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By the deaths of Professor A. L. Goodhart and Dr. T. Ellis Lewis we have lost two men whose associations with the Cambridge Law Faculty spanned many years. Both had a particular connection with the *Cambridge Law Journal*. Arthur Goodhart was our co-founder and first editor; Tel was a long serving reviews editor and made many contributions. Two colleagues have written of them in personal recollection.

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This is a purely personal note on Arthur Goodhart as I remember him in Cambridge. I write it at the Editor's request, but it is affection for Arthur which moves me, and gratitude.

The more formal obituaries which I have seen do not sufficiently emphasise the guiding and formative influence Harry Hollond exercised upon Arthur not only when he arrived in Trinity before the First World War as an undergraduate offering to read economics but on his return immediately after that war, to take up a lectureship in law at the University and a Fellowship at Corpus. Arthur was deeply conscious of the extent of his debt; and his profound devotion to, and friendship for, Harry Hollond was a dominant feature of his life in Cambridge as elsewhere.

I first met Arthur when I came over to the Law from the Classics in the Michaelmas Term 1927. He was lecturing, with appropriate repugnance, on Austinian Sovereignty—it is sad that lawyers wasted time upon such jejune trivialities though the present variety is not much better—and I vividly remember the shock of encountering his broad New York accent in full spate on that topic: the adverb “primarily” particularly echoes in my ear. But the ear becomes hardened and Arthur speedily despatched Austin and got on to decent lawyerlike matters, such as possession and negligence and remoteness and *ratio decidendi*, which formed the staple of his first book *Essays in jurisprudence and the Common law*, and on which he lectured as happily as his audience listened.

He was an excellent, indeed an inspiring, teacher. It was a most instructive experience to compose under his guidance the first note I wrote for this *Journal* (1928) 3 C.L.J. 253 when he was editor. He had the ability to make his student believe that it was the student who had found the answer he had himself in fact suggested. Perhaps I learnt more from the few sessions with him in his rooms in the Old Court of Corpus than in any other comparable period. Incidentally he delighted in those rooms and in their reputation of being haunted though he was not given to seeing or hearing ghosts—he had an extremely robust sense of the real. It was the same sense that made argument with him such an instructive and invigorating pleasure. He argued with cogency and he argued to win; but he argued with great intellectual generosity—willing to understand the other's proposition and to take it at its best formulation.

It was not to the law only that he introduced his pupils. He kept open house in the large mansion—Herschel House, now destroyed to make room for Clare Hall—where he had established himself after his wonderfully happy marriage to Cecily Carter, a marriage which endured until his death. His happiness radiated itself upon those fortunate enough to know him in his home surroundings and to participate in the joy he had in his wife and in his family. In the atmosphere of that house it was for a young man particularly exhilarating to meet the distinguished persons who visited him and whom he was at pains to introduce to his most junior guests.

The loss which the Cambridge faculty suffered when the offer of a professorship at Oxford induced Arthur Goodhart to migrate is strictly immense: I cannot measure it. We had many and great advantages then; if to them had continued to be added the zest and energy and drive of Arthur Goodhart, and his ability and resources, what could we have failed to achieve?

I cannot forbear to record my gratitude to him for what he and his family did for my wife and daughter in the United States during the last war, when I was “in foreign parts.”

C. J. H.

This *Journal* published a good photograph of Professor Goodhart in its issue of April 1964 together with a note by Professor Hollond, and there is a further note by the two of them on “The Origin of the *Law Journal*” in the Jubilee Issue—[1972B] C.L.J. 3. More recently, as noted [1972A] C.L.J. 1, the Faculty has benefited from the establishment of the Arthur Goodhart Visiting Professorship in

Legal Science. Seven professors have added greatly to the strength and scope of Faculty activities and we foresee a long series of successors whose title will help to preserve our grateful memory of Arthur Goodhart.

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DR. T. ELLIS LEWIS ("Tel" as he was affectionately and universally known), who died last October at the age of 78, will be remembered as a man of infinite kindness and one to whom kindness to all manner of people came so naturally.

He was pre-eminently a devoted law teacher in the old tradition whose commitment to his pupils was broad and deep. He taught for all three years of the Tripos and for a period he taught eight different subjects. In addition to his own pupils at Trinity Hall he willingly took on the direction of studies and the supervision for many other colleges when they were without a law don; and when, from 1945 onwards, there began an influx of returning warriors, Tel did not spare himself in ensuring that they were helped to make up the lost years. He knew his pupils by heart, as it were, and his infinite patience and understanding of a beginner's difficulties, matched by a sympathetic interest which he had in his pupils' careers and in their lives, won him an admiration and an affection which they kept for ever.

His work as Squire Law Librarian (a post he held for the remarkably long tenure of thirty-nine years) was never fully recognised for he had laboured virtually single-handed from the time of his appointment in 1929 until 1959 when, to his great relief and pleasure, Dr. Steiner was appointed Assistant Librarian and gave him much needed professional help. During those thirty years not only was he responsible for the physical removal of the Library to its present site but he was deeply involved in its transformation, especially in its Comparative and International Law aspects, into one of the major law libraries of the country.

He found time, too, to give this *Journal* long and dedicated service as Book Review Editor, for though his name first formally appeared in that capacity in 1938, when he finally relinquished these duties in 1959 he had in fact been associated with the *Journal* for over thirty years.

The Law Faculty at Cambridge has always been fortunate in its *esprit de corps*, an attribute derived in part, perhaps, from the fact that, unlike other Arts Faculties, it had a small Combination Room in the Law School itself. Here, at eleven o'clock each morning, the lawyers would gather for tea. Tel played a central role in these

arrangements. Tea arrived (one naturally assumed) because he had arranged it; he it was who presided over the occasion and collected the terminal dues, and one of the many pictures that live in the memory of these occasions is of Tel engaged in friendly badinage with the Lecturer in Scots Law from whom an annual subscription in advance was being sought.

Buoyant and joyful by temperament, Tel was wholly without personal ambition and unsparingly generous with his time to help others: a kind and friendly man whose depth of human sympathy endeared him all the more the longer one knew him.

T. C. T.

CASE AND COMMENT

THE THEFT ACT 1978

THE Theft Act 1978 mercifully does away with the notorious section 16 (2) (a) of the Theft Act 1968, but creates five offences in its place. At least they have the advantage of being clearer, and in certain important ways the law is both restricted and enlarged.

Section 1 is designed to cover the various forms of "bilking." It is stated in general terms in subsection (1) as the offence committed by a person "who by any deception dishonestly obtains services from another." There is an obvious difficulty in making a wide offence depend upon the meaning of the word "services," which has not previously been a term of art in the criminal law. For example, is it "services" to let a room without service? Does a theatre or a museum provide services? The difficulty is here solved by giving the word a special meaning, both wider and narrower than its normal one. What subsection (1) does is to create the offence and give it a convenient name. The defendant will be charged that he obtained services by deception, contrary to section 1 of the Theft Act 1978; and the usual particulars will be added. However, "services" in the subsection is simply a joker word, standing only for the notion defined in subsection (2). Consequently, it is no use arguing that something falling within subsection (2) is not a service in the ordinary meaning of the word: for legal purposes it is a service. Subsection (2) runs: "It is an obtaining of services where the other is induced to confer a benefit by doing some act, or causing or permitting some act to be done, on the understanding that the benefit has been or will be paid for." This is narrower than the usual meaning of "services" because it does not