

decrees of the Councils of Trent (admitted to have been legally convened,) were not recognised to be Law, their publication not having been authorised 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 (1).

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 (2); 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 (3).

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.

THE experience of many ages and of many countries seems to have shown, that the elements of science are best inculcat-

(1) Hericourt, *Loix Ecclesiastiques*, vol. 1, p. 99, col. 1st & 2d.

(2) Ferrière, D. D. verb "Pays de Droit Ecrit."

(3) Ferrière, D. D. verb "Pays de Droit Ecrit." Dumoulin, *des Fiefs*, introduction, No. 106 & 109. D'Aguesseau, vol. 1, p. 156. L. C. Desmazart, vol. 5, p. 674. Ferrière, *gd.*

Com. vol. 1st, p. 18 & 19, No. 1, 2, 3, 4 & seq. Ibid, p. 306, vol. 4, art. 10. *Dict. de Jurisp.* de Prost. de Royer, vol. 1st, p. 6. *Discours Préliminaire. Le Prestre Cent*, 3, cap. 85, p. 675, which cites an Ordinance of Philippe le Bel, declaring France not to be governed by the Civil Law.