

LETTER FROM OXFORD

University College, Oxford, England,
February 4th, 1948.

Miss Elizabeth Hoyt,
Alumni News Editor, U. N. B. Law School,
Saint John, N. B., Canada

Dear Miss Hoyt:—

Your letter of the 28th of January gave me great pleasure; both because of the news it contained regarding the publication of "*Oyez Oyez*" and also because of your kind request for a contribution from me. May I, at the outset, congratulate you and your fellow staff members on your undertaking; it is, I believe, most essential in that it will do much to engender interest and spirit among both the older and younger Law School graduates. There has long been a need for such a journal and I wish you the very most of success.

Although I do not feel that I have spent sufficient time in this country to write in any great detail about conditions, and especially to attempt intimate comparisons with life in Canada, in line with your request I thought that a very general survey of post-war England, together with a more particular description of Oxford life and legal studies might interest your readers and satisfy the necessary "space" limitation.

I left Canada last September with some forebodings, and I believe quite rightly so, after the rather lurid descriptions of life in England which appeared daily in Canadian newspapers. However, much of my apprehension was erased soon after my arrival here and I found that the picture I had visualized some three thousand miles from the scene was not entirely accurate. It would, of course, be unfair to compare conditions here with those existing on the North American continent, for one must always remember that the economy of England was very rudely disturbed by the war. To attempt a description of present-day England it is necessary, I believe, to determine at the beginning exactly what we are looking for; is it the bare necessities of life or an economy displaying the luxuries of pre-war England and post-war America? It seems to me that a story entitled "England in 1948" will vary considerably depending on which of these alternatives is uppermost in the author's mind.

The latter alternative, namely the existence of luxuries, can be dealt with shortly. England today is not the place for the person who "must have the extras." The country's export policy leaves little in the way of world-famous English luxury goods for the home consumer; moreover what little is available on the home market is subject to a purchase-tax ranging

as high as one-hundred and twenty-five per cent. One could, indeed, paint a very grim picture if the description stopped here, but I for one feel that more emphasis must be placed on the former alternative; that is, the existence of the bare necessities of life.

I do not feel that one could accurately paint this picture in the same vein; over a period of time it might aptly be termed "dull" but there is no striking scarcity of food, fuel and clothing such as is being witnessed in many of the European countries. It is, of course, true that certain staples, such as meat, butter, eggs and tinned goods are rationed but there are many foods which are in copious supply. It would not be true to say that there was any evidence of malnutrition and in many cases, according to recent statistics, elements of the population are considerably better off than before the war.

I do not want to leave this very brief comment on conditions here without remarking on the general attitude of the English people. Their spirit and outlook is unbelievable considering their hardships of the past eight years. Throughout the country there is a fixed determination to win through; a determination which might best be described in a free translation of Homer's famous words (the Greek has left me!): "Be brave, dear heart, you've been through worse times before."

Turning now to Oxford I feel more competent to give fuller details. To the North American student Oxford as a university is strange at the beginning. It is composed of some twenty odd colleges which are quite independent of one another. Undergraduate life centers around the colleges and the university authorities are little in evidence except at such times as graduation, examinations and lectures. I believe that present-day Oxford is a much more crowded place than it was in pre-war days; many people who moved here during the war have been unable to return to their former residences owing to war damage and then there has been a tremendous influx of undergraduates which has swelled the college enrollments by at least a half. The problems which harry the Canadian undergraduate in these days worry his English contemporary: the scarcity of lodgings, the watchful eye in the book-stores, and of course, especially at the beginning of the term, the crowded lecture-rooms. But these are really only minor difficulties and one finds a very happy group of slightly older students engaging in an endless variety of activities but also keep a "weather-eye" open for "Schools" (examinations).

Of special interest to the Canadian student here is the quite different method of study to that which he has experi-

enced in Canada. Each term (there are three terms each of eight weeks' duration) he receives a long list of lectures which will be held; these he may attend if he so desires but his attendance is but a matter personal to himself. Every student is assigned to a tutor who devotes an hour a week to his problems. The usual form is for the student to write and read an essay to his tutor on some phase of his work which the tutor selects; this paper is then criticised and in process of time the undergraduate has covered many "popular examination questions." It is evident that more emphasis is laid here on the student's personal ambition; to the willing the tutorial system is invaluable, while to the unwilling it may serve as an adequate shield until "the day of reckoning."

Legal studies at Oxford differ from those taught in Canadian Law Schools both as to subjects and method. As to subjects these vary depending on whether the course studied is the B.A. or B.C.L. (the former, or a degree from another law school is a pre-requisite to taking the latter). The syllabus for the B.A. comprises nine courses which include Jurisprudence, two Roman Law subjects, Contracts, Torts, Real Property, Criminal Law, Constitutional Law and English Legal History, and Public International Law. The period of study for this course is two years. The student may spend on passing the B.A. examinations a year preparing for the B.C.L. This is a somewhat more extensive course although there are only eight examinations: Common Law, (Torts, Contracts, Criminal Law, Negotiable Instruments, Practice), Property (Real and Personal), Equity (Trusts and general equitable doctrines), Private International Law, Jurisprudence, two Roman Law subjects, and a special English Law subjects which may be either Evidence, Company Law, or Public International Law. In addition it is customary for the undergraduate to have an oral examination before his degree is finally established.

There are, I believe, two different techniques for the study of law; the case-book method as originated in Harvard and practised to a more or less degree in Canadian schools, and the technique employed at Oxford. The latter concentrates on text-books; case-books are used to a very limited extent and emphasis is laid on looking-up the original reports.

I feel that I have had to deal briefly with topics which could stand much fuller treatment but I hope that what is here may be of some interest.

With all best wishes for the success of "Oyez Oyez."

Yours faithfully,

E. R. E. CARTER.