

A project of a Commercial Code was prepared under the resolution of 1822, but it failed to meet the approval of the Legislature. Questions of Commercial law are, therefore, settled in Louisiana by reference to approved works on the subject, and the decisions of the enlightened judicial tribunal of the civilized world. The decisions of the English and American Courts are most generally consulted and accepted as authority.

An attempt was made in 1820 to codify the criminal law of the State. In 1821, Edward Livingstone was appointed by the Legislature, to prepare and submit to its consideration a Criminal Code. This distinguished legist made an elaborate and scientific report, which increased his literary fame, but its philosophic speculations never received the sanction of law.

Our lawyers, accustomed to the civil law practice, were much embarrassed as to the method of conducting civil causes in the courts of the United States. The distinction between "law and equity" is unknown in Louisiana practice; the courts adjudicate all civil causes without reference to such distinction which is peculiar to countries in which the common law prevails. In Louisiana, where the distinction, derived from the common law system, between writ of error and appeal, is ignored, the evidence in any civil case of which the court of final resort has jurisdiction, is, at the request of either party, reduced to writing; the appellate court reviews the law and the fact, without regard to the circumstances whether or not the case was tried by a jury in the court below.

All the evidence is transmitted to the appellate court, which disposes of the case on its merits, even though no bills of exception are taken by either party, to the judgment of the court below on question of law. All that is necessary to bring into activity the revisory power of our Supreme Court, is, the presentation of all the evidence, on which the judge below decided the case; on the evidence, the court will proceed to adjudicate *de novo*, both the law and fact involved in the cause.

Congress attempted to conform the practice of the courts of the United States, sitting within this State, to the practice of the State Courts. A special statute for Louisiana was passed by Congress, 24th May, 1824, (4 Statute, 62,) by which it is enacted, that the mode of proceeding in *civil causes* in the courts of the United States, that now are or may hereafter be established in the State of Louisiana, shall be conformable to the