

the old law so far as this has not been abrogated by the Code, in the provincial statutes and in the decisions of the courts. . . . As early as in 1785 a statute was passed introducing the English rules of evidence in commercial matters . . . After the Cession the commerce of the country, and more particularly the foreign trade fell mainly into the hands of the English-speaking part of the community. Their business was principally with England, with the United States, or with the other provinces of Canada, and all of these countries were governed by the English law. It was natural, therefore, that English commercial usages should become more familiar than French, and that in the courts great deference should be paid to the decisions of English Judges who had explained the English usages. . . . It must not be forgotten that English commercial law in its present shape is mainly the creation of the Eighteenth Century, and is to a large extent the work of Lord Mansfield and other judges who applied in practice and elevated to the rank of rules of law the customs of merchants and the theories about these customs, formulated by civilians, mostly French or Dutch. . . . The commissioners who drafted the Civil Code of Lower Canada state very clearly the difference between the commercial law and the civil law of the province in regard to their origin. They say: 'In a few instances the rules of commercial law may be found in the statute book or in the ordinance of France, but much of it is to be sought in usages and jurisprudence. Our system, if system it may be called, has been borrowed without much discrimination, partly from France and partly from England; it has grown up by a sort of tacit usage and recognition, without any orderly design or arrangement, and has not as yet received any well-defined or symmetrical form from the decisions of our courts . . . Much of what has been established by usage may more safely be left to be interpreted in like manner and to be modified as new combinations and experience of new wants may suggest.' "

To those who give any consideration to the subject it is evident there exists a strong similarity between the provincial com-