

of the legal systems of the western hemisphere.

Indeed, the civil law is represented in the United States of America itself. The adjoining state of Louisiana, for example, has a code of civil law. Why? Mainly because its territory at one time was, like Canada, a part of New France.

But the immense area, almost twice as large as that of Texas, and the large population of the Province of Quebec, makes Canada, I think, the only country in the world in which no less than thirty per cent of its citizens steadfastly follow the French Civil Law, whereas the other seventy per cent follow just as steadfastly the English Common Law.

It is this unique and harmonious co-existence of these two legal systems in a single state, that I wish to discuss with you this afternoon.

One of the things which makes this co-existence possible is that our Canadian constitution has deliberately provided that it is the provincial legislature which has the exclusive power to make laws in relation to property and civil rights in the province. That is to say, it is the provincial legislature which alone can determine what laws shall prevail in its province in relation for example, to the right of citizens inter se; the character of private property; the limitations imposed by law on owners of property; the law of obligations, including the law of contracts; the law of torts, or, as they are called in Quebec, delicts and quasi-delicts; the personal status of the individual; and the power of individuals to dispose of their property inter vivos or by will.

Thus, in relation to these subject matters, Canada in theory could have as many systems of provincial legislation as there are provinces. Yet, in the Common Law provinces, there is, consistent with special conditions of each province, a great degree of uniformity of laws, especially of commercial laws. This uniformity is the product of the enactment as law the Common Law legislatures, of the recommendations of an interprovincial Committee of Commissioners for Uniformity of Legislation.

Each of our two Canadian legal systems has proven helpful to the other. Yet, over the decades each has preserved its identity. Neither the Common Law nor the Civil Law of Quebec has been, nor does it seem likely to be, seriously infiltrated much less permeated by the other system. The harmonious co-existence of the two systems has left us a set of laws for Canada as a whole which is well-balanced and workable. For these and other reasons, the followers of each do not merely tolerate, they respect the other.

Before I cite actual examples of their favourable effects upon each other, let me sketch in some relevant historical background.

Although at its zenith New France extended much farther west into Manitoba and south through the valley of the Mississippi River into Louisiana, the territory of Quebec and Ontario was the main part of New France throughout most of its history. In this New France of 1663 Louis XIV by a Royal Ordinance created the Conseil Souverain de