

PREFACE TO THE SECOND EDITION.

THE CIVIL CODE OF LOWER CANADA has now been in force for over three years, during which time, as the following notes will show, many of its provisions have, in different degrees, been affected by statutory legislation. From a summary classification of the articles noticed in these remarks it would appear that seven of them have been substantially changed or amended, sixteen are trenced upon in specified exceptional cases, twelve are connected with suppletory or additional provisions, and sixteen contain references to special statutes which have since been amended or repealed; of the remainder, eleven have been, directly or indirectly, the subject of judicial interpretation, and the others, by their subject matter, are connected with statutes to which it will be found useful to refer.

When the second edition of the French civil code was published, in 1807, a similar period of over three years had elapsed since its first publication in 1804, and yet no more than six of its articles had been affected by the intermediate legislation. (1)

The framers of the French code had expressed the opinion, "*qu'on ne doit pas permettre, avant dix ans au moins, d'y faire aucun changement.*" (2).

The commissioners who framed our Lower Canada code were careful, in concluding their seventh report, to expose

(1). I. Boileux, p. xliv.—Sebire et Carteret, *Encyc. de Droit*, vol. 4, p. 367.

(2). I. Loqué, p. 112.