

exception in regard to the Province of Quebec. It has been explained to me, by legal gentlemen, that there are special provisions in the Code of Quebec which make it more desirable in that Province that the noting or protesting should be done by a notary, but as my reading of the Bill as amended would be somewhat different from that, I would like to say that it appears to me that if my amendment were accepted the Bill would read something after this fashion: "But it shall not be necessary to note or protest any inland bill in order to preserve the recourse against the drawer or endorser." Now, the question is put to me what effect would this have upon the employment of notaries and the payment of their fees? If you go on to clause 93, second sub-section, you will perceive that in clause 51, as amended, the option of protesting and noting lies with the holder. If he elects to note and protest in the usual fashion clause 92 comes into effect, "the expense of noting and protesting any bill or note and the postages thereby incurred shall be allowed and paid to the holder in addition to any interest thereon." Now, if that be so, the only effect of my amendment would be that in exceptional cases of great importance to the mercantile community the noting or protesting might be delayed or omitted altogether. Now there are a thousand cases in which, in the interest of the merchant or dealer, it is of the greatest importance that there should be no protest, and in which he might validly and legitimately refuse to accept or even pay a bill, and the bank or holder is to be compelled to note or protest it, whatever he might think was the objection to accepting or paying it. I remember when the Bill was in committee there was a serious objection to the short delay between the application for acceptance and the noting and protesting after it, and the reason given by several merchants was this: there might be special reasons such as delay in receiving advice or documents or explanations by mail which might make it advisable to refuse acceptance, and for that reason the time was extended to permit him to exercise his option. Now I have no doubt, whatever, that if my amendment is carried and this invidious exception of the Province of Quebec from the application of the Bill which professes to be for the whole

Dominion is removed, the effect will be that the banks and merchants will continue to note the protest as usual, except under special circumstances which will be a small exception from the general rule. They will do that to save themselves from any possible contingency with reference to evidence in a court of law. I believe that a notarial protest is evidence sufficient in law in the Province of Quebec, and in the absence of it the evidence of a party who had given the necessary notices would be required. That is a serious contingency to be encountered by a bank, and they would elect in 99 out of 100 cases to go on as they do now, noting and protesting and pay the notarial fees. Such is my interpretation of the law, but it gives the power to the holder of the bill, be it a bank or a private holder, to elect under special circumstances to waive the notarial noting and protesting if there is given the holder satisfactory reason why it should be omitted, and I may say it occurs very often in the experience of a mercantile firm or individuals to ask for a delay and ask for the omission of this protest.

The Council of the Board of Trade at Montreal, on the last occasion, when I gave notice telegraphed me as follows:—

"Council strongly objects to Quebec exceptions in clause 51 of Bills Exchange Act, as being inimical to trade interests and entirely unnecessary. Council earnestly prays that Province of Quebec be placed on the same footing as other Provinces."

In confirmation of that I received from the Council at its next meeting the following letter:—

"Office Board of Trade,

"10 St. John & 39 St. Sacramento St.

"MONTREAL, 22nd April, 1890.

"HON. GEO. A. DRUMMOND, Senator,

"OTTAWA.

"DEAR SIR,—Referring to telegram sent you on 14th inst., stating that the council strongly objects to the Quebec exceptions in clause 51 of Bills of Exchange Bill as being inimical to trade interests and entirely unnecessary. I am now to say that the clause was further considered at to-day's meeting of the council with the result that I am again to address you urging that strenuous endeavor be made to have those exceptions expunged from the Bill.

"The council endorses of course the provision that those who desire to protest a Bill notarially should be permitted to do so, but it is strongly opposed to notarial protest being made compulsory, as is proposed to be done in clause 51 as it now stands.

"I am, dear Sir,

"Yours obediently,

"GEO. HADRILL,

"Secretary."

I have further to say that previous to giving the notice of motion to which I have already referred, I had the advantage