And I thought, that's very interesting, perhaps I should edit that. (I ended up doing that later.) It was also in those years that I

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<sup>17</sup> Alfred William Brian Simpson (1932-2011), Professor of Law, Kent (1973-83), Charles F. and Edith J. Clyne Professor of Law University of Michigan (1987-2009), Fellow Lincoln College Oxford (1955-73).

<sup>18</sup> Sir John Spelman (1495?-1544), judge of the King's Bench.





discovered Coke's<sup>19</sup> notebooks, which was probably the most exciting discovery I ever made actually and I've only just got round to editing them.(That's what I'm doing at the moment). But that was discovered in those years at UCL.

**32. Any abiding memories of UCL and the law faculty before we move to your time at Cambridge. I wondered whether you encountered the Bentham display?**

You mean the auto-icon?

**33. Yes.**

Yes, that was always there - it's still there isn't it, or have they moved it?

**34. I'm not sure whether it's still wheeled out.**

Yes, they used to wheel him into meetings of the Bentham Club and the minutes would always say that Mr Bentham was present, but did not speak. Well, it was during my time there that we acquired the new building, which is now being rebuilt in Endsleigh Gardens. Before then, we'd had a very small pokey little hut at the bottom of Foster Court, which was so small that they couldn't even give me a room in it. In my first couple of years I had to share an office over a pub in Tottenham Court Road called the Mortimer Arms with a young chap called Ian Kennedy, who became Sir Ian Kennedy<sup>20</sup>, an expert on medical law. We used to lecture all over the place, and most of my lectures were in the Anatomy Theatre with skeletons on display. It was a very atmospheric theatre which they used for the film "Doctor in the House". But we didn't have our own law school with its own lecture rooms until we got this Endsleigh Gardens building, which had belonged to a trade union and was adapted. My principal memory of that building is that Peter Birks and I were once tipped off by one of our colleagues that they were throwing some books out of some chambers in Lincoln's Inn into a skip into Carey Street. So we zoomed down to rescue them - there were lots of 18<sup>th</sup> century law reports and so forth, old textbooks. We brought them back in terrible condition and set up our bindery in the basement. We had this glue boiling away, there were rolls of buckram, and we did these awful bindings, which just about held the books together - until our colleagues complained about the smell that was percolating upstairs, and we had to stop that.

**35. Do you still have those books, Professor Baker?**

There may be one somewhere. I think most of them got thrown away in the end.

**36. This brings us then to the beginning of your long association with Cambridge. You came to the Squire Law Library in 1971 where you stayed until 1973. Interestingly, this was not an academic post to which you came. I wonder if you could recount the circumstances that prompted you to give up an academic post at UCL to come to Cambridge as the librarian in the Squire Library?**

Well, needless to say, I didn't apply for the post. Most of my life was spent taking up posts I never applied for. One day, Tony Thomas<sup>21</sup>, the professor of Roman Law at UCL, said to me, "There's this vacancy at Cambridge. I think it would suit you. It's your sort of world." He said, "Why don't you apply?" I never thought it of myself. But I thought, right,

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<sup>19</sup> Sir Edward Coke (1552-1634), Attorney General (1594-1606) to Elizabeth I & James I, Chief Justice of Kings Bench (1613-16).

<sup>20</sup> Sir Ian McColl Kennedy QC (1941- ) Emeritus Professor of Health Law, Ethics and Policy, University College London.

<sup>21</sup> Joseph Anthony Charles Thomas (1923-1981); Professor of Roman Law, UCL (1965-81).



I'll have a go. When I came up, I was taken for a walk around Downing College by Clive Parry<sup>22</sup> who was on the committee, and I think was also chairman of the library committee at that time. He said, "I have to tell you that you're second on the short list, so you're not going to get it, but would you like to be Librarian of the Squire Law Library?". I was very taken aback and I said, "I don't have any librarianship qualifications," to which his response was, "You read books, don't you?" Then he said, "It pays a lecturer's salary, so you would be paid more than what you have applied for, and you will have a room in the library, so ideal for doing your research. It's not a full-time job," he said: "You would spend half your time doing your own research in the library. Don't accept a college fellowship because they'll only make you do lots of teaching." He said, "Just make the library your base." So I thought that was worth trying for a bit, and so I agreed.

### **37. So you came up to Cambridge?**

I didn't accept the advice about the college though.

### **38. That was my next question.**

No, well, another member of the committee was Dick Gooderson<sup>23</sup> at St Catharine's, who was looking for someone to help him at St Catharine's. He had been the first law fellow there and at one time, taught all the subjects in the Tripos himself (I think). Quite reasonably he felt he'd like to have a second law fellow. So here was an opportunity to pick one up, it didn't cost the college anything. They had to change the regulations by Grace, so that I was allowed to teach, because they had altered them when Bill Major<sup>24</sup> became librarian so that the librarian was not allowed to do any college teaching (and I think that is one of the reasons why he left). So they changed it, so that I was allowed to do six hours' college teaching, the same as a Reader, and that was just enough for St Catharine's to agree to elect me as a Fellow.

### **39. That was in the days when the library was based in the Old Schools and still part of the Faculty. Could you tell us something about the premises? Did you have your own office then, Professor Baker?**

Yes, I did. A beautiful building of course and it's been beautified even more by Caius, who had more money to spend on it than the University had in those days. But it was a breathtakingly lovely building. One felt uplifted every time one set foot in it, I have to say. I had a room on the first floor overlooking Senate House Passage - I think it's the Caius librarian's office now - so it was very nice. I was quite often last to leave - I used to know my way out in the dark - I could feel my way along the statue of George I at the end, and then turn left. I was in competition with Kurt Lipstein<sup>25</sup> to be the last out usually. He spent even more time in the library than I did, I think.

### **40. Your staff?**

Well, it was a very small staff in those days. There was Gordon Hughes<sup>26</sup>, who was the assistant librarian and actually ran the show really. And there was a very elderly assistant called Ted Hill, who had been there since before the war, I think, and had never really come to terms with the new classification system. He once told me, rather dolefully, that in the old

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<sup>22</sup> Clive Parry (1917-1982), Professor of International Law, University of Cambridge (1969-1982).

<sup>23</sup> R. N. Gooderson (1915-1981), Director of Studies in Law, St Catharine's College.

<sup>24</sup> Squire Law Librarian Oct 1968 to Sept 1970.

<sup>25</sup> Kurt Lipstein (1909-2006), Professor of Comparative Law (1973-76).

<sup>26</sup> Assistant Librarian 1970-74, Temporary Librarian in Charge 1974-79, Librarian 1979-82,



days all the books were arranged alphabetically and then you knew where they were. He was better known as a Proctor's Bulldog - a very well known bulldog - good at running and catching people, but he didn't know much about books. Then there were two young chaps. There was Tony Rawlings and Peter Zawada of course - Peter has only just retired - and that was it, really. We did try to employ somebody else, I remember, who took us for a ride and didn't do any work and was absent very often, and I had to sack him. That was the first time I had ever sacked anybody - perhaps the only time I have ever sacked anybody in my life.

**41. Professor Baker, did you attempt any sort of re-organisation of the collections?**

No, well, they had just been reclassified by Willi Steiner<sup>27</sup>. I never quite understood why Willi hadn't been made Librarian, but he had gone off to the Institute of Advanced Legal Studies. He developed, of course, this classification system of his own, and that had only really just come into being and was just being computerised when I was Librarian. It was originally all on cards and then we had what I think was probably the first, computerised catalogue in Cambridge if I'm not mistaken. It was an experimental piece of work. So I certainly wasn't going to interfere with that.

**42. Were the international collections separate?**

Not formally. They occupied most of the upper floor, so they were physically distinct, as they are still, but they were part of the Squire.

**43. Could you just briefly tell us what your duties were at this point as librarian?**

They weren't meant to be full time and they weren't. They were a general oversight, because Gordon Hughes did the day to day running, and I didn't have to do cataloguing or anything of that sort. I did spend quite a lot of time on accessions. There were one or two fields where I got help from colleagues, but, by and large, it was left to me. So I used to spend quite a lot of time every month reading catalogues and deciding what I thought would go well in the Squire. Since I love collecting and buying books, I found that quite an agreeable part of the role.

**44. Indeed, and to a large extent, this accounts for some of the wonderful collections that we have today. We were very fortunate in having faculty managing the acquisitions. You followed Mr Major, whom you have mentioned, who was recruited from London, but he went back in 1970. Did you ever meet him or have any memories of him?**

No, I didn't meet him, no. Well, I might have met him once, but I don't remember him.

**45. Someone else who is prominent in the history of the library is T. E. Lewis<sup>28</sup>. He had retired, but I wondered if you had a sense of his legacy after 30 years, or whether you ever sought his advice?**

No. I think the truth is that, the library was run by Willi Steiner, or the assistants, and TEL (as he was called) was a University Lecturer whose work was mainly teaching as a regular member of the Faculty. So, if there were odd problems in the library, he would sort

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<sup>27</sup> Wilhelm ("Willi") Anton Friedrich Paul Steiner (1918-2003), Assistant Librarian Squire Law Library (1959-1968), Secretary & Librarian, Institute of Advanced Legal Studies (1968-1982).

<sup>28</sup> T. Ellis Lewis (1900-1978), Squire Law Librarian (1931-1968), PhD in Law (Gonville & Caius) 1927, Lecturer in Law, Aberystwyth (1927-1931). Lecturer in Law, Cambridge, University 1931. Fellow of Trinity Hall 1932.



them out, but I don't think it was a very hands-on position. It may surprise you to know that I only met Lewis once - when he interviewed me for admission to Trinity Hall in 1961. It's rather ironic that I later took over his position - I never told him, of course - and he was quite right to turn me down. I mean, I would have done the same. I had an awful interview on my part.

**46. During your time, when acquisitions were mainly your responsibility, Professor Baker, books were coming in at an average of about 2,200 volumes a year, which is quite a lot if you consider the time and the fact that it was all print at that point.**

Is that monographs or does that include serials as well?

**47. These are "volumes" according to Steiner's history of the library<sup>29</sup>.**

Because obviously, of the total volumes coming in, well over half would be serials, which I'd no decision to make about. But still we bought quite a lot, yes.

**48. Yes, Mr Hughes was the librarian from '79 to '82 and he was the last of the Faculty employees. I wonder if you had any memories of him?**

Yes, of course - he was my right-hand man, as it were, and ran the show and went on running it after I had stopped. Part of my reason for giving up the library was that I felt maybe there ought to be someone who devoted a bit more time to it, perhaps spent time fundraising or whatever, and so I should step aside and do what I was really cut out to do and let them get a proper librarian. But the Faculty then decided, presumably, that I had been so ineffective that they didn't need one at all. So we didn't have a librarian for quite a long time and Gordon just went on doing what he had always done, and it did seem to run perfectly all right. I'm not sure that accessions were quite so straight-forward then because there wasn't one person to decide on them. But, yes, he was a very nice, effective man - smoked too much and died rather young.

**49. Yes, his son was a cataloguer in the UL for many years.**

Yes, indeed, I met him, yes.

**50. His son and daughter-in-law were at Clare. Do you think, in retrospect, Professor Baker, that the takeover by the University Library in 1982 ultimately was a good thing?**

I haven't been close enough to the running of the library since then to make a judgment really. It's been quite useful, I think, from the staff point of view, in that you can move people back and forth - that was the main advantage. In respect of the books, of course, there's now more duplication because, well, I don't quite know how that works - I can't comment on that.

**51. Especially with the legal deposit, it's become very complicated and problematic. I was wondering about your relationship with the library committee and the committee chairmen because you were a librarian with Clive Parry, who's always struck me as a very interesting, enigmatic figure. That was from '67 to '71.**

Well, Clive was certainly a character. As I say, he was responsible for pushing me into the librarianship.

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<sup>29</sup> Steiner, W. A. F. P. 1991. The Squire Law Library of the University of Cambridge. In Gödan, J. C. & Knudsen, H. *Bibliothek und Recht-international: festschrift Ralph Lansky*, 243-294.



**52. Were you friendly with him, Professor Baker?**

Not particularly. He was quite awkward. I remember, when I next called on him in his rooms in Downing, he kept me standing there for some time and then turned to me and said, "How's your Portuguese?" It was a little bit off-putting. When I got here, I wrote him a letter, "Dear Professor Parry," and he wrote back and said, "Please don't address me as professor, it's what they call pianists in brothels." I thought this was an extraordinary piece of esoteric information. But then I didn't know whether I was supposed to call him Parry or Clive, so I went for Parry - which was the usual thing in those days - and that was wrong too... But he was certainly a character and tended to get his own way with things. His view was that the library committee was completely pointless, and I don't actually remember it making major decisions or doing very much.

**53. Right, yes, certainly there don't seem to be many records of meetings.**

Well, that would fit because I couldn't remember there being many. No, he thought everything should be sorted out on the hoof, as it were, and don't worry about meetings.

**54. Robbie Jennings was the chairman from '71 to '72 which would have overlapped with your time.**

That I don't remember. Whether we were meeting then or not, I don't recall I'm afraid.

**55. And Kurt Lipstein from '73.**

Well, again, I don't have memories of the library committee. Of course, Kurt was enormously helpful with Continental books - he used to manage that completely, and tell the staff what the titles meant and decide what we ought to buy.

**56. Yes, marvellous actually.**

That was entirely his doing.

**57. Incredible legacy for the library, yes.**

In fact, when I first visited the Squire with Clive Parry, he said the one person you need to meet is Kurt Lipstein, and showed me into the room where Kurt lived. He was a very important figure.

**58. Did the Whewell Professor have any influence on the development of the international law collections, to the best of your knowledge?**

I don't remember, so. I remember choosing almost anything that looked like international law. Even though I knew nothing about international law, I thought I could judge what might be useful and just order them myself.

**59. As you mentioned, you left after two years, but it had not been your intention originally to have a short stint....**

No, I thought I would give it a try, and it might well work out as Clive had suggested. I don't quite know, I just felt it was a slightly unreal position that I was in, I don't know why. It's far more common in the States to have academics as law librarians in charge. I think it was probably unique here. I was the only person in the country in that sort of position and I just felt slightly awkward about it and thought I might move out. Also, I remember Glanville



Williams<sup>30</sup> coming to me with lists of complaints about the library, and there were things I didn't feel that I could actually change very easily, and that got me down a bit. I remember Peter Stein<sup>31</sup> coming to see me and saying, "Don't take any notice of Glanville Williams, we would like you to carry on as Librarian; but, if you don't want to, we will also support your application to move." So I applied for the next assistant lectureship.

**60. When you resigned, you were put on the Squire Law Library staff committee with Mr Glazebrook<sup>32</sup> and Professor Stein<sup>33</sup> and I wondered whether you had any recollections of that?**

I have none whatever I'm afraid.

**61. While you were running the Squire Library, Professor Baker, you must, presumably, have had some lecturing and supervisory duties as well, being a Fellow at St Catharine's?**

Yes, I was supervising in St Catharine's. Again, I was doing Contract and Tort - and adding on Constitutional Law as well, and English Legal System and Legal History. It turned out that Legal History hadn't been supervised until I came, because there was a sort of pact between the legal historians that they wouldn't do it. Then Dick Gooderson asked me if I would supervise for St Catharine's and this rather put the cat among the pigeons as I got asked to do it for other colleges, and then they had to introduce supervisions in Legal History. I didn't know I was being a blackleg and breaking this agreement. It was quite a lot of supervision, because in those days in St Catharine's, we took in, on the whole, about 12 a year on average and we would always get three or four, if not more, changing over to Law from other subjects, who all needed to be taught in the subjects I was teaching (being core subjects). So one had quite big classes sometimes and dozens and dozens of supervision reports to write, so it was quite burdensome. One year when Dick Gooderson went away on leave, I found myself directing the studies of (I think) 12 percent of the whole college. It's unthinkable nowadays - everyone's terribly specialised, and we've now got four or five law fellows in St Catharine's - but it was a different world. The number of students was pretty much the same, but we managed with far fewer dons.

**62. It sounds an incredibly busy time with the duties you have just outlined, as well as your library job. I wonder whether there were any particular Faculty members who stand out as having been helpful to you during this time in terms of advice and so on?**

Well, I obviously worked mainly with the legal historians, David Yale<sup>34</sup> and Michael Prichard<sup>35</sup> - and to a lesser extent, Peter Stein (because he was a Roman lawyer). So we knew each other quite well. But also very helpful to me was Jack Hamson<sup>36</sup>, as editor of the *Cambridge Law Journal* - he published everything I wrote, very generously, and was a great encouragement to me. Also, Hamson, as editor, got me to become secretary, so I was

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<sup>30</sup> Glanville Llewelyn Williams (1911-97), Rouse Ball Professor of English Law (1968-78).

<sup>31</sup> Peter Gonville Stein (1926-2016), Regius Professor of Civil Law (1968-93), Professor of Jurisprudence, University of Aberdeen (1956-1968).

<sup>32</sup> Peter R. Glazebrook Lecturer in Law (1967-2003), Criminal Law and Legal History, Fellow of Jesus College.

<sup>33</sup> Peter Gonville Stein (1926-2016), Regius Professor of Civil Law (1968-1993), Professor of Jurisprudence, University of Aberdeen (1956-1968).

<sup>34</sup> David Eryl Corbet Yale, (1928- ), Reader in English Legal History, Christ's College

<sup>35</sup> Michael J Prichard, (1927- ). Lecturer in Law, Life Fellow of Gonville & Caius, President (1976-80), Edit. *Cambridge Law Journal* (1996-2002).

<sup>36</sup> Charles John Hamson (1905-87), Professor of Comparative Law (1953-73), Editor *Cambridge Law Journal* (1955-74).



secretary and treasurer of the *Cambridge Law Journal* for quite a few years, a sort of business manager.

**63. Very interesting. And you found time to write four papers during this time, including one with an intriguing title, “An Effigy of a Judge in a Gresford Church”. I wondered what the circumstances were of such a piece?**

Oh, well, I’d always had this antiquarian interest in church monuments and the history of the legal profession. My then wife came from Wrexham - her father was a clergyman up there and Gresford was a church that we visited once, I think for an induction. I saw this heap of stones by the door, and I said, “Well, bits of that look rather like a judge,” and we rearranged them (because it had been broken up) and, sure enough, it was an effigy of a judge. I had to do a bit of work to find out who I thought it was, and I thought maybe the local antiquarian society might like to have an article. It was just a simple piece.

**64. That’s very interesting. I thought I would just ask you about it because it would obviously slip through the cracks when we talk about your work.**

I’ve written quite a few of these little antiquarian pieces from time to time, and even recently something on heraldry. It’s just a side-line.

**65. Professor Baker, in 1972 while at the SLL, you paid a visit to Harvard. Can you tell us about this?**

Well, this ultimately goes back to my friendship with Bill Butler, who had got friendly with a microfiche company called IDC which had filmed a lot of his Soviet material. He said, “Why don’t you do a Legal History project?” and so I said, “That sounds like a good idea,” particularly with material at Harvard which I can’t get to see normally. I’d never been to the States. So IDC said, “Splendid idea, we’ll fly you over and you can catalogue it all” - because there was no catalogue of it either. So it was a way of finding out what there was, and I went over to the Harvard Law School to do that. I spent a week there and it was fascinating. Then subsequently, we filmed manuscripts in Lincoln’s Inn and Gray’s Inn, and the Bodleian Library, and Cambridge University Library. My goal was to do the British Library, but they are so antediluvian there that we could never get agreement on how to do it - or anything else. [LD: see also Qs 75 & 76]

**66. Professor Baker, at that point, this is 1973, you became a lecturer at Cambridge, you were 29 at the beginning of this position. Is there any other information you can tell us about how you obtained this position?**

Well, there was the usual Appointments Committee, which was pretty terrifying. It was chaired, as I recall, by Arthur Armitage<sup>37</sup>, President of Queens’ College, who went on to become Vice-Chancellor of Liverpool, I think. There were a number of luminaries on it such as Glanville Williams - who’d read my oeuvre to that date and was able to cross examine me on all sorts of minutiae, which I found quite frightening. But anyway, they appointed me, so all went well.

**67. This was in the Old Schools, did you lecture in the Old Schools or....**

Yes, the Legal History lectures were all in what we used to call Room 4, which was the mediaeval school of Canon Law which divides the two courts of the Old Schools - the

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<sup>37</sup> Professor Sir Arthur Llywellyn Armitage (1916-1984), President of Queens’ College (1958-1970), Vice-Chancellor of the University of Manchester (1970-80).



one that runs across the middle. It was just big enough for the sort of numbers who did Legal History, and the acoustics were wonderful in there because it had been built by mediaeval architects as a lecture room, so you didn't need to raise your voice really. Except that they usually scheduled them for five o'clock - I remember Michael Prichard telling me it was the same when Milsom started in 1948 - and you had to contend with the bell from Kings, from 5.20 to 5.30, which was really quite disturbing in the middle of a lecture. Then the Contract lectures - the other subject I used to give [lectures on] was Contract - were I think always in the East Room which was above the arcade of the Old Schools. It's now been cut up and turned into offices, scandalously, because it's one of the most beautiful rooms in the university - very fine plasterwork roof. That was quite hard to lecture in, because it had been designed by 18th-century architects as part of the University Library, so it was designed to lose sound, and it did it very effectively. You had to shout in there.

Then down below, we had a little room that we used for morning coffee, where (and I think other people you have interviewed have said this) that was a focal point of the Faculty then, because everybody met at 11, usually in gowns because they had just been lecturing or were going off to lecture, and would have a chat about affairs. I suppose this happens to some extent in the new building, but I don't think it's quite as intimate as it was then. Next to that little room there was another little room which was the Faculty office, and that was it, with one secretary. Miss Suckling<sup>38</sup>. She was secretary to the Chairman of the Faculty, the Chairman of the Degree Committee and the Secretary of the Faculty and had all the Faculty files in her office. It was all done from there.

During that time, I became Secretary of the Faculty - I think in '75 when Peter Stein was Chairman. The Faculty administration was a very different affair from nowadays. There was what I like to call a "Steady-state University", so it didn't require as much effort to keep it running. It's a very good question whether we've gained much by changing everything every year, because it requires a lot of energy keeping ahead of fluctuating rules and policies. On my desk when I took over, there was a file which had been written by John Thornley<sup>39</sup> on how to be Secretary of the Faculty - written around 1948. There were one or two stickers in it, saying that this and that had been changed by such and such a regulation - but, essentially, it was the same Faculty that it had been 30 years earlier, and you just kept it ticking over. Obviously, there was a lot of work to do arranging lecture timetables and exams - and the exam results all had to be added up by hand in those days - but it was routine work, and I didn't have any of the things that trouble secretaries and chairmen these days.

One important change we did bring about, though. The course for the LLB (as it then was) lasted for one year, but the degree required two years of residence. That's because there was an accepted piece of academic theology that you couldn't take any Cambridge degree unless you had spent two years here. The result was that Cambridge BAs could take the LLB as soon as they had passed the exam, but graduates from other universities had to pursue an approved course of study for another year. We usually gave permission for them to read for the Bar or begin their articles, but they still had to remain resident - and that was a nuisance which deterred many postgraduate students from coming here. But they'd just invented the MPhil, and Peter Stein immediately spotted that it only required one year of residence. So we submitted a petition to the University asking for the LLB to be put on the same footing. I much enjoyed writing the Report, which I began by underlining our patience in that we had forborne to seek any change in the residence requirement since it was first laid down in the 1680s. It worked, and the ultimate result was to transform the LLB (as it now is), since it

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<sup>38</sup> Millicent A. "Betty" Suckling (d. 1988). Mayor of Cambridge (1983-84), Cambridge Law Faculty Administrator.

<sup>39</sup> J.W Thornley, Law Fellow, Sidney Sussex College.





now attracts students from all over the world.

**68. There were some prominent academics in the Faculty at the time, senior academics, we are talking from '71 to '73, Professors Glanville Williams, Lipstein, Parry, Hamson, Stein and Jennings<sup>40</sup>, and I wondered whether you have specific memories of them, Professor Baker?**

Well, I'm not sure I can conjure up anything specific. Of course I knew them all. I found Glanville rather frightening because he seemed to know everything. I once plucked up courage and invited him to a feast in college, and I've always felt embarrassed by the recollection ever since, because I didn't have a suitably intellectual conversation with him. I rather regret that. But, no, I think I've mentioned the others who were helpful to me. Robbie Jennings I knew a bit better later on, but not very well in those days. Most of my conversations were with the legal historians, I suppose. I was a bit specialist.

**69. Lecturers who were around at the time would have included Tony Jolowicz.**

Well, of course I knew all the lecturers, but I wouldn't say I was close to them.

**70. Professor Gareth Jones.**

Yes, I didn't know him tremendously well.

**71. The subjects that you taught I think you've mentioned were Tort and Contract and...**

Yes, I think for the Faculty I only taught Contract and Legal History, but in College I was doing Tort, Contract, Constitutional and this horrible English Legal System subject (which was abolished). You had agonising supervisions about legal aid and things like that, which were essentially factual, so everyone hated it, both teachers and taught, though actually, it was necessary, and it was a way of learning what the difference was between the Court of Appeal and the High Court, and who could do what, and so forth and I'm not sure that they necessarily pick that up now. They're supposed to have some induction, I think, in the first year - in fact we have improved that recently - but, for a long time, there was nothing to replace English Legal System. The trouble is, if you don't examine a subject (as we did then) people don't take it very seriously, and they hope that they will somehow pick up this very vital information which you need to know - about precedent and statutes and so forth.

**72. In 1975 you were awarded the Yorke Prize, can you tell us about that?**

I suppose that flowed from my looking at Spelman's reports in the British Library back when I was an undergraduate after reading the article by Brian Simpson - which was actually just a little note in the *Law Quarterly Review*. I thought, "these need editing". So I got a copy of them, and transcribed them, and got very interested in the subject. Nobody had written on the law in Henry VIII's reign, so I thought I would look into it as far as I could. I started looking at plea rolls to see what I could discover from them. And I wrote this little essay on the law in Henry VIII's reign - that's really what it was. I don't quite know what prompted me to put it in, whether someone advised me or I just thought it would be nice to have £400 (I think that is what it was then). So I put it in for the prize. But it also became the introduction to the edition of Spelman's reports, with a bit of tweaking.

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<sup>40</sup> Sir Robert Yewdall Jennings (1913-2004). Whewell Professor of International Law (1955-81), Judge International Court of Justice (1982-95), President International Court of Justice (1991-94).



**73. Interesting. You became the Junior Proctor in 1980, what did this entail, Professor Baker?**

Well, I think pretty much what it always has. There was a responsibility for student discipline - and they still had an occasional sit-in when I was Proctor, but that's almost a thing of the past (although we have had some recently). Also, historically, you're representative of the MAs of the university in the Regent House, and so there were various administrative duties and ceremonial duties. I found it completely fascinating because of my historical interests and collected lots of historical material which I've got in a box and don't know what to do with.

For instance, when I was sworn in there were handed over to me - well, to my bulldogs - a couple of objects, a poleaxe and a sort of metal tube with a hinge on it known as the butter-measure, though how you would measure butter with it is beyond anyone's understanding. These stood in my cupboard in St Catharine's during my year in office and they came out on ceremonial occasions and were carried behind me by my constables. I thought, well, I'm a historian, I'll work out what these were. I went to the University Library and I found that there were documents called tradita listing all the things that were handed over from one Proctor to another in the 16th century. I found the poleaxe, that was there all right, but I never did work out what this dratted "butter-measure" was - and I'm actually rather pleased. I like the idea that this object is handed over solemnly every year, and has been for hundreds of years, and no one's got the foggiest idea what it is.

We still had a walking roster in those days - I doubt whether they do now - I haven't seen proctors walking for decades. Of course, not long before us, the Proctors had set the night watch, as it were, and would go round every night. But we still had a roster: so every night there was a Proctor and two constables on call. The proctorial body was six, because there were two Proctors in waiting, and then the two who had just done it - so you were all on the roster. But we only occasionally went out. I would call them up because I thought, if we were going to have to deal with situations, incidents, then undergraduates needed to know what we looked like; if we just turned up, looking like 18th century clergymen or undertakers with top hats, they would just laugh, whereas if we were part of the Cambridge scene then they'd accept it. So we were still visible, and it was quite interesting to see, as you walked around the street in the dark, that people would scuttle into the shadows in the distance as if they sensed that they might be doing something wrong. But we had no powers really, except in relation to exams and cheating.

**74. In 1982 you went to Harvard and I wondered what the purpose was of this visit?**

Yes. I had never had a sabbatical before, and in 1982 we thought we would have a year away, preferably a long way away. The United States seemed like a good idea, and so we went for a whole year to America. I spent the Fall semester at Harvard Law School, where Sam Thorne<sup>41</sup>, one of the great figures in Legal History, was still present and was very good to me.

Then [*LD: 1983*] we went down to the Huntington Library, where I was a research fellow from January until August (I think). That was an opportunity, again, to look at lots of manuscripts. The reason I got the research fellowship at the Huntington was that they had bought a notebook of a judge from Henry VIII's reign, which was one of only two 16th-century autograph manuscripts of reports by a judge and was extremely important - never been heard of before. I was very excited when it came up at Sotheby's and went down to see

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<sup>41</sup> Samuel E Thorne (1907-94), Professor of Legal History, University of Harvard (1956-78), Librarian of Yale University Law School (1945-56).



it; they said after a while that they had lost it, which I thought was rather extraordinary, and they said, “Can you come back this afternoon?”; when I came back, they said, “Well, we haven’t lost it, but it has been withdrawn from the sale because of an ownership dispute,” and so I went away feeling rather disappointed. I said, “Well, if and when the dispute is resolved, please let me know because this is really rather significant”. The next thing I heard was that it had been put back in the sale by Telex, and sold, which I thought was extraordinary and actually very wrong, because there would have been some competition to buy it. I’m sure Cambridge would have bought it if I had got them going. Anyway, I then started proceedings to stop its export as a work of importance and then I found out as a result of that, that the Huntington had bought it - well, a London dealer had bought it for them. They were very good to me and they let me look at it while it was with the dealer in London, and then they gave me a research fellowship to go to California to edit it. That was part of the reason for going to the States.

I still don’t know where the manuscript came from, or what the dispute was; everyone was being very cagey about it. It would be fascinating to know - a manuscript of such importance, written by a judge who died in 1540 but had never been sighted before by anybody. Where was it?

**75. So your 1972 sojourn had been a week-long sojourn to do the cataloguing at Harvard? [see Q 65].**

Yes. It was terribly hot - I remember that about it that. It was very generous of them to fly me over, but they couldn’t afford a decent hotel, so I stayed in a hotel without air conditioning in an extreme heatwave. So I either opened the windows at night and couldn’t sleep for the traffic noise or I closed them and suffocated. I remember, having worked very hard on manuscripts all day, I would go to the Boston Public Library (where it was air-conditioned) and stay until I was thrown out at about 11, and then I would go and have an ice cream or something somewhere, and then go back to this awful hot room. Being young, I was able to keep that up for a week, but it was pretty awful.

**76. This would have been while you were the Squire Librarian.**

Yes. That was one of my bibliographical projects. My other bibliographical project then was that Oceana Books decided they were going to do a reprint of the yearbooks and they asked me to produce the apparatus for that. They wanted an introduction to each volume, which I wrote, and they wanted an introduction to the whole thing, much of which I wrote - a history of the yearbooks and a guide to Law French. Then they decided they weren’t going to do it. They did offer to publish what I had done on microfilm, but I didn’t like that idea very much, so that fell through. I’ve subsequently published most of those things in other forms. But what I spent most of my time doing was going around libraries all over the country, and indeed in the States, looking at early Yearbooks and making an inventory. That was wasted time because the second edition of the *Short Title Catalogue* did the thing much better and they found printings I didn’t even know about. I had gone into more detail than they had, and gave distinguishing features of the different books and so forth, but it wasn’t really publishable and I just let it go. But I spent a lot of my time [on it]. I thought that was the kind of thing a law librarian ought to do.

**77. In 1983 you were a Mellon Senior Research Fellow at San Marino, California.**

Well, that is the Huntington Library.

**78. That’s what you were referring to [Q75]?**



Yes.

**79. Thank you. Over your ten years as a lecturer, you had four books to your credit, as well as 28 articles and eight book chapters, so a very productive period. I wonder, Professor Baker, whether you could summarise these important years?**

I suppose much of my work then, and since, has been driven by looking at manuscripts, which I've always been fascinated by - thank goodness for my early training at school - and so, whenever I see legal manuscripts, I want to look at them and find out what they are.

The case of the British Library is a national disgrace - there aren't proper catalogues, so the Harleian collection hasn't been listed since the 18th century, and many of the items are just listed as "old law manuscript". So you can find things like Coke's notebooks, as I did there. That encouraged me to look at all the legal manuscripts I could lay my hands on, in case there would be something interesting. There was never anything quite as exciting as Coke's notebooks, but certainly every time you look at a legal manuscript it makes you think about something you haven't thought about before. I did quite a lot of editing because you learn a lot in the course of editing - and I think it produces a useful product, even if people don't use it very much. So a lot of those titles were editions. They certainly weren't monographs, which I've not written very many of.

**80. I think you have written thirty-eight books.**

Really?

**81. I think so, yes - [according to your CV].**

As I say, I haven't *written* them - I mean, some of them are editions - although, editing is often misunderstood by those who haven't done it, at least editing the kind of things that I have edited. It isn't just a matter of copying them out and translating them. It has usually involved a lot of detective work, and working out what the text is to begin with from various fragments, and fitting them together, and then putting them in context; then, if they are law reports, you try to find the corresponding records in the Public Record Office, which is a bit like looking for a needle in a haystack. That actually takes more time than transcribing the French does. Almost everything I've edited, I've thought "this is the hardest thing I've ever done" and it's been terribly difficult, but then the next one comes along and that's even harder. So it isn't an easy task. It also means that you have to think about all the cases, and what they are about, and that can spark off other lines of research.

**82. It's incredible detail, Professor Baker, that you seem able to look at and then see the overall picture forming a very rich tapestry. This is one of your many gifts, but we'll come to that when we approach your scholarly work. This might be a good point at which to stop.**

**All that remains is for me to thank you most sincerely for a fascinating account and I am so looking forward to the next conversation.**

Well, thank you very much.

