

The laws of Canada are now composed—first, of the Roman jurisprudence, when the other laws are silent; second, of the laws of the kingdom of France, with the practice of the court of the parliament of Paris, as they were in 1663; third, of the edicts and royal ordinances of the kings of France, relative to Canada, recorded in the registers of the superior council of Quebec; fourth, the *arrets* and regulations of this council, together with the ordinances and judgments of the intendants, from 1663 to the conquest, 1759;(1) fifth, of the criminal laws of England, as they existed in 1774;(2) sixth, of the jurisprudence of Canada in civil matters, except on land held in free and common soccage, where the civil laws of England rule as to inheritance, dower, matrimonial rights and alienation of lands, from 1829;(3) seventh, of all the statutes of Great Britain relative to Canada, of the ordinances of the governors and legislative council of the province, from 1774 to December, 1791,(4) when the province was divided; eighth, of the statute law of both provinces, in Upper Canada to this day, and in Lower Canada to 1838; ninth, of the ordinances of the special council of Lower Canada to the 10th February, 1841, the provinces being re-united.

Nor is this all, the combined influence of Christianity and commerce, and the facility of communications having established such free intercourse amongst almost all nations of the earth, that an utter confusion of all rights would have ensued, had not some common principles been adopted by all nations to expound and decide upon contracts, marriages, nuptial settlements, wills, successions, foreign guardianships, foreign administrations, foreign judgments, &c., questioned amongst persons whose domicils are in different countries, having different and even opposite laws on the same subjects. Hence, new rules, resting on the basis of general convenience and of national duty, promulgated by jurists, and supported by courts of justice, have gained ground, and now command universal confidence and obedience; and when the professional man is consulted on these questions, to use the language of Daguesseau, he should answer so as to make his foreign client believe that he is his countryman, and that he studied none but the laws of his country.

VIII.—*The Advocates.*

Whoever sets limits to the science of an advocate, has not a perfect idea of the sublimity of his profession. To the qualifications necessary to be acquired in the other branches of legal knowledge, he must add those of the orator, and the orator is not perfect if, by the continual study of the purest morals, he doth not penetrate into the nature of the human heart. History must have given him an experience and anticipated old age. He must exhibit the genius and the character of the ancient orators, and that more than their ideas and their expressions; imitation must have become to him a second nature; he must speak like Cicero when Cicero imitates Demosthenes, or like Virgil, when that poet, by a difficult but noble larceny, enriches himself with the spoils of Homer. With these acquirements, the advocate may take pride in his profession, reflecting that with the thunders of

(1) Edict creating a Superior Council at Quebec, 1663.

(2) English Statute, 14 Geo. III. ch. 33.

(3) Imperial Statute, 7 Geo. IV. ch. 59, and Provincial Statute, 9 and 10 Geo. IV.

(4) English Statute, 31 Geo. III. ch. 31, 1790.