

enacted that "in all matters of controversy relative to property and civil rights, resort shall be had to the laws of Canada" i. e. to the French law as it was before the Cession. The Criminal Law of England was to continue in force.

After the passing of the Code Napoléon in 1804 countries which, like this Province and Louisiana, were governed by the French law, as it was before that Code, were left in a very awkward position. The Code Napoléon had amended the law in a great many details, and had cleared away many anomalies and obscurities. A new brood of commentators at once settled down upon the new Code. The French market was flooded with the works of the older writers who had expounded the former law. The unhappy lawyers of Canada and Louisiana were left to beat their brains over crabbed old French Commentators whose works were now in France herself almost superseded. It is bad enough to have to find out the law of today. What must it have been to have to find the French law as it stood at 1763 ? Indeed as to many questions it was necessary to go further back, for the French law at 1763 might be found in an *Ordonnance* which did not apply to Canada. Even if the lawyers had been familiar with the French language the position would have been lamentable. But for the lawyers—and their number was always increasing—whose mother tongue was English it was intolerable. In 1857, largely through the energy of Sir George Cartier, an Act was passed appointing Commissioners to codify the law of Lower Canada. (C. S. L. C. Ch. 2). On 1st August, 1866 the Civil Code came into operation. In its compilation great use was naturally made of the French Codes. But although the substance of the law of Quebec is mainly derived from French sources, there are important branches of it which are