

and civil rights. See *Stuart v. Bowman* (1853), 3 L.C.R. 309, 3 R.J.R.Q. 228, 268; *Wilcox v. Wilcox* (1857), 8 L.C.R. 34.

Notwithstanding the legislation of the century following the Cession, the Custom of Paris continued to be the fundamental law of the province, until in 1866 it was embodied with the statutory law of civil rights and property in the Civil Code of Lower Canada.

Nevertheless some important changes were made by statute in the commercial law of the province during this period. The most notable enactments were the ordinance of the Legislative Council introducing in 1785 the English law of evidence in commercial matters,²⁰ and the provincial statute 10 & 11 Vict., c. 31, in effect bringing into force the 17th section of the Statute of Frauds.

Still more important modifications have been effected by the practice of the courts. The commerce of the country was always mainly in the hands of the English-speaking part of the community and trade was carried on almost exclusively with England, the United States and the other provinces. It was natural, therefore, that the decisions of English judges on commercial law should come to be treated by Quebec courts with a high degree of deference, and this was all the more natural inasmuch as it was found that there was great similarity between the English and French systems by reason of their common origin in the custom of merchants.²¹

The result seems to be that although English decisions may not necessarily be binding authorities in Quebec because the commercial law of Quebec, as a general rule, is the French law (*Gravelle v. Beaudoin* (1863), 7 L.C.J. 289, 11 R.J.R.Q. 221; *Young v. Macnider* (1895), 25 S.C.R., at p. 283), yet the practice of the judges has been to consider English decisions as well as French (as, e.g., in *Young v. Macnider*, 25 S.C.R., at pp. 277 and 278, and in the court below, Q.R. 3 Q.B. 539; *Glengoil v.*

(20) Shortt and Doughty, op. cit., p. 532.

(21) See Walton, op. cit., p. 21.