

case of an inland bill, notice of dishonour alone being sufficient. In France every dishonoured bill must be protested. Grave doubts may exist as to whether the English or the French system is the soundest and most beneficial to the mercantile community, but this is a problem which it is beyond the province of a lawyer to attempt to solve."

In every province of Canada except Quebec the common law of England prevails, subject to any provincial or other statutes enacted by competent authority and applicable to the province. It is of no importance to define the precise date or mode of the introduction of the law of England, so far as the unwritten law is concerned, but it may be material to do so for the purpose of deciding to what extent Imperial statutes which are not in force in a particular province *proprio vigore* are nevertheless in force there by virtue of the general introduction of the law of England.<sup>9</sup>

The Provinces of Nova Scotia and New Brunswick being British colonies by settlement, the original law in force there was the common law of England as modified by such statutes of the mother country as were suitable to the condition of the colony. For this purpose the latest date after which statutes passed in Great Britain would no longer apply to the colony, unless expressly made applicable thereto, is the 3rd of October, 1758, the day of the meeting of the first general assembly of Nova Scotia (then including New Brunswick).

Upon a review of the Nova Scotia decisions, it appears that the admission of Imperial statutes has been the exception; those which have been held to be in force being in the main statutes in amelioration of the rigour of the common law, acts in curtailment of prerogative or in enlargement of the liberty of the subject. To a greater extent than has been the case in either New Brunswick or Ontario, the judges of Nova Scotia have deemed it the office of legislation rather than of judicial visions of Imperial statutes not originally capable of being made

(9) See fuller discussion in Clement, *Canadian Constitution*, 2 ed., 1904 pp. 38 ff.; Maclaren on Bills, 4 ed., 1909. pp. 10 ff.