

rule the notes protested come before the court, and when they come before the court the notarial protest saves the expense of bringing witnesses, which is certainly a great deal more than the cost of the protest. The other Provinces had never any cause of complaint on account of our system, and why take from Quebec a system which has worked well for so many years, and does not affect any other Province?

HON. MR. LACOSTE—I regret to see that the hon. gentleman from Lunenburg objects to the law as it is now. He says the law should be uniform throughout the Dominion. I quite admit that it is desirable that the commercial law should be uniform, but, at the same time, I do not see that in a case like this there is any interference with the other Provinces. This exception applies only to inland bills, and bills in the Province of Quebec.

HON. MR. POWER—No; all over Canada now.

HON. MR. LACOSTE—This formality relates only to the evidence of proof. Now, if you want to make it a general rule and say that the endorser will have to pay a note after it has matured, without any formality by the holder, I quite agree with that. It would be altogether a new system, but you adopt the old system, and you admit even in this legislation that it is necessary to multiply the notifications. What is a notification? It is nothing more than a protest. I believe, in the other Provinces you require, if you sue, to prove two things, that the note has been presented at the place of payment, and that there are no funds there. You have to prove also the notification which you have given to the endorsers. This is the protest. The protest is merely a notary going to the bank or place of payment of the note, and asking if there are funds there, and then sending the notices.

HON. MR. POWER.—Why not leave it to the holder to protest?

HON. MR. LACOSTE.—Because, under our system, we think it is not right to leave the proof to the uncertainty of parole evidence. And because the agent of the holder is an interested party and liable to perjure himself. We think the authenticated protest is not only in favor

of the holder, but of the bank and of the endorsers. They are shown that this notification has been given. They are shown that the protest has been served. If it is a mere notice sent by the holder of the note through a third party, then we must come to parole evidence, very often given by parties interested, and we have always thought, in the Province of Quebec, that it was safer to have authenticated proof; and that is the reason why we want protests to be made by notaries, so that they may be authentic. The hon. gentleman from Montreal says that the Board of Trade considers that this legislation is inimical to trade. How is it inimical to trade, when, as the hon. gentleman admits himself, ninety-nine of the notes out of every one hundred will be protested? I do not see why we should not leave the Bill as it is. There are very strong grounds in favor of our system. In Ontario, I am told by counsel that in most cases they do protest. In our Province we must protest in every case. And we have to do it, because we do not want to leave evidence of these facts to the uncertainty of parole evidence. We are satisfied in the Province of Quebec with the law as it is. This legislation has existed for a great many years—since the foundation of the Province, and I believe every one is satisfied with it. I do not know the name of the hon. judge who gave an opinion against it to the hon. gentleman from Montreal, but I know myself the opinion of the judges in Quebec, and I know the opinion of the leading members of the bar, and our leader here, who is also leader of the bar in Montreal, can tell you the opinion of the bar there.

HON. MR. VIDAL—I entirely concur with the view of this matter presented to the House by the hon. member from Lunenburg. I think it is exceedingly important that the commercial law of the country should be one throughout the Dominion. I do not think that the amendment now before us would produce the difficulties which have been so eloquently set before us by the hon. gentlemen from Grandville and Lauzon. If we eliminate this exception, as proposed by the hon. gentleman from Montreal, we will just leave the matter in this shape, that every merchant in Quebec that likes to protest by notary, will have full power to do so.