

such publication (even of a constitution relating to an article of faith) could not be made without the Royal authority and permission.(1) Even the decrees of the Councils of Trent (admitted to have been legally convened) were not recognized to be Law, their publication not having been authorized by the Sovereign; and to give effect to many of its dispositions, which it was thought proper to adopt, they were enacted in the Royal Ordinances.(2)

The Royal Ordinances, with the law of nature and of nations, and the Ecclesiastical Code, so far as it was sanctioned by the Sovereign, may be considered as the common or universal Law of France; but the remaining part of the municipal Laws of her several Provinces or Districts were very dissimilar. In the Pays de Droit Ecrit, which were those Provinces in which the Roman Code, by the especial favour of the Sovereign, had been permitted to remain, and was declared to be in force, that system obtained to the exclusion of the Customs; (3) while in the others, and particularly in the Vicomté of Paris, the Customs obtained, to the exclusion of the Roman Law, which, in these Provinces, or Pays de Droit Coutumier, was of no force, and was considered only as a system of written reason. It was long, indeed, a disputed question in the Jurisdictions of the Vicomté of Paris, whether recourse was not to be had to the Roman, as to a positive Law, for decisions in unforeseen cases for which no remedy was provided by the Custom; but it was ultimately settled that such recourse ought not to be had, and that the judges were not bound to decide by it. (4)

I feel that I have already trespassed upon your time, yet before I conclude, as the subject upon which I have the honor to address you appears to allow it, I cannot but solicit your attention to the actual state of the study of the Law in Canada.

(1) Héricourt, *Lois Eccles.* vol. 1, p. 105, col. 2 and vol. 1, p. 98, and col. 1 and 2, p. 100, col. 1, and p. 105, col. 1 and 2. *Dict. Canon.* verbo "Canon." et *Droit Canon.* Lacombe, *Rec. de Jurisp. Canon.* introd. p. 1 and 2.

(2) Héricourt, *Lois Eccles.* vol. 1, p. 99, col. 1 and 2.

(3) Ferrière, *D. D.* verbo "Pays de Droit Ecrit."

(4) Dumoulin, *des Fiefs*, introd. No. 106 and 109. *D'Aguesseau*, vol. 1, p. 156. *L. C. Denizart*, vol. 5, p. 674. *Ferrier Gd. Com.* vol. 1, p. 18 and 19, No. 1, 2, 3, 4, vol. 1, p. 6. *Discours Préliminaire.* *Le Prestre Cent.* 3, cap. 35, p. 675, which cites an ordinance of Philippe le Bel, declaring France not to be governed by the Civil Law.

The experience of many ages and of many countries seems to have shown, that the elements of science are best inculcated by public lectures—rightly conducted they awaken the attention of the student, abridge his labour, enable him to save time, guide his inquiries, relieve the tediousness of private research, and impress the principles of his pursuit more effectually upon his memory.(1)

The Student of Law in Canada has no assistance of this description; he toils alone in an extensive field of abstruse science which he finds greatly neglected, and therefore too hastily deems to be despised, and, discouraged from the commencement of his labours, he is left to his own exertions, and is compelled to clear and prepare the path of his own instruction, almost without aid of any kind.

Would not an effort to relieve him in this arduous and solitary task, as one among the first fruits of this Society, be highly worthy of its views and character? And is it too much to say, that a Public Institution which would enable those who intend to pursue the profession of the Law to lay the foundation of their studies in a solid scientific method, and afford them more ample knowledge of the peculiar system of jurisprudence by which we are governed, would be productive of great and lasting benefit, not merely to the student, but to the public at large?

It is not, however, my intention, upon the present occasion, to press this subject any further. The system to which I have just alluded is one of real merit, it is built upon the soundest foundations of natural and universal Justice, approved by experience, and is most admired by those who know it best. Its claims to notice are therefore so apparent, that I shall indulge myself in the hope, that the influence of this Society will soon be exerted for the establishment of some Institution of a public description, in which the Law may be taught as a SCIENCE—a science which, though hitherto neglected, is of the first importance to mankind, and "with all its defects, redundancies and errors, is the "united reason of ages, the pride of the human "intellect."(2)

(1) Vide Sir James Mackintosh's *Discourse on the Study of the Law of Nature and of Nations*, p. 2.

(2) *Burke's Works*, 4to, vol. 3, p. 134.