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A Reprint of Moreau Lislet's Copy of A Digest of the Civil Laws now in force in the Territory of Orleans (1808)-"The de la Vergne Volume." The Louisiana State University Law School and the Tulane University School of Law, 1968. Not for sale.

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## Book Note

A Reprint of Moreau Lislet's Copy of *A Digest of the Civil Laws now in force in the Territory of Orleans* (1808)—"The de la Vergne Volume." The Louisiana State University Law School and the Tulane University School of Law, 1968. *Not for sale.*

In recent years a number of law review items have noted the existence of the original of this book and indicated its contents.<sup>1</sup> Now, through the kindness of its owners, the widow and heirs of the late Charles E. de la Vergne of New Orleans,<sup>2</sup> and the financial assistance of the LSU Foundation and private benefactors, the Louisiana State University and the Tulane University Law Schools have reproduced a limited number of copies by a photolithographic process. Some of these copies have been retained by the two law schools mentioned for use in their libraries, and the other copies have been distributed to other libraries, institutions, and a few individual scholars believed to have particular use for them.<sup>3</sup>

The motive for reprinting the de la Vergne volume was the importance it is believed to have for Louisiana legal history and, especially, Louisiana civil law science. This importance

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1. Franklin, *Libraries of Edward Livingston and of Moreau Lislet*, 15 TUL. L. REV. 401, 404, n.10 (1941); Dainow, *Moreau Lislet's Notes on Sources of Louisiana Civil Code of 1808*, 19 LA. L. REV. 43 (1958); Franklin, *An Important Document in the History of American, Roman, and Civil Law: The de la Vergne Manuscript*, 33 TUL. L. REV. 35 (1958).

2. Mrs. Charles E. de la Vergne, Mr. Hugues J. de la Vergne II, Mr. Charles E. de la Vergne, Jr., and Mr. Louis V. de la Vergne.

3. Libraries to which were sent copies of the de la Vergne Volume are those of

*In Louisiana:* Louisiana State University Law School; Louisiana State University (General Library); Loyola University Law School; Southern University Law School; Tulane University Law School; Tulane University (Howard Tilton Memorial Library); Louisiana State Museum (Cabildo); New Orleans Public Library; Supreme Court of Louisiana; Louisiana, First, Second, Third and Fourth Circuit Courts of Appeal; United States Fifth Circuit Court of Appeals.

*In the United States outside Louisiana:* Library of Congress; National Archives; United States Supreme Court; University of California Law School; Columbia University Law School; Harvard University Law School; University of Miami Law School; University of Michigan Law School; Southern Methodist University Law School; University of Texas Law School; Yale University Law School.

*Outside the United States:* Archives Nationale de France (Paris); Archivo General de las Indias (Seville); British Museum (London); Institut de Droit Comparé (Paris); Instituto de Cultura Hispánica (Madrid); Instituto de Derecho Comparado (Barcelona); Instituto de Derecho Comparado (México, D.F.); McGill University Law School (Montreal); University of Montreal Law School; Oxford University (Oxford); Squire Law Library (Cambridge).

stems principally from the notes opposite the French texts of the articles of the *Digest*, believed to be those of Louis Moreau Lislet, one of the *Digest's* redactors, purporting to give the "actual sources" of those provisions. There is another copy of the *Digest* of 1808, in the possession of the Louisiana State University General Library, which also belonged to Moreau Lislet and which contains marginal source notes in a hand apparently his.<sup>4</sup> Of the two books, however, the de la Vergne volume is the more complete and the more elaborate, containing in addition to the source notes references to corresponding provisions of other civil laws, and thus was selected for reproduction.

The de la Vergne volume (and Moreau's copy of the *Digest* of 1808 in LSU's possession) will enable scholars to determine readily what meanings were attached by Moreau himself, at least, to the particular articles in that *Digest* and, in time, to ascertain accurately the whole of the structure and principles of Louisiana civil law in 1808. It will then appear, too, to what degree the *Digest* of 1808 reflected the Spanish law in force in that year or modified it with French or other ideas. Those who will take the trouble to examine either volume will discover that, although many of the articles of the *Digest* were copied verbatim either from the *French Code Civil* of 1804 or one of its *projets*, the source notes *never* cite the *Code Civil* as a source, but generally cite Spanish sources, though there are a number of citations to Domat for Roman law and also to Pothier. The writer has no doubt Moreau Lislet and his fellow redactor, James Brown, used the *Code Civil* and its *projets* as models of general form, the Spanish at that time not having enacted a civil code, and copied particular articles from the *Code Civil* or its *projets* wherever they believed these to conform to the Spanish law. Certainly where French institutions and rules did not conform to the Spanish law of the time, the French articles usually were not copied. Thus it will probably come to pass that those who think of the *Digest* as a modification of the *French Code Civil* will have to recognize the former for what its title declares it to be, a "Digest of the Civil Laws . . . in force in the Territory of Orleans" in 1808, which "Civil Laws" undeniably were Spanish.

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4. Pascal, *A Recent Discovery: A copy of the "Digest of the Civil Laws" of 1808 with Marginal Source References in Moreau Lislet's Hand*, 26 LA. L. REV. 25 (1965).

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