

**LEGAL STUDIES IN THE  
UNIVERSITY OF OXFORD: A  
VALEDICTORY LECTURE  
DELIVERED BEFORE THE  
UNIVERSITY JUNE 10, 1893**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649262816

Legal Studies in the University of Oxford: A Valedictory Lecture Delivered Before the University June 10, 1893 by James Bryce

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**JAMES BRYCE**

**LEGAL STUDIES IN THE  
UNIVERSITY OF OXFORD: A  
VALEDICTORY LECTURE  
DELIVERED BEFORE THE  
UNIVERSITY JUNE 10, 1893**



*Legal Studies* <sup>*Cover*</sup>

in the

*University of Oxford*

A VALEDICTORY LECTURE

DELIVERED BEFORE THE UNIVERSITY, JUNE 10, 1893

BY

JAMES BRYCE, D.C.L.

LATE REGIUS PROFESSOR OF CIVIL LAW IN THE UNIVERSITY OF OXFORD  
AND FELLOW OF ORIEL COLLEGE  
CHANCELLOR OF THE DUCHY OF LANCASTER

London

MACMILLAN AND CO.

AND NEW YORK

1893

Price One Shilling net

LEGAL STUDIES  
IN THE  
UNIVERSITY OF OXFORD

TWENTY-THREE years have passed since I entered on the duties of the Chair of Civil Law in this University: and to-day, in obedience to precedents of high authority, I come to say some parting words suggested by the experience of those years. They have been years full of experience for us all: and it may be not unprofitable that I should note the changes they have brought and endeavour to estimate the position which legal studies, and especially the study of the Civil Law, have now reached in the University and in the country.

Those changes have been many and momentous. Since 1870 the University has nearly doubled the number of its undergraduates and has greatly increased the number of its teachers. It draws men much more largely from the less wealthy classes of the people. A new college has been founded, and risen to prosperity: an old one has been refounded and enlarged. Two colleges for women have sprung up and taken firm root. Theological tests have been abolished: persons not belonging to the Church

of England as by law established have begun to resort freely to Oxford: two theological faculties belonging to unestablished religious bodies have come to dwell in our midst, and have received a courteous welcome. Nor have any of the unfortunate consequences predicted as likely to follow from the admission of Nonconformists been actually experienced, for there has been a diminution of theological controversy, a growing sense of friendliness and sympathy among Christians, a more assured peace in the minds of our students.

The examination system has been remodelled, with a regrettable but perhaps inevitable increase of complexity, as well as enlarged by the inclusion of new studies. The University and the Colleges have been dealt with by Parliament and by an Executive Commission: and the serious consequent evils have been not wholly uncompensated by gains. We have undertaken many new kinds of work. We provide University Examinations for Women, and we send zealous young lecturers everywhere through England to bring teaching of an academic type within the reach of the people.

As regards Law, while the degree of Doctor of Civil Law has become a true distinction by the requirement of a thesis of substantial merit instead of the former purely formal exercise, the B.C.L. examination (then scarcely serious) was made by the Statute of 1872 a reality: the standard both of honours and of the pass degree has steadily risen,

and this rise has been accompanied by an increase of candidates. It is probably now, I do not say the most difficult, but the best arranged and most practically useful law examination anywhere in the United Kingdom. In the years preceding 1870 there were seldom more than two or three entrants for this examination, almost absurdly easy as it then was: we have now usually upwards of twenty and sometimes twenty-five. Similarly the number of candidates in the B.A. Jurisprudence School has grown and the quality of the work has improved.

In 1868 there were only three Chairs in the Faculty of Law: those of Civil Law, Common Law, and International Law, besides the temporary Vinerian Readership; and of these that of Common Law was virtually in abeyance. In 1870 the work of the Corpus Professorship of Jurisprudence began with the lectures of that illustrious writer whose fame two Universities dispute, for if Cambridge reared him, Oxford gave him the occasion for teaching, Sir Henry Maine. In 1878 the Readership in Indian Law, and in 1881 that in Roman Law was founded and the opportunity taken of placing in it the learning, energy and zeal of a German civilian—Dr. Grueber—whose lectures have proved most helpful to us. In 1882 the Vinerian Chair of Common Law became (as we trust it will ever continue) a working chair by the choice of another distinguished man whose powers, always admired by his friends, are now recognized over the English-speaking world, and to



whom belongs the rare honour of having devoted those powers to the service of his political allies in a great and burning controversy without impairing the respect which all parties feel for the depth and soundness of his constitutional lore.

Thus we have now seven working professorships : and to these we must add, in estimating the teaching force which the University possesses, the lectures of another distinguished writer whom we regard as virtually a law professor—the Warden of All Souls : and of more than ten College lecturers, who serve the University as well as their respective Colleges, with conspicuous efficiency. Nor must I omit to note another evidence of the activity of our Law School and of its wide influence in the world of learning. One of the chief uses of providing lecturers is that you provide a set of persons whose duty it is not only to study but to make themselves proficient in the art of communicating their knowledge. Lectures grow into books, and not a few of the best law books—such for instance as Justice Story's—have grown out of lectures. In this respect our school has not been backward. Its members have produced within these twenty years Sir Henry Maine's three volumes of republished lectures, our lamented friend Dr. Mountague Bernard's *Lectures on Diplomacy* and his *Neutrality of Great Britain during the American War*, Dr. Holland's *Elements of Jurisprudence*, which has now happily superseded Austin and become the standard

text-book both in America and here, and the same author's edition of the *Institutes of Justinian*, Mr. Digby's *History of the Law of Real Property*, Sir Frederick Pollock's books on *Contracts* and on *Torts* and his *Lectures and Essays*, Mr. Dicey's *Law of the Constitution*, Sir W. Markby's *Elements of Law*, the Warden of All Souls' *English Constitution*, which was at once accepted as the authoritative book on the subject, Mr. Raleigh's *Law of Property* and his *Elementary Politics*, Dr. Grueber's treatise on the *Lex Aquilia*, Dr. Moyle's edition of the *Institutes of Justinian*, which has now become the standard edition, and his book on the *Roman Law of Sale*, Mr. Ledlie's excellent translation of Sohm's *Institutionen*. This would not be a long list for a German University with its twenty-five or thirty teachers in the law Faculty; but when we regard our own small numbers, and compare the list with the barrenness of Oxford legists in previous years, it shews that the endowment of learning has not tended to make us idle, and that the teaching which such books represent must have been of a high order. To recount these things is not, I think, a mere piece of corporate vain-glory, for the special work of this Faculty and the books relating to that work lie so much apart from the main current of University thought that many people in Oxford may have little idea of the reputation which the productions of our school have won, of the services they have rendered, of the stimulus which they have given to

law-teaching in the new Colleges that are rising over England.

Thus, upon a review of recent years, we may say that as the whole University has grown and expanded, so has also this side of her activity, and that what was once a dry river-bed, or presented, like a South African river, only a few scattered pools of stagnant water, has now become a wide and fertilizing stream.

That serious deficiencies exist I am well aware: I shall presently advert to them and to the steps that may be taken to remove them. For the moment, however, I am noting progress actually made and gains actually secured. Among these may be reckoned the assured position which the study of the Roman Law now enjoys.

Though this was the first subject recorded to have been taught in Oxford, for one of the earliest notices of the University is to be found in the sentence 'Magister Vacarius in Oxenefordia legem (*sc.* Romanam) docuit,' and though from his time (the reign of king Stephen) down till the seventeenth century it held a place second only to theology, it had within the last hundred years virtually died out of the University, and this chair, founded by King Henry VIII in 1546, and occupied in the time of James I by Alberic Gentili, had become a sinecure. A few Law degrees no doubt continued to be given, but they carried no evidence of knowledge. Our revival begins with the substitution in 1852 of an examination (albeit