

THE CAMBRIDGE LAW JOURNAL

VOLUME 34 PART 1

APRIL 1975

HENRY ARTHUR HOLLOND: 1884 TO 1974

A. L. GOODHART

WITH the death of Henry Arthur Hollond, who was generally known as Harry Hollond, the history of the formative years of the Cambridge University Law School may be said to have come to an end. In 1911 when Trinity College took the radical step of electing him to a Law Lectureship, the number of students in the University taking the Law Tripos was about 100; by 1956 it had risen to over 400¹ and has greatly increased since. These figures may be of interest to anyone who is concerned with the history of law in England, but they are of special interest to all Cantabrigians for in this field, as in that of the physical sciences, Cambridge University has proved to be the leader in this country.

Hollond's father, Arthur Edward Hollond, was a strict moralist, as was his grandfather, the Rev. Edward Hollond, but he himself was always a liberal where the views of other persons were considered. It was in large part this lack of prejudice which accounted for his large and extremely diverse body of friends. It also gave them confidence that in reaching his conclusions he was being as fair as possible in this difficult world. He was ready to listen to their views and in return they were willing to listen to his. He was not a fluent speaker, but he carried great weight at a time when radical changes were being made in the constitutions of the University, the Law School, and the various Colleges.

Hollond was head of the school at Rugby where he also took an active part in games. Unfortunately he strained his heart when playing football which bothered him from time to time during all his life and induced him to choose an academic career rather than a more active

¹ These figures are taken from Tripos class lists and are therefore exclusive of students taking Law Qualifying Examinations: *Ed.*

one in London. His slight hypochondria did not prove a handicap, for he never allowed his health to handicap him either in the army or at the University.

In 1903 he became a classical scholar at Trinity, and in 1904 he got a First Class in Part I of the Classical Tripos. He then decided to follow a legal career, receiving a First Class in both parts of the Law Tripos. He was elected a Fellow of Trinity in 1909. In a speech delivered 40 years later he pointed out that at that time the status of the law compared to that of other subjects in the University was not a happy one; he was "the only Fellow who had been elected for alleged proficiency in law." (Today Trinity has eight Law Fellows.)

He was called to the Bar at Lincoln's Inn in 1911, being elected an Honorary Bencher in 1935. He had recently delivered a lecture on Sir Edward Coke, for whom as a Trinity man Hollond felt a special affinity as also in a lifelong devotion to the common law.

While an undergraduate his chief outside interest had been in debating. He was elected President of the Union Society although he took only a limited interest in politics.

In 1913 he went to the Harvard Law School for a year to study the American legal system. This was the most important visit of his life for he created friendships which had a permanent effect on Anglo-American legal relationships. Dean Roscoe Pound, Samuel Williston, Joseph Beale and Austin Wakeman Scott were among the number who came to England to deliver lectures. In return many of the younger English law teachers went to the United States for a sabbatical year.

There were two features of the American system which particularly impressed Hollond. The first was the case method which had established itself in almost all the American law schools. This has been altered slightly in recent years, but at that time it was in full blossom. It was the Socratic method which appealed to the abler students. It was a debate in which the professor began by referring to a legal principle on which a recent case had been decided, which was followed by various criticisms advanced by the students. The chief objection to this system was that it depended not only on the quality of the teacher but also on the ability of the students because the debate ground to a halt if they were incoherent or dull. It failed at Cambridge because the students were undergraduates and not graduates, as they are in the American law schools, and also because they preferred the English essay system in which the student writes an essay on a subject set by the teacher who then criticises it in detail.

Hollond realised that it would not be reasonable to attempt to introduce the case system at Cambridge, but he felt that some of its

best features could nevertheless be adopted here. He therefore suggested that an hour or two a week could be devoted to a symposium concerning some doubtful legal points that had arisen in a recent case. This new approach, with variations, has proved to be successful and has been adopted by many of the English law schools.

The second feature of the Harvard Law School which had particularly impressed Hollond was the Harvard Law Review. In England the Law Quarterly Review had been established in 1883 with Sir Frederick Pollock as its editor. The Review had no connection with any of the law schools except in the relationship which the editor had with some of the contributors of articles and notes. Two years later in 1885 the Harvard Law Review was founded. It was edited by some of the senior students who chose the articles and wrote most of the notes themselves. This has proved to be highly successful as the students are mature men who are prepared to devote much of their time to editorial work. Hollond realised that it would be impossible to establish such a journal at Cambridge, but he was anxious to adopt some of its ideas. The Cambridge Law Journal² resembled the Harvard Law Review in that its notes were written by the students, but it differed from it in that a Faculty member was the editor responsible for the articles and book reviews, and the supervision of the notes. The notes are now generally written by members of the Faculty, a departure from the original plan.

Hollond returned to England in 1914 and joined the Army. At the end of the war he received the DSO and the OBE for his service as D.A.A.G. (Deputy Assistant Adjutant-General) at the British Headquarters in France. After his return to England he was appointed to the University Readership in English Law while still holding his Trinity Fellowship. He was working on a textbook on the recent Real Property Acts 1925 when Dr. Cheshire published his popular book on the same subject. As this became the standard work in this field, Hollond never completed his. It is doubtful whether he would have done so in any circumstances as he suffered from the same weakness to which a number of scholars at Oxford and Cambridge have succumbed—the fear of appearing in print in case they would subject themselves to criticism for some error of which they ought to have been aware.

Fortunately no such hesitancy affected Hollond when in 1923 he became Secretary of the Statutory Commission, charged with making new statutes for the University. This was work for which he was admirably fitted, for he combined accuracy with imagination, two

² For notes by H. A. Hollond and A. L. Goodhart on the origins of the Journal, see [1972B] C.L.J. 3-7: *Ed.*

qualities which are not always associated with each other. In particular he played a leading part in setting up the faculty system which strengthened the University as against the Colleges. His year at Harvard proved to be useful for it enabled him to understand how such a system worked.

From the legal standpoint Hollond's greatest contribution was made within the Law Faculty itself. As he was convinced that it was important that there should be a feeling of common purpose among the teachers, he organised a Dining Club called the Common Bench which met three times each term. The original members were Hollond, McNair, Hazeltine, Winfield and Oliver. Later, Professor Guttridge and I joined the group. At the farewell dinner which the Law Faculty gave in his honour in 1950 Hollond said: "Our purpose was to exchange ideas for the vivifying of the study of English Law at Cambridge, and I do not think that we met in vain."

In his speech he also emphasised the influence that the Squire Law Library had had on the history of the School. He said:

It is just fifty years since the University accepted the benefaction offered by the Trustees of Miss Rebecca Squire's will. Our benefactress, about whose personality and life we know so little, directed her Trustees to offer a Law Library to Oxford or Cambridge. The Trustees chose Oxford, but our guardian angel intervened and inspired All Souls College to throw its weight against acceptance of the gift. And so in 1904 our Law School became seised of a Library and Lecture Rooms all its own. But it was many years before either dons or undergraduates made the new building their intellectual home.

The history of the new intellectual home which has played such an important part in the development of the Law School has been best stated by Hollond himself:

Numerous indeed were the ideas which fructified during the inter-war period and time has consigned their authorship to oblivion. But there is one idea, the most momentous of them, the authorship of which I should like to cause to be remembered by those who will guide the destinies of the School during the next quarter of a century. I refer to the idea that the Law Faculty should stake out a claim to the upper room in Cockerell's Building, in exchange for the old Squire Library on the Downing site. Credit for this idea which was indeed momentous in our history belongs not to me but to one who was not then a member of the Law Faculty, but has since by a queer turn of fortune become one. I refer to my wife. When the Old Schools were vacated by the University Library and the allocation of the various parts of the building was under consideration, she and I were inspecting the building . . . I had modestly thought of the East Room, but she saw that it was not large enough and that what we needed were the rooms which we now have.

The result has been that the Law Library, the lecture rooms, and a faculty common room are all under one roof. This centralisation of a Law School, which is common in most American universities, is almost unique in Great Britain.

In 1943 Hollond was elected Rouse Ball Professor of English Law. He hesitated before accepting the chair as he had published so little, but it was explained to him that the contributions that he had made to the teaching of law exceeded those that could have been achieved by any number of books. He retired from the professorship in 1950.

His services to his College continued however. He had been elected Dean of Trinity in 1920, a post which he held with signal success until he was made Vice-Master in 1951. He resigned in 1955 after having guided the College through a particularly active period while the Mastership was vacant.

Among a number of posts outside of Cambridge which Hollond held, the most interesting was that of Reader in Legal History to the Inns of Court 1945–68. Here again he played an influential part in raising the standard of teaching to an audience which contained a large number of foreign students. He distributed a printed syllabus which was designed to be of aid to those who might find some difficulty in following a number of the historical survivals which still embellish English law. It was said that he explained the law relating to seisin with greater clarity than could be found in any of the books.

In 1966 Hollond left his rooms in Nevile's Court in which he had taught many generations of Trinity men and moved to the house on Madingley Road, which his wife Marjorie had decorated so admirably. It was here that he spent his last days before his death.

I have attempted to sketch in this paper some of Hollond's qualities to which his outstanding contributions to Cambridge University and to Trinity College can be attributed: I have also referred to the part he played in the changing academic history of his time for, as he said: "I was the last of the University Teaching Officers in Law who had been a Fellow of a College in Edward VII's reign, the last who taught before the First World War and the last who had seen and heard Maitland."