

Louisiana Law Review

Volume 32 | Number 3

April 1972

A Reprint of Moreau Lislet's Copy of A Digest of the Civil Laws Now in Force in the Territory of Orleans (1808), Containing Manuscript References to Its Sources and Other Civil Laws on the Same Subjects (The de la Vergne Volume). Second reprinting with additions, Claitor's Publishing Division, Baton Rouge, Louisiana, 1971. \$25.00.

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Repository Citation

Robert A. Pascal, *A Reprint of Moreau Lislet's Copy of A Digest of the Civil Laws Now in Force in the Territory of Orleans (1808), Containing Manuscript References to Its Sources and Other Civil Laws on the Same Subjects (The de la Vergne Volume)*. Second reprinting with additions, Claitor's Publishing Division, Baton Rouge, Louisiana, 1971. \$25.00., 32 La. L. Rev. (1972)

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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)*, Containing Manuscript References to Its Sources and Other Civil Laws on the Same Subjects (*The de la Vergne Volume*). Second reprinting with additions, Claitor's Publishing Division, Baton Rouge, Louisiana, 1971. \$25.00.

The significance of *The de la Vergne Volume* for an understanding of the derivation of Louisiana civil law and for its present construction and application has been the subject of a number of items in both the *Louisiana Law Review* and the *Tulane Law Review*.¹ The first reprinting of the volume under the auspices of the Louisiana State University Law School and the Tulane University School of Law, in 1968, was in a limited edition distributed to major law libraries and presumably particularly interested persons.² This second reprinting renders the work available to anyone.

The general availability of *The de la Vergne Volume* should benefit the scholarly and practical legal communities in two distinct ways. First, it makes available a photolithographic reproduction of the French and English texts of the *Digest* of 1808, popularly known as the Civil Code of 1808. Originals of the *Digest* are increasingly scarce, and the Louisiana State Law Institute's *Compiled Edition of the Civil Codes of Louisiana*³ does not permit one to visualize the *Digest* as a whole. All the articles of the *Digest* may be found somewhere in the *Compiled Edition*, but its format does not permit one to examine the *Digest* as a unit. As a result, the radical simplicity and beauty of statement of this essentially Spanish legal document in French Civil Code

1. See Franklin, *An Important Document in the History of American, Roman and Civil Law: The de la Vergne Manuscript*, 33 TUL. L. REV. 35 (1958); Dainow, *Moreau Lislet's Notes on Sources of Louisiana Civil Code of 1808*, 19 LA. L. REV. 43 (1958); Pascal, *Book Note*, 30 LA. L. REV. 746 (1970).

Professor Rodolfo Batiza of the Tulane University School of Law denies that *The de la Vergne Volume's* notes, presumably Moreau Lislet's, can be considered reliable as references to the "actual sources" of the articles of the *Digest* of 1808. See Batiza, *The Louisiana Civil Code of 1808: Its Actual Sources and Present Relevance*, 46 TUL. L. REV. 4 (1971), particularly at 7-10. But see the present writer's reply: Pascal, *The Sources of the Digest of 1808: A Reply to Professor Batiza*, 46 TUL. L. REV. 603 (1972).

2. See Pascal, *Book Note*, 30 LA. L. REV. 746 (1970).

3. 3 LOUISIANA LEGAL ARCHIVES Parts I (1940) and II (1942).

dress⁴ has remained known to relatively few present-day legal professionals and cultural historians. Second, now the Moreau Lislet notes citing both the Spanish and Roman legal substantive sources of the *Digest's* articles (those opposite the French texts of the *Digest*) and corresponding civil laws not used as sources (those opposite the English texts)⁵ will be available generally to help scholar and practitioner to reach and understand more profoundly the bases of the law in the *Digest*. This in turn will facilitate a more accurate appreciation of the institutions, principles, and rules of the Revised Civil Code of 1870, for much of the *Digest* of 1808 remains part of the present Civil Code.

The second reprinting happily corrects an error made in the preface to the first reprint⁶ and adds both Professor Mitchell Franklin's 1958 article, discussing *The de la Vergne Volume* and containing a translation of Moreau Lislet's *Avant-Propos* or Preface,⁷ and a translation of (presumably Moreau's) *Explication* of the abbreviations used in the citations.⁸ These should be an aid to the non-French reading user of the volume. The pages have been reduced somewhat in size, a factor which occasionally may render the notes themselves more difficult to read than they are in the first reprint, but this reduction in size together with the use of lighter weight page stock has made the second reprint a much more usable and wieldy book.

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4. Much of the literature of the past has tended to minimize the Spanish content of the *Digest* of 1808. See Batiza, *The Louisiana Civil Code of 1808: Its Actual Sources and Present Relevance*, 46 TUL. L. REV. 4 (1971), and works cited there. The writer believes the *Digest* of 1808 is primarily and essentially Spanish in content, though certainly largely French in form. See Pascal, *The Sources of the Digest of 1808: A Reply to Professor Batiza*, 46 TUL. L. REV. 603 (1972).

5. See the *Avant-Propos* in *The de la Vergne Volume* or its translations in the articles by Professors Franklin and Dainow, *supra* note 1.

6. The error was the inclusion of Pierre Derbigny among the redactors of the *Digest* of 1808. Although the *Preface* was signed by Dean Paul M. Hebert of the LSU School of Law and [then] Dean Cecil Morgan of the Tulane University School of Law, the error is that of the present writer, who prepared the rough draft of the *Preface*. Needless to say the writer now regrets that so much confidence was placed in his draft.

7. Franklin, *An Important Document in the History of American, Roman and Civil Law: The de la Vergne Manuscript*, 33 TUL. L. REV. 35 (1958).

8. Through what must have been a printer's error not noticed in proof reading, the samples of citations to the *Curia Philippica* and to Pothier have been placed in one paragraph without punctuation between them. The purchaser of the second reprint should separate the two to avoid confusion.

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