Law books, in many ways, lie at the heart of our legal culture, both common law and civil law. As lawyers, we take such books at their 'face value' most of the time — we use them to find out answers to legal questions, to dig out citations for briefs, memoranda, and the like. Their value as tools can make their status as objects bearing other kinds of meaning and significance (e.g., historical and cultural) difficult to appreciate. So too with the legal documents that lawyers find themselves surrounded by (and at times feeling drowned by), assumed to be boring to anyone who is not 'on the deal' (and perhaps even to those who are). Even when the production of a specific document is a shared endeavour, realizing the ultimate goal is the thing — for example, 'the deal' going through. The legal documents, the actual pieces of paper, though they may have been the site of much contestation and negotiation, are the means to that end and, in a sense, take on the status of transparent tools. The law 'in action' leaves its books and papers behind.

The law books and legal papers in the private law library of Quebec lawyer, judge, law teacher, legal academic, and law reformer Albert
Mayrand offer a unique opportunity to stop and see what we normally view as transparent tools acting in the world in a different way. It is an exploration of the meaning of the collection, what can be seen and heard from it, beyond the titles of its texts or what the texts record in the words on their pages.

What follows might be described as a ‘familiar ethnographic journey through transformations of meaning from concrete apprehensions of facts to abstract analyses.’ The discussion will move from a presentation of empirical background and context (who Mayrand is, what the collection contains, and how it was catalogued) to more abstract analysis (what the handling of his books can be seen to signify). The reader should therefore expect a certain amount of technical description (e.g., some discussion of the cataloguing techniques used), as well as what may be for some readers an introduction to certain topics in Quebec civil law. However, the insights, once we reach them, will, I hope, have made the effort worthwhile, and I will aim neither to over-explain (in terms of technical detail) nor to under-explain (in terms of necessary background legal understanding) on the way there.

To anticipate, the claim will be that Mayrand’s ‘scrapbook’ use of his law books to store materials such as offprints, pamphlets, photographs, newspaper clippings, book advertisements, cards, letters, draft judgments, and manuscripts can be seen as a manifestation of one of his substantive legal interests, namely, his interest in laws relating to record keeping and what is known in Quebec as the ‘law of persons.’

My principal focus will be on the registration of what are called ‘acts of civil status,’ namely, those recording birth, death, and marriage. The idea here is that Mayrand created a kind of informal registry of civil status by using his books to collect, store, and, in effect, record emanations of the events that would be recorded by acts of civil status in the lives of his friends and colleagues. In other words, through his book-handling, we see Mayrand acting like another kind of bookkeeper: the registrar of civil status. By analysing the intersection between legal interests and book-

handling and seeing the role that book-handling can play in understanding how expansive the role of legal interest can be, we will see how legal personality of a peculiar sort can be expressed in a collection of law books.

I want to say at the outset that no claim is made in this study about the ‘representative’ nature of Mayrand’s library or his book-handling practices in Quebec or outside of Quebec, or about the collection’s significance in terms of numbers of books, their rarity or condition, or any other such criterion. My primary interest springs from quite the opposite impulse, namely, from what I take to be the ‘unusual’ dimensions of the collection and what they might mean.

It does not perhaps quite go without saying that ‘the comparison is mine,’ in the sense that what I present here is my own reaction to what I saw in the collection and does not necessarily correspond to what others who examine it would be impressed by (e.g., a Francophone rather than an Anglophone or a researcher with a specific positive law topic in mind) or to what the collector himself might or might not agree with. The charge of idiosyncrasy might, in other words, be made against the researcher rather than against Mayrand. However, nothing turns in this account on how ‘common’ or ‘representative’ the things I present here are (Mayrand’s book-handling or my reactions to it); I assume, in proceeding in this way, that what can be seen and heard is worth turning our eyes and ears to.

II The person and the person’s library

A. ALBERT MAYRAND, THE PERSON

Albert Mayrand is a well-known and prominent Quebec private law jurist. He was part of the first generation of Quebec, career law teachers, working full-time at the University of Montreal in the 1950s and 1960s. These teachers were part of a relatively small circle of scholars, busily creating an indigenous body of Quebec law outside of the shadow cast by

5 A numerical description of the collection will follow. However, the library does not derive its significance from its size or from the rarity of its titles. Most of the books are, in fact, quite common and would be found on the shelves of any law library in Quebec. This is certainly true of the dictionaries and lexicons, codes, legislation, journals, and case reporters.

6 Riles, The Network Inside Out, supra note 3 at 73 (italics omitted). Riles is saying this of her comparison between traditional Fijian mats and the use of documents by transnational Fijian delegates to the United Nations Fourth World Conference on Women in 1995 in Beijing. She adds, ‘[i]ndeed, the need to which a comparison of mats and documents responds would seem quite alien to the negotiators.’

the towering legal inheritance of France. However, Mayrand was also one of the few doctrinal writers who maintained strong contacts abroad.

Mayrand’s influence as a teacher would be difficult to overestimate, given the impressive list of his former students: former Quebec premier, Robert Bourassa, former Supreme Court of Canada justices, Jean Beetz and Antonio Lamer, and present Supreme Court of Canada justice, Michel Bastarache, to name a few.

Mayrand’s doctrinal writings were by no means confined to his time at the University of Montreal – 1948 to 1965. Indeed, he was working within the judiciary when he published some of his most impressive pieces of work, notably Les successions ab intestat and Inviolabilité de la personne humaine. And he continued to write and publish in a prolific way throughout the 1980s and even into the 1990s, when he returned to the university and law practice after retiring from the Quebec Court of Appeal.

Mayrand was the Editor-in-chief of the prominent legal periodical, Revue du Barreau, for the last ten of those years at the University of Montreal – 1955 to 1965. He also did some teaching at the Faculty of Law at the University of Ottawa (Civil Law Section) in 1964. He was then appointed to the Superior Court of Quebec in 1965. During this time, he collaborated on the massive project to reform the Civil Code of Quebec. Mayrand’s involvement with the Civil Code Revision Office was felt most directly through his work on the Committee of the Law of Persons and the Family and on the Committee of the Law of Obligations in the late

9 Materials in the collection document relationships with French doctrinal writers René Savatier and Henri and Léon Mazeaud. I thank Supreme Court Justice Michel Bastarache for suggesting I include this point in the text.
10 L’Heureux-Dube, supra note 7 at 8.
13 Beginning its work in 1966, the Civil Code Reform Office under the direction of Professor Paul-André Crépeau consisted of forty-three committees (each composed of between three to seven jurists) who examined each major section of the law. Reports on various topics in both languages were circulated amongst interested persons, groups, and institutions for comment and then further revision. This culminated in the final Report on the Civil Code, which was presented to the minister of justice in 1977. The Office published this in two volumes: Draft Civil Code (a model document for the new Civil Code) and Commentaries (a comprehensive codifier’s report). These texts then structured academic and legislative debate about various specific proposals. The strategy of partial or gradual enactment was chosen and in 1980 articles relating to family law were adopted, followed by the adoption of the rest of the Code in 1991. The new Code came into force on 1 January 1994. See J.E.C. Brierley & R. Macdonald, Quebec Civil Law: An Introduction to Quebec Private Law (Toronto: Edmund Montgomery, 1993) at 86–97.
1960s and into the early 1970s (the time in which he served as the President of both of these committees). He did some part-time teaching at the University of Sherbrooke in 1971. He was then elevated to the Quebec Court of Appeal in 1974.

Retiring from the Court of Appeal in 1986, Mayrand joined McGill University’s Faculty of Law as Wainwright Senior Research Fellow with the Quebec Research Centre of Private and Comparative Law, bringing his private law library with him. At the Centre, he worked on the Private Law Dictionary Project, a project directed by the man who had been in charge of the reform of the Civil Code of Quebec, Paul-André Crépeau. When Mayrand left the university, this connection to the Centre led him to make a gift of his library.

Albert Mayrand is now ninety-two years old. He has been described as ‘an academic turned judge turned academic turned advocate’ because of the way that he has glided in and out of the roles of lawyer, legal scholar, and judge, inhabiting one role for a period of time and then again at a later time and often occupying multiple positions simultaneously. So, for instance, Mayrand practised law as a young man with the Montreal law firm of Mayrand, Deslauriers and Trépanier, from 1934 to 1948, and he then returned to practice with the Montreal law firm of Leduc et Lebel as a senior advocate, after retiring from the Quebec Court of Appeal in 1986. That year also marked a return to the university, this time McGill University, after a long time spent in the judiciary - Mayrand having spent then close to twenty years in each role. During all of this, he was an active legal scholar, publishing books and articles.

In his swearing in to the Quebec Superior Court, Mayrand speaks about the relationship between lawyers, law professors, and judges in the following way:

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14 While at the Centre, Mayrand sat on a number of editorial committees relating to various dictionary projects: the Joint Editorial Committee for the second edition of the Dictionnaire de droit privé et lexiques bilingues (Cowansville, QC: Yvon Blais, 1991) and the Private Law Dictionary and Bilingual Lexicons (Cowansville, QC: Yvon Blais, 1991), the Joint Editorial Committee (Bilingual Lexicons) of the first edition of the Private Law Dictionary (Montreal: Quebec Research Centre of Private and Comparative Law, 1988), and both the Joint Editorial Committee (Lexique) and the Editorial Committee (Dictionary) of the Lexique de droit privé, français/anglais: anglais/français (Montreal: Centre de recherche en droit privé et comparé du Québec, 1988)


16 He was, amongst other things, serving as a legal adviser to the National Assembly at this time.

17 One of the best examples of the life-long nature of Mayrand’s legal scholarship is the multiple editions of a dictionary of Latin maxims he worked on for over two decades: Dictionnaire de maximes et locutions latines utilisées en droit québécois (Montréal: Guérin, 1972); Dictionnaire de maximes et locutions latines utilisées en droit, 2d ed., 3d ed. (Cowansville, QC: Yvon Blais, 1985, 1994).
En réalité, magistrature, barreau et facultés de droit forment une même famille, un même gens. Leur membres ont une préoccupation commune : la recherche de la justice. Chacun, dans son domaine et à sa manière, contribue à l’œuvre collective. Chacun à son angle de vision, que celui des autres vient compléter. Pour concrétiser ma pensée, disons que l’avocat voit les problèmes juridiques de près, le professeur les voit à distance et le juge les voit de haut. Le point de vue de chacun peut contribuer à envisager le problème dans sa véritable perspective. La vérité juridique, parfois complexe, est mieux aperçue sous un éclairage diversifié.  

Mayrand’s movement in and out of academic, judicial, and advocate roles over the course of his career can be understood as a search for that ‘éclairage diversifié.’ His description of judges, lawyers, and legal scholars as forming ‘une même famille’ is significant, in the sense that one of the most vivid aspects of the ‘scrapbook’ use of his books described below is Mayrand’s practice of collecting materials relating to members of this community – newspaper clippings, letters, photographs, and so on, related to the author of a book and inserted in it. In other words, some of the books function in much the same way as a family album would, documenting aspects of the life of the person who wrote it and Mayrand’s relationship to him or her. However, the books also operate as containers or receptacles for more standard legal fare – book notices, draft judgments, notes on the text, related offprints, and pamphlets. Mayrand’s treatment of his books, using them to document this ‘extended family’ and store the paper generated from their common endeavours, calls to mind what former Supreme Court of Canada justice, Madame Justice Claire L’Heureux-Dubé, has said of family law itself: this is a field in which ‘both human and legal issues intertwine so closely that one cannot be separated from the other.’  

B. ALBERT MAYRAND, HIS LIBRARY AND ITS CATALOGUING

The collection itself contains some 307 books, 15 dictionaries and lexicons, 26 codes, 54 pieces of legislation, 386 legal journals (153 of which are bound), 213 case reporters (120 of which are bound), 106 reports, and 106 office files. Numerous off-prints, pamphlets, photographs, newspaper clippings, letters, draft judgments, and manuscripts were also


19 ‘Family Law in Transition: An Overview’ in C. L’Heureux-Dubé & R.S. Abella, eds. Family Law: Dimensions of Justice (Toronto: Butterworths, 1983) 300 at 309. For further biographical information on Mayrand and a record of his friendship with Madame Justice L’Heureux-Dubé, see her article in tribute to him, supra note 7, the first instalment in a series established in his honour.
found between the pages of books and inside office files, journals, and case reporters, as well as inside various miscellaneous envelopes and binders.

Indeed, the vast quantity of inserted materials meant that the cataloguing of Mayrand’s law books was to a large extent archival work. The materials found inside the books often related to the legal topic of the book (e.g., notices for other books on the same subject, pieces of legislation, notes, annotations, and references scribbled on slips of paper). But inserted materials were also often directly related to the author of the book. So, for instance, it was quite common to find letters written either from or to the author, a photograph of him or her, newspaper clippings about the author, invitations to a wedding or a book launch, and a death notice if the author had died. In bibliographical terms, these materials are ‘associational’—that is, they express a relationship between the owner of the book and its author. For example, Philip Cutler’s *Code du travail du Québec* contains a card with a print reproduced from an etching owned by the Cutler family. This kind of material lies between the pages of the books, next to the legal text on the substantive area of the law, intermingled with other items related to the legal topic.

Hence, the books’ interspersed contents include both straightforward legal materials inserted in a way that makes one think of a file folder and associational materials that seem to turn the book into something more like a photograph album. In order to capture both types of materials, this might be thought of as the ‘scrapbook’ use of a book. In the end, we are left with an archival package in which both kinds of materials, plus the book, operate as a seamless whole.

With respect to the method of cataloguing, all of the pieces were left in their original seventy boxes, each box was assigned a number, and researchers went systematically through each box, preparing a card for each book, journal, case reporter, report, and office file. Each card

20 For example, Mayrand's copy of Roger Comtois' *Loi du notariat annotée / Notarial Act Annotated* (Montréal: Wilson & Lafleur, 1959) contains the following: an ad/order form for the later 1975 edition of the book; a 3 September 1957 newspaper clipping, 'De l'amour et de la mort,' with a hand-marked passage on notaries; a 1969 *Quebec Official Gazette* on the tariff of fees for notaries; a 1967 schedule of hearing with notes written on the back; an insert on the amendment of a provision of the Act (on the registration of wills); sample problems for Mayrand's 1959 third-year civil law seminar; a 1965 schedule of hearings, with notes written on the back; and a 9 March 1964 letter written to a colleague on a case.

21 I thank Professor Peter McNally of McGill University's Graduate School of Library and Information Studies for suggesting the use of the bibliographical concept of 'association copy.'


23 The etching is called 'St. Francis and Friends' by Enrico Glicenstein (1870–1942) and the caption reads 'reproduced from an etching owned by Mrs. P. Cutler.'
recorded the following information: the type of piece (book, case reporter, journal, etc.); the box number; the author, title, and publication information (or the journal name or case reporter, with volume number and date); the number of pages; an indication of whether or not the book contained an index, table of cases, or table of legislation; an indication of whether or not Mayrand had signed it; a copy of the inscription if there was one; a list of the contents that were stored in the book (newspaper clippings, letters, cards, photographs, slips of paper, advertisements for other books); an indication of whether or not there were notes, annotations, and markings; and a note on its condition (excellent, good, fair, or poor). A subject matter area was assigned to each piece, with these areas divided into general and special topics (see Appendix).

The collection consists almost entirely of law books – although, notably, not all the books Mayrand owned. The idea behind the gift was to house the collection where scholars would have access to it for use in legal research. Mayrand’s desire that the books be used bears emphasis, given the use-function of law books, something that is not necessarily shared by other types of book collections studied by bibliographers. As one commentator, perhaps over-simplistically, puts it, ‘[b]ooks of law are made to be handled and used in the solution of legal problems, and for research. They are equipment, and boast none of the appurtenances of fine books.’

I say ‘perhaps over-simplistically’ because it would seem that a law book can also be a ‘fine’ book and yet still be used in some practical or typical manner. And there is of course a difference between the general

24 The card-method was suggested by G. Blaine Baker, who used it in the cataloguing of Sources in the Law Library of McGill University for a Reconstruction of the Legal Culture of Quebec, 1760–1890 (Montreal: Faculty of Law and Montreal Business History Project, McGill University, 1987). This system allowed researchers to arrange and rearrange the cards rather than the books themselves. Another law student, Danielle Miller, helped with this cataloguing in the summer of 1998. Lenore Rapkin, a librarian at McGill University’s Faculty of Law, aided in the construction of the general subject categories.

25 In a 17 June 1998 letter written to Director Nicholas Kasirer regarding the 1998 cataloguing project, Mayrand writes, ‘J’ai beaucoup aimé plusieurs de ces ouvrages qui m’ont été utiles. Je les aime encore, sachant qu’entre vos mains leur utilité au droit se prolongera tandis que mon utilité a cessé.’

26 For example, one McGill library collection catalogues law books under the heading of ‘reference books,’ included with such materials as dictionaries, encyclopedias, and bibles, which would have been located on open shelves. P. McNally, ‘The McGill University Library of 1876: An Analysis of the Collection’ (presented to the Bibliographical Society of Canada, Le groupe sur l’édition littéraire au Québec, and L’association québécoise pour l’étude de l’imprimé, Congress of the Social Sciences and Humanities at Sherbrooke University, 12 June 1999) [unpublished].

statement that books such as law books are meant to be used and the
more specific claim that certain books in a collection have in fact been
used by their owner. As William H. Laurence said of nineteenth-century
lawyer and Nova Scotia law-book collector William Young:

Owning a collection of law books is no guarantee that lawyer Young actually read
the texts. In a society where literacy was far from universal, and books were
expensive, they might be acquired simply as ornaments, symbols of their owner’s
wealth and knowledge. 28

Philip Girard made a similar point in a slightly different way:

28 ‘Acquiring the Law: The Personal Law Library of William Young, Halifax, Nova Scotia,
29 ‘Themes and Variations in Early Canadian Legal History: Beamish Murdoch and his
30 For example, the collection contains one box of books published by Thémis, all of which
contain ‘with compliments’ cards and most of which seem not even to have been
opened. They certainly were not laced with his handwritten notes or stuffed with his
usual things.
31 See I.J. Deslauriers, La Cour Supérieure du Québec et ses juges: 1849 – 1er janvier 1980
(Québec: Bibliothèque nationale du Québec, 1980) at 164 [hereinafter La Cour
However, books that are given rather than chosen gesture towards a deeper truth here waiting to be articulated, namely, that conceiving of law books as equipment, whether rare (i.e., fine) or ‘common,’ is too narrow a way to conceptualize use and to gauge interest in such books. As the association copies in this library indicate and as our reflections on the scrapbook use of the book will demonstrate, there is more than one way to use a law book and to be interested in it. In what follows, we investigate how Mayrand’s use of his law books goes beyond a narrow notion of use and interest.

III The law of persons

The rules relating to civil status in Quebec are part of what is known as the ‘law of persons.’ This body of law, set out in Book One of the Quebec Civil Code, consists of rules relating to the enjoyment and exercise of civil rights, and more specifically to rules connected with the legal identification of a person, – for example, name and change of name, change of designation of sex, establishment of domicile, and the effects of incapacity (either by age or ability).

Like the common law’s distinction between natural and legal persons, the civil law distinguishes between physical and moral persons (e.g., companies). Legal personality comes into existence with birth and is extinguished by death, for both human and non-human persons.

However, legal personality for physical persons is established by what are known in Quebec as ‘acts of civil status,’ that is, a document recording any change in a person’s civil status. The Civil Code of Quebec contains rules regarding the public registration of these acts. In Quebec, there are three possible life events recorded by the acts: birth, marriage, and death. These events fix an individual’s identity, specifying his or her legal contours.


33 Deleury & Goubau describe these as the two extremes, ibid. at 5.
34 Art. 107 C.C.Q.
35 Deleury & Goubau, supra note 32 at 197, 289–90.
The rules regarding the public registration of acts of civil status were changed when the Civil Code was reformed – the older system was based on records kept by churches and this system was notoriously unreliable. Mayrand was involved in the formulation of these new codal provisions through his work on the Committee of the Law of Persons and the Family and a subcommittee on Civil Status and the Solemnization of Marriage. There are materials in the collection that evidence an interest in issues relating to the change over from the former system. The old registration system, with its roots in a religious world-view, was replaced by a register that would be controlled by a secularized and centralized authority: the registrar of civil status.

The idea that Mayrand acted as an informal registrar of civil status through the way he kept his books is suggested by the fact that so many of the books contain inserted materials relating to these three kinds of events. First of all, Mayrand was interested in birth, marriage, and death from a doctrinal perspective. For instance, he was interested in medical issues surrounding birth such as reproductive rights and prenatal care.

36 It has been noted that the former system did not allow one to know 'directement ... si au Québec, une personne existait, si elle était mariée, célibataire ou même décédée.' Qtd. in Deleury & Goubau, ibid. at 292.


39 Hence, secular language replaces the explicitly religious terminology (e.g. baptism and burial) used throughout the older provisions. See Art. 39ff. C.C.L.C.

40 In addition to the treatment of such topics in Inviolabilité de la personne humaine, supra note 12, the collection’s subsection on medical law contains items such as the Barreau du Québec, Rapport du comité sur les nouvelles technologies de reproduction (April, 1988); the Law Reform Commission of Canada / Commission de réforme du droit du Canada, Protection of Life: Crimes Against the Fetus / Protection de la vie: les crimes contre le fœtus, Working Paper / Document du travail 58 (Ottawa: 1989); Medically Assisted Procreation
He wrote extensively on legal problems relating to children – issues such as custody, parental authority, adoption, and paternity. He also wrote on topics surrounding marriage, – for example, breaches of a promise to marry, the legal capacity of married women, adultery, divorce, separation, and alimentary support. And he was interested in legal issues related to death, notably, funeral costs and successions. Hence, it is not surprising to find that many of the books in his library relate to these topics and much of the material inserted inside books, journals, case reporters, and office files are directly on them (e.g., manuscripts of his own writings, draft judgments on this issue, reform materials, and references to other legal sources in the area). However, Mayrand’s interest in these topics seems also, interestingly, to have influenced the types of associational materials included in the collection.


43 Writings on these topics include ‘Problèmes de droit relatifs aux funérailles’ in Problèmes de droit contemporain: Mélanges Louis Baudouin (Montréal: Les Presses de l’Université de Montréal, 1974) 119, and, of course, Les successions ab intestat, supra note 11.
A. MARRIAGE, BIRTH, AND CHILDREN
Consider materials relating to marriage, birth, and children. Some of the books contain wedding invitations. So, for instance, a book may contain an invitation to the wedding of the author or one of the author’s children. There are many letters, cards, and the like which relate to children, Mayrand’s own or the author’s. For example, letters written to Mayrand from French doctrinal writer René Savatier often include discussion of Savatier’s children. Mayrand also kept materials relating to those children in Savatier’s books. Since we do not have Mayrand’s end of the correspondence, we can only assume that he was sharing news of his own children in much the same way.

We might note that in Mélanges offerts à René Savatier, Mayrand submitted an essay entitled ‘L’évolution de la notion de puissance paternelle en droit civil québécois.’ When it was time for Mayrand to offer a tribute to Savatier, he chose to do so with a piece that reflected a shared legal interest – Savatier had written a book on paternity – and their shared status as fathers. Both the doctrinal interest and the personal status seemed to have been important aspects of their relationship.

Mayrand’s copy of Quebec scholar Madeleine Cantin-Cumyn’s De l’usufruit, de l’usage et l’habitation contains a letter in which Mayrand refers to this and another of her books as her ‘beaux enfants.’ The book also

46 Materials relating to Mayrand’s own children include a 19 February 1988 birthday card from lawyer son, Yves, and his family humorously presented in the form of an insurance policy – stored in Le nouveau droit québécois des assurances: dix ans de contentieux (Montréal: Thémis, 1988).
48 In addition to Bernard’s wedding invitation, Le droit de l’art et des lettres: les travaux des muses dans la balance de la justice, ibid. contains a 1955 letter from Bernard, a postcard of the children’s camp in Quebec where the children were one summer, and a note signed by them.
49 (Paris: Dalloz, 1965) 621.
50 La recherche de la paternité (Paris: Dalloz, 1927).
51 (Montréal: Société québécoise d’information juridique, 1984).
contains correspondence relating to arrangements surrounding Cantin-Cumyn's daughter’s trip to Paris. Materials relating to real-life children and metaphorical children who embody legal interests were naturally placed side-by-side, signifying easy movement across the boundaries of professional interest and personal attachment.

Materials in the books document relationships with former students that seem at times to have been like parental relationships. Books written by former students will contain records of various achievements at bar, bench, or press. So, for instance, André Morel’s *Les limites de la liberté testamentaire dans le droit civil de la province de Québec* contains Mayrand’s invitation to attend the ceremony presenting Morel with a medal for this book, his doctoral thesis, and a 24 March 1959 *La Presse* clipping about Morel and the medal. Consider also the treatment of a book by former student Viateur Bergeron, *L'attribution d'une protection légale aux malades mentaux*. Mayrand wrote the preface to this book, and, in addition to materials relating to the book’s publication (an invitation to the book launch, a letter thanking Bergeron for photographs taken there, and a newspaper clipping advertising the book), it contains numerous clippings on Bergeron’s achievements. These materials certainly have the feel of a proud parent’s carefully preserved records and these former students may have been thought of in a way as surrogate sons.

The symbolic importance of father and son may be gleaned from the treatment of Mayrand’s copies of Quebec lawyer Antonio Perrault’s three-volume set, *Traité de droit commercial* and his son Jacques Perrault’s *Des stipulations de non-responsabilité*. Antonio Perrault was one of Mayrand’s teachers at the University of Montreal and this set was given to Mayrand at the end of his training – Perrault addresses him as a ‘confrère au Barreau’ in the handwritten inscription in the first volume. Perrault was the Secretary of the Faculty Council for twenty-eight years and the Editor-in-Chief of *Revue du Barreau* – two positions that Mayrand was to inherit from him after his death and the two ways in which he would follow him as a surrogate son. The book of real-life son Jacques Perrault is inscribed to Mayrand, ‘un vieil ami,’ for good reason. Mayrand went to law school with the younger Perrault and they were appointed to the

54 These include a newspaper clipping of Bergeron’s appointment as the 1981–82 president of the Quebec division of the Canadian Bar Association; a September 1986 *Ottawa Amicus-Alumni* clipping about Bergeron’s twenty-five years at the University of Ottawa; and a 28 June 1986 *Gazette de l'Université d'Ottawa* clipping on his thirty-year celebration.
56 (Montréal, 1999).
Faculty of Law at the University of Montreal at the same time.\textsuperscript{57} The book's contents include an invitation to Perrault's doctoral dissertation defence and a card announcing the commencement of this Perrault's law practice with his father.

Fathers and sons, surrogate and real, indicate the importance of family and quasi-familial relationships to the transmission of knowledge and entry into positions of status and standing in the legal community. We see books passing from father to son,\textsuperscript{58} law practice moving from father to son,\textsuperscript{59} and the role of law teaching transmitted from father to son.\textsuperscript{60} Sons move through rites of passage (e.g., bar exams, awards, important publications, entrance into law practice), assume what were the father's responsibilities (e.g., Mayrand assuming the role of secretary to the University of Montreal Faculty Council and the editorship of Revue du Barreau from the elder Perrault), and, generally, take up their place in the community as teachers, scholars, and practitioners of law. These family and family-like relationships would seem to be crucial to any understanding of how a legal culture reproduces itself.

Indeed, one of the books in the collection indicates that Mayrand may have learned some of his habits from his own father, newspaperman Oswald Mayrand (who had been trained as a lawyer). Oswald's copy of Code de procédure civile de la province de Québec\textsuperscript{61} contains, among other things, odds and ends relating to a 1906 trip he made to Paris — namely, his return steamship ticket and a card from the hotel he stayed in, with prices and dates handwritten on the back of the card. It was not uncommon for people to use books this way at the turn of the century — that is, to store things in them that we would now think might be appropriately kept in a file folder. But it is, nonetheless, noteworthy that the collection contains what might be an example of book-handling practice being transmitted from this father to this son.

Due to the fact that the handling practice passes with the book, it is difficult at times to say which of the contents are the father's and which

\textsuperscript{57} P.-G. Roy, Les juges de la province de Québec (Québec: Service des archives du gouvernement de la province du Québec, 1933) contains a 3 July 1948 La Presse clipping of the appointments of Perrault, Mayrand, and Roger Comtois.

\textsuperscript{58} For example, father to son (Oswald Mayrand to Mayrand); father-in-law to son-in-law (Louis Boyer to Mayrand); and surrogate father to surrogate son (Antonio Perrault to Mayrand).

\textsuperscript{59} For example, fathers to sons (Antonio Perrault to Jacques Perrault and Mayrand to his son Yves); father-in-law to son-in-law (Louis Boyer to Mayrand); surrogate father to surrogate son (Antonio Perrault to Mayrand).

\textsuperscript{60} For example, father to son (Antonio Perrault to Jacques Perrault and surrogate fathers to surrogate sons (Antonio Perrault to Mayrand and Mayrand to his students).

\textsuperscript{61} O.P. Dorais & A.P. Dorais (Montréal: C. Théoret, Librairie générale de droit et de jurisprudence, 1903).
the son’s. So while we know that the materials relating to the 1906 trip were Oswald’s and we can say that a 1939 postcard addressed to Mayrand also found in the book was his and not his father’s, it is unclear who placed other items between its pages. For instance, Code de procédure civile de la province de Québec also contains a love poem entitled ‘souhaits’ and a religious picture card/bookmark, which could belong to either father or son. In any event, if these items were being used to mark places in the text, it would not matter who first placed them there. For example, this book also contains a cloth Union-Jack bookmark that would have originally been Oswald’s – it bears the date 1912. But when the book was passed to Mayrand, he would also have used this bookmark.

The teaching of the book-handling practice and the passing on of the book itself with its intermingled contents shows the movement from one generation to the next. The ways and things of the father are transmitted to the son. The son picks them up and makes them his own. Certain things can be clearly identified as either father’s or son’s. But the indecipherable bits are interesting for their emphasis on the way in which the book bears the mark of both father and son, particularly on how the former influences the latter and lives on in the son’s reformulated practice. The book documents this influence, thereby imprinting both father and son and emphasizing the continuity between them.

B. DEATH

While marriage and the birth of children cover what we might think of as the positive and hopeful events recorded by acts of civil status, death of course remains. Indeed, it is the inevitability and finality of death that makes all this record keeping necessary – that is, the inherent limitations of living memory can allow for only so much preservation of information.

The collection contains a great deal of associational material relating to death. Consider the way that the collection records the deaths of the two Perraults. Antonio Perrault’s death is documented with a newspaper clipping and the minutes of the 21 January 1955 University of Montreal Faculty Council meeting, where condolences were recorded, as well as a March 1955 Relations tribute to him. When Jacques Perrault suddenly dies just two years later, his death is marked by the preservation of three

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62 R.G. Collingwood, The Idea of History, 5th ed. (Oxford: Clarendon Press, 1993), discusses the way in which ancient history used to confine itself to what lay within the reach of living memory. Collingwood emphasizes what a different kind of history that is from modern history, which takes its starting point from documentation and the interpretation of textual evidence, rather than limiting itself to oral inquiry.

63 Both in Traité de droit commercial, vol. 1, supra note 55.

64 A tribute to his legal achievements, his involvement with Action Française, and aspects of his religious life. Found in Traité de droit commercial, vol. 3, supra note 55.
newspaper clippings, a death notice, a carbon copy of Mayrand’s letter sending condolences to Perrault’s widow, as well as a copy of the Faculty Council letter sent to her on the loss of her husband and father-in-law, and two receipt-of-condolences cards.65

Many of the materials in Mayrand’s books document death in this way. Further examples of death materials relating to doctrinal writers from Quebec and France include a funeral announcement and letter from the widow of Pierre Azard, after his death in 1978 (in Droit civil québécois);66 notes to Mayrand from France’s Henri Mazeaud, one of the authors of the famous Leçons de droit civil, written after the death of his brother and co-author, Léon Mazeaud, with a posthumous biography of Léon and a receipt-of-condolences card;67 a clipping about the great French Canadian legal scholar, Pierre-Basile Mignault, on his death (in his Le droit civil canadien);68 a 1987 newspaper clipping on the death of Quebec scholar, Philip Cutler, in his Code du travail du Québec;69 and a July 1969 newspaper clipping on the death of Quebec scholar, Walter S. Johnson, with a thank-you note from a family member (in his Conflict of Laws).70

With respect to judges more specifically, Mayrand’s copy of Pierre-Georges Roy’s Les juges de la province de Québec71 contains a wake and funeral announcement for the former chief justice of the Quebec Court of Appeal, Lucien Tremblay, along with a La Palatine clipping on his sixteen years in that position and his connection to the University of Montreal. Études juridiques en hommage à Monsieur le juge Bernard Bissonnette72 contains a newspaper clipping on Bissonnette’s death taped next to his photograph on the front inside cover. Death notices for Jean Turgeron, Paul Trépanier, and the former chief justice of the Court of Appeal, Marcel Crête (along with newspaper clippings in honour of Crête) can be found in Mayrand’s copy of Ignace Deslaurier’s La Cour Supérieure du Québec et ses juges.73 And Deslaurier’s Les cours de justice et la magistrature du Québec74 contains former Supreme Court of Canada justice, Jean Beetz’s, death notice.

These records have a curiously clerical rather than a morbid feeling, due in part no doubt to their sheer quantity. Moreover, Mayrand seems

65 All found inside Des stipulations de non-responsabilité, supra note 55.
67 In various volumes of Leçons de droit civil (Paris: Montchrestien).
69 Supra note 22.
71 Supra note 57.
73 Supra note 31.
74 (Québec: Gouvernement du Québec, 1991) [hereinafter Les cours de justice].
to have had a particular biographical interest in judges.75 And this interest can account for a detached tone about death-related materials associated with these people. For example, noting how many of the judges (especially from the Court of Appeal) had gone from retired to deceased, Mayrand says in one letter: ‘La mort fauche plus vite que l'imprimeur ne peut achever son travail’.76 This tone, with its emphasis on publication, is consistent with the role of the registrar of civil status who, under the new law, is not personally involved in the public event he or she is recording; instead, this person receives and stores the documents of others who witnessed it.77

Under the old law, the public officer who recorded the act of civil status actually witnessed the event (e.g., the priest who solemnized the marriage or presided over a burial). There are certainly examples where Mayrand is intimately connected to those people whose life events he is recording in his books, and he would have been personally involved in some of those events. Consider, for example, the death notice of his father-in-law, Judge Louis Boyer. However, in addition to being a record of personal attachment, its placement in Roy’s *Les juges de la province de Québec*, and its participation in what seems to be a collation of materials relating to Quebec judges, means it can also be seen as part of Mayrand’s general biographical interest in judges.

There is, then, a hint of the registrar of civil status, who under the new law acts as a clerk or ‘greffier,’ installed in a central office, receiving documents and consigning them to the public record.

Combinations of the detached and clerical with the personal show Mayrand standing at the crossroads between this old and new state of the law. We see him involved in both worlds – religious and secularized, sometimes in the capacity of witness/active participant and other times more like a detached documenter. And he reflects both of these perspectives in his own record-keeping. This is, in fact, an appropriate place for him to be, having lived under the old system and then having played an active role in bringing about the new one, representing the pre-reform as well as post-reform perspectives.

75 In addition to the Roy, supra note 57 and Deslaurier books, *La Cour Supérieure*, supra note 31, ibid., the collection contains A. Marin, *L'honorable Pierre-Basile Mignault* (Montréal: Fides, 1946) and J. Sissons, *Judge of the Far North: The Memoirs of Jack Sissons* (Toronto: McClelland & Stewart, 1968). There are also two office files on judges, one including biographical information on Quebec Court of Appeal judges and another on Supreme Court of Canada Judges. Mayrand was also engaged in a correspondence with a Court of Appeal judge in Louisiana, Cleveland Frugé, about a book, *Biography of Louisiana Judges*.

76 7 November 1991 letter in Deslaurier’s *Les cours de justice* supra note 74.

77 Deleury & Goubau, supra note 32 at 293-94.
As mentioned earlier, there are over one hundred office files in the collection. Hence, we see the straddling of the old and the new in a different way. The collection includes both the striking nineteenth-century scrapbook use of books and the modern twentieth-century file folder. These different ways of organizing information, an older system and a newer system, storing habits from two different times, the time of the father and the time of the son, stand side by side. Mayrand’s use of both kinds of record-keeping shows how the older generation influences and lives on in the son’s reformulated and more modern practice.

C. BEYOND LIFE AND DEATH

The registrar-of-civil-status metaphor is a helpful way of understanding some of Mayrand’s other bookkeeping habits—that is, habits that are not related to a piece’s status as an association copy but that add to the clerical feel of the collection. For instance, the substantial amount of meticulous, hand-marked referencing and cross-referencing regularly found on the title pages of Mayrand’s books, journals, and case reporters can be seen as clerical record-keeping. However, perhaps even more striking is the remarkable fastidiousness Mayrand displays towards written texts of all kinds. The collection contains copies of Mayrand’s own published texts, with sections that are mercilessly written and re-written. However, he extends this attitude to the written texts of others. This is especially so when it comes to the correction of mistakes.

Mayrand would correct typographical errors wherever he found them, however small and seemingly insignificant the mistake seemed to be. For

78 G. Blaine Baker notes in ‘The Reconstitution of Upper Canadian Legal Thought in the Late Victorian Empire’ (1985) 3 Law Hist.Rev. 219 at 289, of the libraries of nineteenth-century lawyers, that ‘one striking impression created by the books themselves is that nineteenth-century Canadian lawyers took written sources and records of law very seriously; individual texts are routinely laced with longhand marginalia and often contain insertions like newspaper clippings, pamphlets, and letters.’ J. Yates points out that vertical filing is a relatively recent phenomenon. She says that ‘[i]n the late nineteenth and early twentieth centuries various pressures caused businesses to shift gradually from using the cumbersome, chronologically organized press book and pigeonhole to using vertical filing systems (still the most common systems today) organized alphabetically, numerically, or topically’; ‘From Press Book and Pigeonhole to Vertical Filing: Revolution in Storage and Access Systems for Correspondence’ (1982) 19 J.Bus.Comm. 5 at 6.

79 This practice should probably be understood as a way for Mayrand to amass materials for future articles and judgments. This may be seen in relationship to his interest in stare decisis. Mayrand wrote a paper, ‘L’auteurité du précédent au Québec’ (1994) 28 R.J.T. 771, which also appears in Mélanges Jean Beetz (Montréal: Thémis, 1995) 259. Indeed, the library contains enough material on stare decisis to form a subcategory, ‘role of precedent,’ in the special topics list in the catalogue.

80 For example, the collection contains two heavily annotated copies of his article ‘Tentative de récupérer une partie de la jurisprudence occulte’ (1972) 79 R.D.U.S. 3.
example, a newspaper clipping on Judge Marcel Trahan’s retirement includes a correction to the spelling of Trahan’s wife’s maiden name beneath a photograph of them. 81 And the collection contains many social invitations and calling cards on which Mayrand has corrected mistakes or filled in missing dates. 82 Mayrand was even in the habit of writing letters to people pointing out textual errors. Nicholas Mateesco Matte’s Droit aérospatial : de l’exploration scientifique à l’utilisation commercialé 83 contains the carbon of a 5 November 1976 letter thanking Matte for a copy of the book, telling him he likes it, but pointing out a typographical error in the text. The letter goes on to thank Matte for putting good French into outer space. Mayrand also wrote a 19 August 1949 letter to the editor of the Criminal Reports, correcting a humorous mistake made in a translation from French to English. 84

Concerns about typographical and other errors surface in other ways. For instance there is evidence in the collection of an interest Mayrand took in the role that secretaries play, including the importance of the accurate typing of legal documents. 85 This preoccupation with errors and making corrections to them can be understood with reference to the power of the registrar of civil status in article 142 of the Civil Code of Québec to correct clerical errors in the register. 86 In other words, this is another way in which Mayrand acts like the registrar of civil status with his record-keeping. We might then say that in addition to ‘keeping the record,’ it is also important to him to ‘keep the record straight.’

The curious mixture of the detached and clerical with the attached and personal in the style of record keeping mirrors something important about the events recorded by acts of civil status themselves, namely, their

82 There are multiple copies of an invitation for contributions to a wedding gift with corrections to the English text, one of which can be found in M. Gauthier’s Traité de la subrogation de personnes ou du paiement avec subrogation (Paris: Cotillon, 1855). Social calling cards and invitations that Mayrand received as a young man and that are stored in books that were probably acquired at that time normally did not include the year, stating only the day and the month. Mayrand often filled in the year by hand.
84 Mayrand points out that the translation of ‘Je lui ai ôté l’arme et dans mon énervement, j’ai tiré sur le chien’ as ‘I took the weapon away from him and in my unnerved state, I fired at the dog’ mistakes the word chien as it applies to a firearm, which in this context is a common word for ‘trigger.’ Mayrand remarks that had the translation been accurate, the assailant would have had good grounds for appeal.
85 Office File ‘Testaments II’ contains a 27 March 1960 letter written to Roger Comtois discussing whether a secretary or typist can be a clerk or server, and François Gorphe, Les décisions de justice, étude psychologique et judiciaire (Paris: Presses universitaires de France, 1952) contains a May 1977 Le Palatin clipping, ‘Des jugements par milliers,’ about the secretaries at the Ministry of Justice who type the judgments and the important role they play.
86 Art. 142 C.C.Q. reads ‘The registrar of civil status corrects the clerical errors in all acts.’
dual public and private nature. Such events are matters for the public record, but they are also intensely private. Consider the following passage in a novel by Carol Shields, which describes how a fictional character, Tom Avery, feels about the announcement in a local newspaper of his engagement to be married:

God, but he loves that square inch of print (loves it more even than the beautifully printed wedding invitations). On the day the announcement came out he walked over to Mickey’s smoke shop and bought several copies and clipped the item carefully. ... Two copies of the announcement he sent to his mother. ... Another he mailed to an old school friend. ... He’s even, feeling only moderately foolish, pinned up a copy on the notice board next to the coffee machine. ... Three additional copies he’s put away for safekeeping in an envelope marked ‘Engagement Announcement,’ and this envelope he’s placed in a leather folio, which also contains his life-insurance policy. One copy he’s had laminated in a print shop. ... and he carries it in his wallet. ... Sentimental, yes, he admits it, but there’s more to it than that. The announcement of his and Fay’s forthcoming marriage in a public newspaper seems to him to certify his connection to his fellow citizens. He is no longer the careless blunderer he was. He’s grown up. He’s a thoughtful and prudent human being who takes the ceremonies of his society seriously and demonstrates his seriousness by adhering to certain primary conventions. 87

That character’s admission that his behaviour is sentimental is important, but so too is his insistence that ‘there’s more to it than that.’ For instance, his placing of the clipping with other official documents like his life-insurance policy illustrates the reverberations of officialdom he associates with the announcement. What it means to him in terms of the establishment of a connection with his ‘society’s ceremonies’ and its ‘primary conventions’ is clearly of a public nature. The clipping is quite literally an announcement to friends, relatives, and work colleagues of his impending change of status. Its public nature clearly permeates his private feelings on the matter and would play a central role in any explanation of why he carries a laminated version around with him in his wallet.

There is an undeniable personal and private feel to many of the materials Mayrand has collected in his books, especially the items relating to people he was particularly close to. But like Tom Avery, who acknowledges the sentimentality of his behaviour while insisting that ‘there’s more to it than that,’ there is also something more to Mayrand’s use of his books to collect, record, and store materials relating to the lives of his friends and colleagues. That something more is hinted at in the more clerical moments of the book handling, the moments that feel like true

record keeping, and it is related to the intersection of Mayrand’s legal interests with the way that he treats his books.

Just as the events recorded by acts of civil status themselves cannot be thought of as purely public or purely private, merely sentimental or merely subject matter for the clerk, what Mayrand has created with his law books cannot be thought of as purely or merely one or the other. More than someone like the fictional Tom Avery, who would only occasionally have reason to pause and reflect on the nature of the events recorded by acts of civil status (e.g., their dual public and private nature or the way that they link an individual up with his or her society and its ‘primary conventions’), Mayrand would have made those connections readily and naturally, given his immersion in the subject matter in question. So that rather than simply keeping the occasional record of an important life event as perhaps many of us are wont to do, he collects, records, and stores on something of a mass scale, thereby differentiating himself from what was probably the more standard scrapbook use of books. That he has chosen his law books as a place to do this is striking, given his great interest in the law of persons generally and acts of civil status more specifically. That Mayrand’s legal interests could do this, influence him to such an extent that he handled his law books in such specific and unusual ways, shows us just how expansive legal interest can be. It is, more specifically, an illustration of how legal interest can influence and affect the way that one interacts with the world, the treatment and handling of books being just one of those ways.

IV ‘Legal personality’ in a collection of law books

The law in Quebec relating to physical persons has been described as an ‘irruption de la personne dans le droit.’ As the minister of justice was seen to acknowledge in the commentaries on the new Civil Code, ‘l’être humain dans toute sa plénitude ... est aujourd’hui au cœur des préoccupations du droit civil,’ a fact reflected by the positioning of codal provisions relating to the law of persons at the beginning of the Quebec Civil Code. In fact, one of the express policy aims of the Civil Code Revision Office was to reorganize the Code so as to meet the charge that Quebec private law was primarily concerned with the protection of property rather than with respect for persons.

88 C. Aïtas, Les personnes, les incapacités (Paris: Presses universitaires de France, 1985) at 61, n. 33. Qtd. in Deleury & Goubau, supra note 32 at xxix.
89 Deleury & Goubau, ibid. at xxxi.
90 See ‘Foreword’ Draft Civil Code (1977) at xxxii; Brierley & Macdonald, supra note 13 at 91. This latter work cites Mayrand’s Inviolabilité de la personne humaine as an example of the welcome given to the reform’s necessary correction of the perception that the Code
Legal personhood is the starting point of private law—an entity with personhood can then own property, enter into contracts, and have a wide variety of legal relationships with others. Indeed, it has been noted that it is only in relation to others that a 'sujet de droit' can be really said to exist. 91 Concrete, real-world relationships lie at the heart of the rationale behind legal personhood. As one doctrinal writer puts it, this legal construction ‘fonction d’établir en quelque sorte la communication entre le monde réel et l’univers abstrait, intellectuel du droit.’

However, the realm of the real concrete world is something the law should in certain respects hesitate to meddle in. Consider the following complaint:

[T]he Central Registry only wants to know when we’re born and when we die, and that’s about it. Whether we marry, get divorced, widowed or remarried, the Central Registry has absolutely no interest in finding out if we were happy or unhappy while all that was going on. ... [T]he worst thing about the Central Registry is that they’re not interested in what we’re like, for them we’re just a piece of paper with a few names and dates on it. 93

While the law’s ‘bare bones’ approach to personhood may be a source of Kafkaesque bureaucratic alienation, something the clerk in this story suffers a crippling case of, it is not normally expected that the legal papers documenting the fact of our existence (e.g., a birth certificate) will also record the quality of that existence—was it happy or unhappy, was it meaningful, was it ‘successful’? As this clerk puts it, ‘it is those names and dates that give legal existence to the reality of existence.’ 94 However, that legal existence and the extent to which it reflects and captures the reality of existence is necessarily and no doubt appropriately narrowly circumscribed in such cases.

Consider, by contrast, what I have called Mayrand’s informal register of civil status. It operates in a much more personalized and particularized way. First, the record varies as to the type of event recorded—for ex-

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91 ‘Le sujet de droit nait du rapport, il n’a pas d’existence en dehors du rapport, car il est une fonction de ce rapport,’ R. Martin, ‘Personne et sujet de droit’ (1981) 1 Rev.trim.dr.civ. 785 at 789, n. 6. Quoted in Deleury & Goubeau, supra note 32 at 3. We might think here of Robinson Crusoe and of the fact that as long as Crusoe is alone on the island, he can be said to own no property—a right defined in relation to, in order to be opposed to, that of others.

92 G. Goubeaux, Les personnes, Traité de droit civil, under the direction of J. Ghestin (Paris: Librairie générale de droit et de jurisprudence, 1989) at 25, n. 17. Quoted in Deleury & Goubeau, supra note 32 at 3.

93 José Saramago, All the Names, trans. M.J. Costa (Orlando, FL: Harcourt, 1999) at 166.

94 Ibid. at 135.
ample, an academic publication as well as a birth, marriage, or death. Secondly, the types of document recording the event will differ: we might find a newspaper clipping or something more participatory, such as an invitation. Thirdly, the amount of material recorded will be different – a large amount of material related to some people and less for others. This detailed variation of materials often provides information that is personal and concrete, and at times sentimental, rather than formal and abstract in the way that the law would normally require.

In a sense, then, the subjects of his record-keeping and his relationships with them emerge as real-life, flesh-and-blood people and relationships, giving us what we might think of as substantive personality, rather than the formal shell of legal personality. The ‘sujets de droit’ are more than abstract and impersonalized bearers of rights. In a way, the kind of legal subjectivity created here is concrete and personalized rather than abstract and impersonalized, and the status enjoyed by different figures in the record-keeping is not subject to a formal equality requirement – we simply do not conduct our real-life relationships with a view to formal equality; for instance, we treat friends and family members differently than strangers. Since these are concrete real-life relationships, some are more intense than others, some are more multi-faceted and more complicated than others, and the documentation reflects this in exactly the way that one would expect.

We might say, then, that seeing substantive personality emerge from this book handling reminds us that legal subjectivity, what it means to be a ‘sujet de droit,’ only makes sense in relationship to other people – law itself requires this societas. The ‘stripped down’ formal concept of a legal person in private law is there to allow private law to do what it is meant to do, namely, to facilitate and organize relations between people in such a way that they are by-and-large able to do what they want, so long as they satisfy basic fairness requirements. However, the level of generality and abstraction is precisely what is required in order to generate a workable concept.

Hence, the way that ‘those names and dates give legal existence to the

95 A stripped down, though perhaps not inaccurate, view of this legal subject is that of a person who is formally capable of holding property, contracting, and owing (primarily negative) duties (i.e., duties of non-interference) to others, and whose status in that respect, at least in terms of capacity, is equal to that of all others who are reciprocally capable (this being separate from whatever particular things that a person may or may not own, or concretely may or may not be able to do).

96 Indeed, recalling what Aristotle said about the centrality of society to the basic conception of what it means to be a human being (i.e., the man who lives outside of society, the polis, must be either a god or a beast), the centrality of societas or sociability to law is just the same as to any important human endeavour, law here being thought of as one of the ways in which human societies coordinate the living together that makes us human (rather than gods or beasts). See Aristotle, Politics, I, ii, 1253a9.

97 One may think of facilitation and fairness as the dual goals or aims of private law.
reality of existence,' while perhaps obscuring and certainly not including the substance of the reality of that existence, is in an important way premised on it. Mayrand's books and his record-keeping habits may bring this point home to us in an unusual and startling way. But what is there, being rendered explicit, is something that lies behind and is presupposed by our garden-variety notions of legal subjectivity, including, and indeed, in a sense, what might be thought of as packed in a particularly dense way into, our normal formal notion of legal personality.

Yet one might ask how much 'substantive personality' is actually apparent through an examination of the papers in the collection? What we see are papers and ephemera that may capture bits and pieces of relationships, but they hardly can be said to document them in any complete kind of way. Indeed, it might be said that the technical aspects of the record-keeping offered above make it difficult to see Mayrand himself. I have worked on the assumption that one could infer important things about personality from book-handling practices.\(^18\) For example, I include instances of Mayrand's handwritten corrections of published materials in the previous section, 'Beyond Life and Death,' in part to demonstrate that Mayrand was a careful and meticulous person, with what can only be called a penchant for perfection. However, as Hampton L. Carson says of such things as former owner's names, inscriptions, annotations, and marginalia, these can indicate 'in some cases a recognizable personality, but for the most part one of which a faint and shadowy perception is all that is possible.'\(^99\)

As one friend put it to me, it is like staying in a stranger's house when she is not there and thinking that by doing so you have gotten to know her. This work does not attempt to be biography. In point of fact, while I might feel like I know Albert Mayrand, having organized his books and papers, I do not 'know him' in the way in which this phrase is commonly understood. The audience for such biographical work would be primarily

\(^98\) D.T. Whiteside noted in his foreword to John Harrison, *The Library of Isaac Newton* (Cambridge: Cambridge UP, 1976) that 'the quality and range of content in a man's personal library must broadly reflect the depth and extent and variety of his intellectual interests and pleasures, and individual works within it may by their rarity, annotation, or known context cast their unique light upon facets of his thought and character. That has long been acknowledged as a truism in the areas of literary and general historical scholarship, where the value of approaching a person's mind and indeed imagination through the books which he or she has read, or had opportunity to read by possessing them, is well appreciated. In the specialist field of historical bibliography there has come to be a whole new scholarly art and science whereby one seeks to 'feel,' through the touchstone of his books, the intellectual attitudes and predilections of their owner, extrapolating the care and forethought with which he has chosen and handled them and stored them away on his shelves into wider comment upon the habits and idiosyncrasies of his mental activity and awareness' (emphasis added).

inside Quebec and such a study would no doubt be in French rather than in English. I aim this at a national audience, including but not limited to those trained outside the civil law, because I think that this collection raises certain insights that are of value to lawyers and legal scholars, whatever their jurisdiction. For example, in addition to insights into extra-documentary aspects of legal culture, the realization that there are built-in limitations to what we might think of as purely documentary encounters is an important thing for all lawyers to think about, given the document-oriented nature of their lives.\(^{100}\)

In a sense, it might be that my view of the collection raises two very different and perhaps contradictory insights at the same time. On the one hand, the law books as records, and Mayrand’s status as record-keeper through them, might be said to illustrate a true ‘*irruption de la personne dans le droit,*’ placing personality, relationships, and the human being at the centre of what has traditionally been thought of as the heart of the law: its written texts (statutes, cases, regulations, treatises, and the like). The relationships are *legal* in the sense that they are relationships with legal actors, recorded in law books, related to an important twentieth-century legal actor’s legal interests, and their documentation reminds us of the centrality of relationships to law (to what it is that law tries to do at a very basic level) and of the centrality of relationships to our most basic notion of legal personality (what it means to be a ‘*sujet de droit*’).

At the same time, the relationships that are documented in Mayrand’s collection are by no means complete and the view of Mayrand himself that the record keeping reveals is partial and incomplete — it is by no means a rich and balanced biographical view. Some of the law’s most paradigmatic documents (*e.g.*, contracts and wills) try to capture complete and accurate intentions of the parties; texts of judgments aim to include all the relevant facts; law treatises aim to contain all the relevant legal principles and rules. We are engaged in an ongoing project of encountering such artefacts, trying to create them, trying to argue against them. And we are engaged in the ongoing frustration of finding that they fail us and we fail them in various ways. That the examination of the library would eventually lead to something like this realization is, in an important sense, a feature of its not lying about the state of a lawyer’s world.

Mayrand’s way of mixing materials relating to a book’s legal topic and to the book’s author may be thought of as an important blurring of the

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distinction between the law, understood as a series of propositional rules, and the wider legal culture, in which those rules are produced and interpreted by its agents. It is, after all, the members of that legal culture who decide how those rules will be understood, and they do this in a variety of formal and informal settings — across dinner tables and in letters as well as on the pages of law journals and in committee meetings on the reform of the Civil Code. In that sense, the law should be viewed as intimately connected to the legal actors that shape it.

Indeed, it is almost as if Mayrand is himself making this point naturally and spontaneously by placing materials relating to legal rules next to more personal items relating to the author. In fact, by creating a collection of books whose inserted materials blur these boundaries, it might be said that he has himself precluded a purely positivistic or formalistic understanding of the collection, and, by extension, that this precludes a view of the law as a lifeless set of rules. He might, of course, have had nothing like this intention and might simply be understood to have been storing away various kinds of paper in a semi-systematic but esoteric, old-fashioned book-filing system.

However, my generation of this insight from what I saw before me in this collection, along with some of the other insights offered earlier (e.g., the built-in limitations of document examination and the contracted view of a legal person in our formal notion of legal personality), are not dependent on or connected in any significant sense to Mayrand’s intentions. Similarly, the potentially idiosyncratic nature of this collection is of no consequence if we are interested in what a specific collection might mean.

Here the point is that a person’s legal interests (in Mayrand’s case his interest in the law of persons and acts of civil status) can have such a consciousness-structuring effect that they start to influence the way that the person moves around the world. Obviously, legal interests will influence things like decisions on how to divide time and energies among bar, bench, and university. However, legal interests can come to be bound up in how a person (and a personality) expresses itself in some more basic ways — in this case, through how a person handles his books and what he places between their pages.

The claims here then have been that (1) Mayrand’s interests in the law of persons and acts of civil status led him to do the kind of collecting he did, that is, on something of a mass scale rather than the more moderate hoarding that many of us may engage in; and (2) those same interests influenced to a certain extent the types of things he collected (e.g., materials relating to birth, marriage, children, and death in the lives of people he knew, and not just legal materials on these topics that would help him with his doctrinal writing and judgments). The further point is that reflection on this can stimulate us to think about such things as how a legal culture reproduces itself over time (here how the ways of the
fathers, metaphorical and real, become the ways of the sons); how Mayrand was standing at the crossroads between an old world and the new; and how this was reflected in his record-keeping habits, that is, the nineteenth-century book record and the modern office file; and how the dual public and private nature of the record keeping constitutes a particular kind of blend of the clerical and the sentimental.

I said in my introduction to this article, 'By analyzing the intersection between legal interests and book-handling and seeing the role that book-handling can play in understanding how expansive the role of legal interest can be, we will see how legal personality of a peculiar sort can be expressed in a collection of law books.'

In the context of this collection, this sort of legal personality is to be understood as the manifestation of personality captured and contained in law books. Peculiar indeed. However, our more ordinary notion of legal personality and the way that it presupposes a facilitation and negotiation of more concrete real-world relationships should be brought into view. And just as the peculiar kind of legal personality can remind us of our more ordinary one, the realization that Mayrand himself and his relationships to others can be only incompletely and ultimately inadequately seen in the collection itself can prompt the thought that it is not always undesirable and it is certainly acceptable for some types of records to be bare. In other words, it may be a good thing that 'the Central Registry only wants to know when we’re born and when we die.'

Appendix: Sample of the card used to catalogue the collection

<table>
<thead>
<tr>
<th>Bound Legislation</th>
<th>Box 65</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comtois, Roger</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Loi du notariat annotée/Notarial Act Annotated</em></td>
<td></td>
</tr>
<tr>
<td>Montréal</td>
<td></td>
</tr>
<tr>
<td>Wilson &amp; Lafleur</td>
<td></td>
</tr>
<tr>
<td>1959</td>
<td></td>
</tr>
<tr>
<td>191 pp</td>
<td></td>
</tr>
<tr>
<td>Indexes</td>
<td></td>
</tr>
<tr>
<td>Inscribed: <em>A Me Albert Mayrand, mon ami et collègue, cette modeste compilation, Roger Comtois</em></td>
<td></td>
</tr>
<tr>
<td>Contents: supra note 20</td>
<td></td>
</tr>
<tr>
<td>Handwritten reference on title page and notes throughout</td>
<td></td>
</tr>
<tr>
<td>Condition: Good</td>
<td></td>
</tr>
<tr>
<td>Personal/Professional Association: Comtois</td>
<td></td>
</tr>
<tr>
<td>Law Teaching</td>
<td></td>
</tr>
</tbody>
</table>