

acceptance or not, so I move to insert the words "or acceptance" in the first line of the second sub-section.

The amendment was agreed to.

On the 47th clause,—

HON. MR. ABBOTT—In sub-section 2 of this section there is an omission. It is stated that a bill is dishonored by non-payment when it has been presented for payment and payment has been refused. Then the section goes on to define what the rights of the holder are. The word "acceptor" ought to be there, because the recourse is created against the acceptor, as well as the drawer and the endorser.

HON. MR. POWER—It is remarkable that so important a point as that should not have been dealt with by the English Act.

HON. MR. ABBOTT—We all know that as soon as the bill is dishonored the immediate right of recourse exists against the whole of the parties to the bill; still, as we are taking the trouble to make all the parties liable, we may as well name all of them.

The clause was agreed to.

On clause 49—notice of dishonor,—

HON. MR. SCOTT—Is verbal notice sufficient now?

HON. MR. ABBOTT—Yes; I think it is a matter of proof in Quebec. I do not know how it is in Ontario.

HON. MR. SCOTT—I have no objection to the provision.

On sub-section 4,—

HON. MR. SCOTT—I think it is introducing a very dangerous principle, to make a notice of protest or dishonor as being sufficiently given if it is addressed to any party to such bill at the place where the bill is dated.

HON. MR. REESOR—I think it is usual to ask the post office address of every endorser.

HON. MR. ABBOTT—I think the deposit in any post office at any time during the day on which protest or presentment has been made ought not to be sufficient unless the postage is paid. I propose to

add after the words "post office," in the seventeenth line, the words "with the postage paid thereon."

The amendment was agreed to.

HON. MR. ABBOTT—Then in sub-section 5 I would like to add in the 23rd line, after the word "posted," the words "as before provided."

The amendment was agreed to.

HON. MR. POWER—Paragraph (k) is different from the English law. The provision in the English Act is that notice must be given as soon as the bill is dishonored, or as soon after as possible. This Bill provides that notice must be given not later than the next following judicial or business day.

HON. MR. SCOTT—I would like my hon. friend to consider if an amendment would not be in order at the 9th line of sub-section 4, with reference to qualifying the words "at his customary address or place of residence," by adding "or place where such residence is given."

HON. MR. ABBOTT—A note is payable to so-and-so in Montreal, and is endorsed by half a dozen people. The note is not paid when it falls due, and it goes with perhaps a hundred other notes to the notary to be protested. He sends notices to everybody on that bill to the place where the note is dated. He mails the notices in Montreal. If the endorsers live elsewhere it is only necessary for them to insert after their names the places to which notice shall be sent, and if they fail to do so it is their own fault if notice is sent only to the place where the note is dated.

HON. MR. SCOTT—The rule in Ontario is that the notary has not only that day but the whole of the next to post the notice, and during that time he has plenty of time to make enquiries. If a well known firm in Toronto is endorser on a bill, surely it is not asking too much of the notary to address the notice to the proper address. It is too much to say that a notary's clerk, without making the slightest enquiry, may send a notice to the post office, at the place where the bill was dated, when he could easily find out the proper address.