

should adopt this system of notarial protest, were to prevail, it seems to me that the tail would wag the dog. I am of opinion, not having any interest in notarial fees or legal expenses, that the parts of the clause referring specially to the Province of Quebec should be omitted.

HON. MR. KAULBACH—The object of this Bill is to harmonize the commercial law as far as possible throughout the Dominion. I do not see why Quebec could not come under the general law which applies to all the Dominion. Commercial law should prevail uniformly in all the Provinces, and I do not think that Quebec would be much opposed to such legislation.

HON. MR. POWER—This requirement, that not only shall notice be given by a holder of the bill, but that he shall go to a notary and get him to make an official protest, is simply a sort of trap to the unwary creditor, and I can readily understand that a business man residing in another Province, to whom an inland bill becomes due from some one in the Province of Quebec, and payable in that Province, may very likely be misled, may act upon the law as it is in his own Province and find afterwards that, according to the law of the Province of Quebec, he should have employed a notary and had the bill protested. There is a very serious objection to maintaining this exception in the bill. I cannot, for the life of me, see how a debtor in the Province of Quebec should feel aggrieved, because he will be relieved, if this provision is stricken out, from the necessity of paying the notarial fees in addition to the amount of the bill. I quite agree that it will more or less diminish the emoluments of a very respectable class of the community in the Province of Quebec, but I do not know that we are just now bound to consider them, and the argument of the hon. gentleman that this has been the law in the Province of Quebec for a long time does not seem to have much force.

HON. MR. ABBOTT—Both of my hon. friends mistake the application of the theory they advance. They say that commercial law ought to be the same throughout the Dominion. The commercial law is made uniform by this Act; the obligations and remedies are the same throughout the

whole of the Provinces; but in Quebec, if the parties are sued they are sued in a different manner from that which is recognized in the Province of Ontario. They are charged a smaller amount of costs considerably in the Province of Quebec than in Ontario, when they are sued. There are various other particulars which follow the dishonor of a bill, but the obligations of a party are the same. The same argument which my hon. friends use for the purpose of having the notarial system of Quebec upset as regards promissory notes would apply to proceedings before the courts.

HON. MR. POWER—We have nothing to do with that.

HON. MR. ABBOTT—When my hon. friends object to this provision with regard to protesting they are not objecting to any difference in the commercial law, but to a difference in procedure. If it is the desire, as I really think it is the almost unanimous desire, of the Province of Quebec, to preserve the existing procedure intact, we do not concede anything by allowing them to do so. If a man in another Province does not wish to pay two or three shillings more for a protest in the Province of Quebec he need not deal with anyone in Quebec. I do not suggest that there should be a cessation of commerce between the Provinces, because it costs more for a protest in Quebec than elsewhere, but while we claim that the law shall be the same as far as is practicable throughout the Dominion, I do not think that a slight change in the procedure is worth quarreling about. Quebec desires to keep its system of protest, and I think it would be seriously aggrieved if we were to take it away from them.

HON. MR. KAULBACH—If it is only a slight change of procedure, the gentlemen of the notarial profession in Quebec will be more ready to yield to the general law of the Dominion. We are here to legislate for the whole Dominion; to make an exception will only lead to confusion.

HON. MR. ABBOTT—This is not a change in the law; it is keeping the law as it is.

HON. MR. KAULBACH—But the object of this Bill is to make this law uniform, as far as possible.

HON. MR. LOUGHEED—It appears to me that this exception is extending to the