first act of the Upper Canada Legislature was to bring into force the whole of the Common Law of England. Thereupon, the co-existence of the Civil Law and the Common Law within Canada commenced.

In 1837 there was an insurrection upon which Lord Durham was commissioned to make a report to the British Government. In this Report, Lord Durham concluded that only by the assimilation of the French-Canadians could security and peace be achieved, and that such assimilation could be achieved by bringing Upper and Lower Canada together into one province governed by one single legislature. This was accordingly done. But Lord Durham proved to be wrong in his views concerning assimilation. Instead of their being assimilated, the French-Canadians adhered so strongly to their own French concept of the Civil Law that in 1857, it was the government of the United Canada which ordered that the civil laws which in the meantime had never ceased to rule Quebec, should be codified. This was done and thereupon the single Legislature of the United Canada in 1866 adopted and enacted this French Civil Code. This is the Code which, with amendments of course, is still in force in Quebec as I speak here today.

In 1867, the Provinces of Upper and Lower Canada, New Brunswick and Nova Scotia were confederated as the Dominion of Canada by the British North America Act, an Imperial Statute. This Imperial Statute is our main constitutional document. By it the Provinces, as I have already noted, were granted the exclusive right to legislate in regard to property and civil rights. Thus, the Civil Code continued to be the law of Quebec and Quebec alone through the years following has had the power to amend it.

By this Quebec Code, the order and the logic of the great French legal writer, Robert Joseph Pothier have been even more closely respected than they are by the Code Napoleon. Moreover, the fact that no revolutionary idea or atmosphere surrounded the Quebec Codification may explain the absence of any abrupt departure from the French and especially the Roman law tradition. Whereas the Code Napoleon was intended to be interpreted only in the light of its own provisions and to be considered as an exhaustive body of law, under the Quebec Civil Code ... the old French law, and then the Roman law if necessary, may still be used to supplement incomplete provisions or to interpret imprecise texts. The Quebec legislators were evidently right in so doing because, as Klimrath remarks in his "Histoire du Droit Français":

> "Vraiment, c'est mal comprendre nos lois, que de les isoler, et de ne vouloir les interpréter que par elles-mêmes, lorsque tout le passé est là, pour leur servir de commentaire, et l'avenir de complément."

Notwithstanding this manifest determination of the French-Canadians to adhere to the great principles of their juridical tradition, they have been realistic enough to borrow from the Common Law system certain institutions or solutions which they have succeeded in integrating to their own legal structure, without modifying its basic principles.

One of the most important examples of such developments has been the acceptance by the Civil Law of Quebec of the principle of the absolute freedom of any person to dispose