

CODE OF OBLIGATIONS.

Questions of delays
in sections 1106 and 1107.

The Committee of Translation have called the attention upon the delays specified in sections 1106 and 1107, which are perhaps not sufficiently fit to the requirements of the country.

Recourse against the drawer and indorsers (prior parties). - According to section 1106, the holder of a cheque loses his recourse if he does not present the cheque for payment within two months from the date of drawing.

Recourse against the drawee. - According to section 1107, the holder has no recourse against the banker who refuses to pay a cheque presented for payment more than one year after the date of drawing.

If we consider how these questions are dealt with in the foreign legislations, we see from the documents and discussions in the Conference of the Hague (1912) that it was quite clear for the Governments that, in the present conditions, the delays to be specified in the cases dealt with by sections 1106 and 1107 are a pure question of local customs and has to be fixed by each national law accordingly. It was perhaps deemed desirable to adopt a uniform and international delay in case of cheques drawn from a country to another country (French proposal) but the point is not finally settled.

Then, if we try to find which delays are adopted in other countries, we see that they are very different.