

*Exempt from Dr.
Mr. R. Guy*
41109

41 / 109

[Draft April 1924]

CIVIL AND COMMERCIAL CODE

SPECIFIC CONTRACTS

Alterations made in the text printed 1919
as finally agreed between Dr. James and
the Commission
(fourth instalment: sections 391 to 1128 inclusive)

Submitted
to the Revising Committee
~~September~~
~~August~~ 1928

CIVIL AND COMMERCIAL CODE

SPECIFIC CONTRACTS

Alterations made in the text printed 1919
as finally agreed between Dr. James and
the Commission
(fourth instalment: sections 391 to 1128 inclusive)

Submitted
to the Revising Committee
September 1923.

Before section 897, to say:

CHAPTER VII
COMMISSION AGENCY

897. - The section is redrafted as follows (suggested by the Commission):-

"A commission agent is a person who, in the ordinary course of his business, acts in his own name or in the name of his own firm on account of another.

"He is personally liable, unless he has expressly acted for, and disclosed the name of, the principal.

"However, unless otherwise provided by the agreement, the agent shall in all cases be personally liable if the principal is, and has his residence, abroad."

906. -

.....
If the brokerage agreed upon is excessive, the Court ~~can~~ may reduce it.

917. - The parties ~~can~~ may agree to have several current accounts at the same time.

921. - Either party ~~can~~ may at any time etc.

Before section 897, to say:

 [Sec.956](#)

CHAPTER VII
COMMISSION AGENCY

897. - The section is redrafted as follows (suggested by the Commission) :-

"A commission agent is a person who, in the ordinary course of his business, acts in his own name or in the name of his own firm on account of another.

"He is personally liable, unless he has expressly acted for, and disclosed the name of, the principal.

"However, unless otherwise provided by the agreement, the agent shall in all cases be personally liable if the principal is, and has his residence, abroad."

906. -

 [Sec.965](#)

.....
If the brokerage agreed upon is excessive, the Court ~~can~~ may reduce it.

917. - The parties ~~can~~ may agree have several current accounts at the same time.

 [Sec.976](#)

921. - Either party ~~can~~ may at any time etc.

 [Sec.980](#)

926. - To add a fourth paragraph as follows:^{41/111}
 "The assured and the beneficiary may be one and the same person".
944. - Second paragraph:
 But the insurer ~~may~~ ^{has} to return etc.
951. - If the insured has ~~made~~ been taken out insurance etc.
 If the insurance has been ~~made~~ taken out in favour etc.
952. - This section is cancelled.
954. - Any ~~If~~ matters written in or on the bill which is not provided for in this Title ~~are~~ ~~written on the bill they~~ shall have no effect upon ~~under~~ the bill.
956. - The last sentence is cancelled.
957. - If an agent
, the agent is liable ~~under~~ upon the bill etc.
958. - Notwithstanding that ~~Although~~ one or more of the parties to a bill ~~may be~~ are incapacitated, the bill is nevertheless valid ~~as~~ with regard ~~s~~ to capable parties.

926. - To add a fourth paragraph as follows: [Sec.985](#)
 "The assured and the beneficiary may be one and the same person".
944. - Second paragraph: [Sec.1017](#)
 But the insurer ~~may~~ has to return etc.
951. - If the insured has ~~made~~ been taken out insurance etc. [Sec.1022](#)
 If the insurance has been ~~made~~ taken out in favour etc.
953. - This section is cancelled. [Sec.—](#)
954. - Any ~~If~~ matters written in or on the bill which is not provided for in this Title ~~are~~ ~~written on the bill they~~ shall have no effect upon ~~under~~ the bill. [Sec.1024](#)
956. - The last sentence is cancelled. [Sec.1026](#)
957. - If an agent [Sec.1027](#)
, the agent is liable ~~under~~ upon the bill etc.
958. - Notwithstanding that ~~Although~~ one or more of the parties to a bill ~~may be~~ are incapacitated, the bill is nevertheless valid ~~as~~ with regard ~~s~~ to capable parties. [Sec.1028](#)

959. - No extension of time ~~can~~ may be etc.
961. - ~~An~~ ~~The~~ indorsee of a bill is not a holder unless the first indorsement ~~is~~ has been signed by the payee and each subsequent indorsement ~~is~~ has been signed by the person described in the preceding indorsement, so that there ~~is~~ is an unbroken series of indorsements.
970. - A person ~~can~~ may etc.
971. - A person ~~can~~ may etc.
972. - A bill of exchange ~~can~~ may etc.
973. - The drawer ~~can~~ may insert in the bill of exchange the name of a referee in case of need at the place of payment.
978. -
....., provided that the requisite proceedings on non-acceptance or non-payment ~~is~~ have been duly taken.
981. - A debtor under a bill of exchange ~~can~~ may etc.

959. - No extension of time ~~can~~ may be etc. [Sec.1029](#)
961. - ~~An~~ ~~The~~ indorsee of a bill is not a holder unless the first indorsement ~~is~~ has been signed by the payee and each subsequent indorsement ~~is~~ has been signed by the person described in the preceding indorsement, so that there ~~is~~ is an unbroken series of indorsements. [Sec.1031](#)
970. - A person ~~can~~ may etc. [Sec.1040](#)
971. - A person ~~can~~ may etc. [Sec.1041](#)
972. - A bill of exchange ~~can~~ may etc. [Sec.1042](#)
973. - The drawer ~~can~~ may insert in the bill of exchange the name of a referee in case of need at the place of payment. [Sec.1043](#)
978. -
....., provided that that the requisite proceedings on non-acceptance or non-payment ~~is~~ have been duly taken. [Sec.1047](#)
981. - A debtor under a bill of exchange ~~can~~ may etc. [Sec.1050](#)

987. -

Any holder of a bill bearing a blank indorsement ~~can~~ may fill up the indorsement.

989. - An indorser may, in indorsing the bill of exchange, insert the name of a referee in case of need at the place of payment.

991. -
, provided that the requisite proceedings on non-acceptance or non-payment ~~has~~ has been duly taken.

995. - A holder ~~can~~ may etc.

996. - Whenever a bill of exchange has been indorsed for pledge or collection, the indorsee may ~~cannot~~ indorse it except for the ~~same~~ purposes of such pledge or collection.

1002. -
, any person ~~can~~ may date it.

1005. - The drawee may ~~cannot~~ cancel his acceptance.

987. -

Any holder of a bill bearing a blank indorsement ~~can~~ may fill up the indorsement.

989. - An indorser may, in indorsing the bill of exchange, insert the name of a referee in case of need at the place of payment.

991. -
, provided that the requisite proceedings on non-acceptance or non-payment ~~has~~ has been duly taken.

995. - A holder ~~can~~ may etc.

996. - Whenever a bill of exchange has been indorsed for pledge or collection, the indorsee may ~~cannot~~ indorse it except for the ~~same~~ purposes of such pledge or collection.

1003. -
, any person ~~can~~ may date it.

1005. - The drawee may ~~cannot~~ cancel his acceptance.

 [Sec.1056](#)

 [Sec.1058](#)

 [Sec.1060](#)

 [Sec.1064](#)

 [Sec.1065](#)

 [Sec.1072](#)

 [Sec.1074](#)

1007. - If the drawee subjects his acceptance to any ~~other~~ limitation other than ^{that} provided for in section 1006 to part of the sum payable, acceptance is deemed to ~~be~~ have been refused.

1009. - If the bill of exchange is presented for acceptance in accordance with as provided by sections 927 to 999 inclusive and the drawee fails to accept it, the holder has a right of recourse against all or any of the prior parties, jointly or separately, provided that he complies with the rules prescribed in sections 1011 to 1018 inclusive.

1012. - provided by Schedule A B attached to this Code.

1013. -
.....

9) A statement that the drawee ~~can~~ may, during the three days next following the date of protest, ~~seek out the holder and~~ accept the bill of exchange on paying the expenses of protest.

1023. -
.....sections 1011 to 1021 inclusive etc.

1029. - The holder may ~~can~~ not etc.

1007. - If the drawee subjects his acceptance to [Sec.1076](#) any ~~other~~ limitation other than that provided for in section 1006 to part of the sum payable, acceptance is deemed to have been refused.

1009. - If the bill of exchange is presented for acceptance in accordance with as provided by sections 927 to 999 inclusive and the drawee fails to accept it, the holder has a right of recourse against all or any of the prior parties, jointly or separately, provided that he complies with the rules prescribed in sections 1011 to 1018 inclusive. [Sec.1116](#)

1012. - provided by Schedule A B attached to this Code. [Sec.1119](#)

1013. -
..... [Sec.1120](#)

9) A statement that the drawee ~~can~~ may, during the three days next following the date of protest, ~~seek out the holder and~~ accept the bill of exchange on paying the expenses of protest.

1023. -
.....sections 1011 to 1021 inclusive etc. [Sec.1130](#)

1029. - The holder may ~~can~~ not etc. [Sec.1098](#)

1035. - Sections 1002 to 1007 inclusive etc.
1036. - ~~Every~~ Any party etc.
1038. - A person ~~who does not~~ other than the drawee ~~who merely~~ puts merely his signature on the face of a bill of exchange etc.
1046. - Payment ~~can~~ may be obtained only on surrender of the bill of exchange. The payer ~~can~~ may etc.
1047. - The holder of a bill of exchange may ~~cannot~~ etc.
1049. -
....., the acceptor ~~can~~ may etc.
1055. -
..... prescribed
in sections 1057 to 1064 inclusive.
1058. - provided
by Schedule ~~B~~ C attached to this Code.

1035. - Sections 1002 to 1007 inclusive etc. [Sec.1104](#)
1036. - ~~Every~~ Any party etc. [Sec.1078](#)
1038. - A person ~~who does not being other than~~ the drawee ~~who merely~~ puts merely his signature on the face of a bill of exchange etc. [Sec.1080](#)
1046. - Payment ~~can~~ may be obtained only on surrender of the bill of exchange. The payer ~~can~~ may etc. [Sec.1088](#)
1047. - The holder of a bill of exchange may ~~cannot~~ etc. [Sec.1089](#)
1049. -
....., the acceptor ~~can~~ may etc. [Sec.1091](#)
1055. -
.....prescribed
in sections 1057 to 1064 inclusive. [Sec.1116](#)
1058. -
.....provided
by Schedule ~~B~~ C attached to this Code. [Sec.1119](#)

1058. -
.....

9) A statement that the drawee ~~can~~ may, within the three days next following the day of protest, ~~seek out the holder and~~ may pay the holder that amount.

1061. - If the bill of exchange is not paid within the three days ~~period~~, etc.

1065. - An indorser to whom notice of dishonour has been given by a subsequent party ~~can~~ may take recourse etc.

1069. - prescribed by sections 1057 to 1067 inclusive, etc.

1072. - exchange ~~can~~ may be obtained etc.

The payer ~~can~~ may require etc.

1077. - If the bill of exchange is not paid on presentation, any person, even though not a party to it, ~~can~~ may pay it.

The holder may ~~cannot~~ etc.

1059. -
.....

 [Sec.1120](#)

9) A statement that the drawee ~~can~~ may, within the three days next following the day of protest. ~~seek out the holder and~~ may pay the holder that amount.

1061. - If the bill of exchange is not paid within the three days ~~period~~, etc.

 [Sec.1122](#)

1065. - An indorser to whom notice of dishonour has been given by a subsequent party ~~can~~ may take recourse etc.

 [Sec.1126](#)

1069. - prescribed by sections 1057 to 1067 inclusive, etc.

 [Sec.1130](#)

1072. - exchange ~~can~~ may be obtained etc.

 [Sec.1133](#)

The payer ~~can~~ may require etc.

1077. - If the bill of exchange is not paid on presentation, any person, even though not a party to it, ~~can~~ may pay it.

 [Sec.1108](#)

The holder may ~~cannot~~ etc.

1023. -

 Sections 966 to 969 inclusive, 972, 974
 to 977 inclusive etc.

 Sections 982 to 988 inclusive, 990 to
 996 inclusive etc.
 Sections 1036 to 1041 inclusive etc.
 Sections 1042 to 1054 inclusive etc.
 Sections 1055 to 1073 inclusive etc.
 Sections 1077 to 1084 inclusive etc.
1026. - If the maker ~~merely~~ puts merely his sig-
 nature..... and any
 person ~~can~~ may fill up the date.
1027. -
, provided that they comply
 with the provisions of sections 1011 to 1027
inclusive etc.
1102. - A cheque ~~can~~ may be drawn etc.
1104. - No reference to a day of maturity ~~can~~
may be inserted in a cheque.

1093. — [Sec.1143](#)

 Sections 966 to 969 inclusive, 972, 974
 to 977 inclusive etc.

 Sections 982 to 988 inclusive, 990 to
 996 inclusive etc.
 Sections 1036 to 1041 inclusive etc.
 Sections 1042 to 1054 inclusive etc.
 Sections 1055 to 1073 inclusive etc.
 Sections 1077 to 1084 inclusive etc.
1096. — If the maker ~~merely~~ puts merely his sig- [Sec.1146](#)
 nature and any
 person ~~can~~ may fill up the date.
- 1097 — [Sec.1147](#)
, provided that they comply
 with the provisions of sections 1011 to 1027
inclusive etc.
1102. — A cheque ~~can~~ may be drawn etc. [Sec.1152](#)
1104. — No reference to a day of maturity ~~can~~ [Sec.1154](#)
may be inserted in a cheque.

1107. -

.....

1) There is ~~not~~ not etc.

2) The cheque is ~~not~~ etc.

1115. -

....., unless it ~~not~~ has been ex-
tinguished by prescription or otherwise.

1107. -

1) There is ~~not~~ not e etc.

2) The cheque is ~~not~~ etc.

1115. -

-----, unless it ~~not~~ has been ex-
tinguished by prescription or otherwise.

 [Sec.1157](#)

 [Sec.1165](#)