

## THE CIVIL LAW AND THE COMMON LAW IN CANADA.

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In Canada the two great legal systems of Christendom, the Civil law and the Common law, are both represented. In the ancient world the Roman Law followed everywhere in the train of the legions. It took such deep root that it was not swept away even in the crashing ruin of the Roman Empire. Broadly speaking, the modern law of France, Belgium, Holland, Germany, Austria, Italy, Spain and Portugal is still Roman law. It is, of course, the Roman law with a difference. Every country has modified it in a thousand ways. In all it is mingled with a proportion greater or less of law taken from other sources. E. g., in Germany it is customary to divide the law into two branches: one styled Modern Roman Law (*Heutiges Römisches Recht*), and the other German Private Law (*Deutsches Privatrecht*). The former includes that part of the law which is of Roman origin though modified in detail; the latter that part which is of modern introduction or rests upon independent German customs. In France, the *droit coutumier* of the North contained a great deal that was not drawn from Roman sources, while the South the *pays de droit écrit* retained the Roman law only slightly diluted. In both France and Germany there are important branches of the law, and specially the great chapter of obligations, which are still almost pure Roman law.

France, Spain and Portugal carried their laws with them to the new World. French law still forms the basis of the law of Quebec and of the law of the State of Louisiana, and Spanish or Portugese law that of the greater part of South America. Holland also carried her laws into Africa and America and they