

THE WAINWRIGHT COLLECTION

Marianne Scott*

In February 1958 the formal presentation of the Library of François Olivier-Martin was made to the McGill Law Faculty by the donor, Arnold Wainwright, Q.C. From the time Mr. Wainwright lectured at the Law School, he has held a deep interest in the development of the Law Faculty.

François Olivier-Martin was a specialist in the study of the "Coutume of Paris", and this is borne out by his great work "Histoire de la Prévôté et Vicomté de Paris". The library he collected contained much material on the subject of the customary law of France, the great ordinances and more particularly the Custom of Paris. During the latter part of his life he lectured a number of times in Montreal as well as in other legal centres in North America.

His interest was undoubtedly drawn to Quebec, where the Coutume de Paris formed a fundamental part of the law from 1163 until codification in 1866. He had expressed the desire to his wife that if at all possible he would like his library to go to a Quebec law school, and this wish was made possible through the interest and generosity of Mr. Arnold Wainwright.

Soon after the books were received, the long process of cataloguing the collection was started. This was done by a professional librarian who had also been trained in a civil law system. It soon became apparent that, while M. Olivier-Martin's deepest interest was in the Coutume de Paris, the literary taste of this great scholar was extensive. It was then thought that an analytical bibliography of the collection, with extensive subject references would best serve to bring out the varied content of the collection. This work has now been completed, and is available in bound form in the Wainwright Room.¹

To gain some insight into the varied interest of M. Olivier-Martin, a few biographical details could be mentioned. These have been taken from an article written by Gabriel Lepointe after the death of M. Olivier-Martin.²

François Olivier-Martin was born in Brittany in 1879. Shortly after this his family moved to Dinan where he completed his classical education. He went to Rennes for his university training and there studied law. After being called to the bar at Dinan in 1900, he decided that his true vocation did not lie in the practice of law. He then went to Paris where he took his doctorate and later became an "Agrégé" of the Faculty of Law of Paris. He lectured for a brief time at the University of Paris, then returned to Rennes where he taught

*Law Librarian, McGill University, Faculty of Law.

¹Boronkay, Denes, *Olivier-Martin's collection of books on French legal history, history, church history, canon law, political science, public finance: an analytical bibliography*, Montreal, 1960. 2 vol.

²"Revue historique de droit français et étranger" sér. 4, vol. 30, (1953), p. 1-29.

history of law for thirteen years. During this period he engaged in a great deal of research. His method was not only to trace the origin of the law but to show its development as well as its decline through the ages. Volume one of his first important work "Histoire de la Prévôté et Vicomté de Paris" was ready in 1914, but due to the war was not published until 1922. The second volume in two parts appeared in 1926 and 1930.

In 1921 he returned to Paris where he replaced Paul Fournier as lecturer in the history of public law. He was a great success as a teacher and both his colleagues and students felt that teaching was a vocation for him. In 1927 he succeeded the famous legal historian Emile Chenon as Director of the course on legal history. Because of the high esteem in which he was held by Olivier-Martin, the library contains many of Chenon's works.

As well as teaching and research, M. Olivier-Martin was interested in many other professional activities. He was elected to the "Académie des Inscriptions et Belles Lettres", succeeded M. E. Meynial as president of the "Société d'histoire de droit", co-editor of the *Nouvelle revue historique de droit français et droit étranger*, a member of the "Conseil d'administration de la Société d'histoire ecclésiastique de la France". In 1937, at the instigation of M. Alexandre Eck, honorary professor at the University of Brussels, he founded, together with Jacques Pirenne, the "Société Jean Bodin pour l'histoire comparative des institutions".

The following list is a selected bibliography of the leading works of François Olivier-Martin.

- OLIVIER-MARTIN, FRANCOIS: *L'action juridique des "Etats" ou "Ordres" en dehors des assemblées périodiques, en France aux XVIIe et XVIIIe siècles*. Commission internationale pour l'histoire des Assemblées d'Etats, Etudes No 11. Louvain, 1952.
- *L'Assemblée de Vincennes de 1329 et ses conséquences; étude sur les conflits entre la juridiction laïque et la juridiction ecclésiastique au XIVe siècle*. Paris, 1909.
 - *Le calcul par nuits des délais dans les textes parisiens*. Mélanges Louis Halphen. Paris, 1951. p.543-550.
 - *Le congrès international des sciences historique de Bruxelles*. *Revue historique de droit français et étranger* sér. 4, vol. 2, (1923), p.443-461.
 - *Le congrès historique de Varsovie*. *Revue historique de droit français et étranger*, sér. 4, vol. 12, (1933), p.525-544.
 - *Le congrès historique d'Oslo*. *Revue historique de droit français et étranger*, sér. 4, vol. 7, (1928), p.441-460.
 - *Cours d'histoire du droit public; rédigés d'après les notes et avec l'autorisation . . .* Paris, 1942-1951.
 - *La coutume de la Prévôté et Vicomté de Paris*. Mémoires de la Société de l'Histoire de Paris T. XLVIII, Paris, 1925, p.174-189.

- *La coutume de Paris; trait d'union entre le droit romain et les législations modernes.* Paris, 1925.
- *Un coutumier du Châtelet de la fin du XV^e siècle.* Travaux juridiques et économiques de l'Université de Rennes 1907. p.411-432.
- *La crise du mariage dans la législation intermédiaire (1789-1804).* Paris, 1901.
- *Le déclin de la suppression des corps en France au XVIII^e siècle (Organisation corporative du Moyen Age à la fin de l'Ancien Régime).* Commission internationale pour l'histoire des Assemblées d'Etats, Etudes No 2. Louvain, 1937.
- and BOULEN, GEORGES. "Des fiez à l'usage de France," *texte critique avec introduction et des notes.* Nouvelle revue historique de droit français et étranger, vol. 43, (1919). p.544-582; vol. 44, (1920). p.135-158, 305-346.
- and THOMAS, ANTOINE. *Un document inédit sur la procédure accusatoire dans la Châtellenie de Bellac au XIV^e siècle.* Revue historique de droit français et étranger, sér. 4, vol. 14 (1935). p.707-722.
- *Un document inédit sur les travaux préparatoires de l'ancienne Coutume de Paris.* Nouvelle revue historique de droit français et étranger vol. 42, (1918). p.192-227.
- *La France d'Ancien Régime, état corporatif.* Annales de droit et de sciences politiques 1937. p.690-702.
- *Glanes de droit coutumier parisien.* Travaux juridiques et économiques de l'Université de Rennes, 1914.
- *Histoire de la coutume de la Prévôté et Vicomté de Paris.* vol. 1, Paris, 1922; vol. 2, pt. 1, Paris, 1926; vol. 2, pt. 2, Paris, 1930.
- *Histoire du droit français des origines à la Révolution.* Paris, 1948.
- *Le jeu des institutions monarchiques sous le gouvernement personnel de Louis XIV (1661-1715).* Recueil des cours et conférences, 1926. p.385-407.
- *Le manuscrit des "coutumes notoires" ayant appartenu à Brodeau.* Revue historique de droit français et étranger sér. 4, vol. 3, (1924). p.129-140.
- *Le manuscrit Vatican 4790 et le grand coutumier de Jacques d'Ableiges.* Nouvelle revue historique de droit français et étranger, vol. 30, (1906). p.630-668.
- *Le manuscrit Vatican 4790 du grand coutumier de Jacques d'Ableiges.* Nouvelle revue historique de droit français et étranger, vol. 34, (1910). p.113-127.
- *La nomination aux offices royaux au XIV^e siècle, d'après les pratiques de la chancellerie.* Mélanges Paul Fournier. Paris. 1929. p.487-501.
- *Notes d'audiences prises au Parlement de Paris de 1384 à 1386, par un praticien anonyme.* Revue historique de droit français et étranger, sér. 4, vol. 1, (1922), p.513-603.
- *Note sur le "de origine jurisdictionum" attribué à Pierre Bertrand.* Mélanges Fitting. Paris, 1907. vol. 2, p.106-119.
- *Notes sur quelques manuscrits juridiques peu connus.* Nouvelle revue historique de droit français et étranger, vol. 35, (1911). p.75-88.

- *L'organisation corporative de la France d'Ancien Régime*. Paris, 1938.
- *Les pratiques traditionnelles de la royauté française et le despotisme éclairé*. Bulletin du comité international des sciences historiques 1933, No 20. p.701-713.
- *Précis d'histoire du droit français*. 4e éd. Paris, 1945.
- and AUBERGE, J. *Le prétendu cartulaire de l'abbaye de Saint-Pierre de Rillé conservé à la bibliothèque municipale de Rennes*. Bulletins et mémoires de la Société archéologique d'Ille-et-Vilaine. 1913.
- *Le roi de France et les mauvaises coutumes au Moyen Age*. Zeitschrift de Savigny-Stiftung für Rechts Geschichte Germanistische Abteilung, 1938, p.108-137.
- *Saint-Louis*. Hommes d'Etat, vol. 2. Paris, 1937.
- *St-Yves, the ideal jurist*. St-Yves, patron saint of lawyers. 1936.
- *Sentences civiles du Châtelet de Paris (1395-1505) publiées d'après les registres originaux*. Nouvelle revue historique de droit français et étranger, vol. 37, (1913), p.758-804; vol. 38, (1914), p.61-104, 461-523, 611-641.
- *Textes inédits de droit champenois*. Travaux juridiques et économiques de l'Université de Rennes, 1913.
- *Le tribunal des Centumvirs*. Paris, 1904.

CASE and COMMENT