moreover, from the Council down to the inferior tribunals, contributed a large number of judgments interpreting the law[1]). Indeed, if there is any one feature which impresses the student of French administration in the New World it is the prodigious official activity there displayed. Still this bewildering mass of colonial legislation and judicial decisions served but slightly to modify the general principles of the colonial law as set forth in the Custom of Paris and in the ordinances of the French crown, for the obvious reason that the ordinance power of the colonial authorities was limited to the elucidation and administration of the law and did not extend to the radical alteration of it. The intendants, however, allowed themselves considerable latitude in this direction, and one of their number assured the king that if he did not follow this policy of departing from the letter of the law with great freedom the result would be very detrimental to the interests of justice in the colony[2]). The home authorities countenanced this praetorian policy on the part of the intendants; but on the whole their exercise of it did not serve to make any very great variations in the general system of colonial law.

When, in 1760, the French withdrew from North America, they left implanted there a legal system which, on the whole, was very far from being wholly Roman in basis or in character. On the contrary the influence of Roman law had been but mildly stamped upon it, much less strongly indeed than it had by this time become impressed upon the legal system of France herself. This was because many branches of French law had been thoroughly romanized by the issue of the »grandes ordonnances« which, as has been stated, were not an integral part of the colonial jurisprudence. Strange and paradoxical as it may appear, a large part of the influence which Roman Law has obviously exerted both upon the form and matter of French-Canadian civil law, made itself effective not during the period of French rule but under English domination.

It is a recognized principle of English public law that the conquest of alien territory does not ipso facto involve the extension thereto of the English law of property and civil rights[3]). On the contrary the civil law of the conquered territory remains in full force and effect until such time as the new suzerain power may alter or abrogate it

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[1]) The decisions of the inferior courts have never been made available in printed form.

[2]) Raudot to Pontchartrain (November 10, 1707), in Canadian Archives, Series F, Vol. 26, p. 7 ff.

[3]) The leading case on this point is Campbell v. Hall, in 1 Cowper's Reports, 204.