

difference whether a man has no funds to meet a cheque or whether he has only insufficient funds....." This means that the drawer in good faith is only liable to civil consequences of his mistake but that the drawer in bad faith is liable to criminal punishment.

The Swiss Law (art. 837) provides only for civil compensation in the case where "a person draws a cheque without having sufficient funds in the drawee's office", without discrimination between good and bad faith or criminal liability specified in the Civil Code of Obligations.

It must be noted that the present drafting of section 1110 was made by the Code Commissioners after the French Law but before the recent law 2nd. August 1917 which has brought the above specified alterations especially for the prosecution and punishment of drawers in bad faith.

The question for the Committee is to know:

first, if it is desirable to punish the drawer in good faith as made by the present section 1110 and the French Law, - or to let him subject only to civil liability as made by the English and Swiss law;

second, if it is advisable to specify the particular case of the drawer in bad faith and to provide imprisonment for him, as it is in the English and French law.

This is really a question of practice and local experience. I note however that criminal