IV

RE - ARRANGEMENT OF THE TITLE OF BILLS OF EXCHANGE.

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Arguments pour la fusion

1. — Auteur législation = fusion.

2. — Mod. méth. a un but supprimer l'acte législatif et sont plus difficiles à appliquer par le juge.

réf au but de la 2e article

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Notes.

(réformes dans le Bill of Exchange)

Art. 1009. – Mettre "duly", ce qui simplifie et remplace le "on the day of maturity." de 1055. – et le "as provided by sections 997 to 999" de 1009.

Art. 1011. – L'envoi du protêt le lendemain est à peu près impossible en fait, en raison des surmenage de travail ainsi donné. En France, où l'on a cette même règle, un projet de loi a été déposé en 1920 pour étendre ce délai (qui, en fait, n'est déjà plus observé : on y admet souvent le délai de 2 jours pour Enregistrement). En Angleterre, le système semble plus souple : art. 51, le protêt n'est nécessaire quand il s'agit d'un bill étranger, mais une notice de dishonour suffit quand c'est un bill local. – On proposerait de l'augmenter de 1 jour comme il a été proposé au Parlement français par le Gt le 16 mars 1920 (Journ. II n° 1332)

Art. 1013. a) Les législ. étrangers demandent simplement la copie de la lettre de change. C'est une opération matérielle plus simple que l'analyse demandée par l'art. énumératif que nous avons. Cela remplace mieux le fait. – On peut ne pas toucher à l'article, et ajouter seulement "~~a duplicate~~ a copy of the bill itself".

b) Specify the foll. points. Anglaise, art. 130 c) n. 51. Il paraît inutile de faire figurer "the ~~answer~~ demand made and the answer given if any or the fact that the drawee or acceptor could not be found" dans les autres législations, mais il nous admettons pas à la

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impossible : la Poste envoie, se détermine
des cas, et le silence implique refus (art
1015.

Art. 1014. 2e paragr. — Plus clair de dire " to
the holder at whose request the bill is pro-
tested " — D'après, p. ex. si - 7 a. ca.
il peut y avoir plusieurs holders.

Art. 1013 n° 1. — the place and date
(cf. Art. 51 - 7 a.)

Art 1013 et 1059. — Il y a deux délais, comme
ce sont différents, à calculer à partir de 1013
(the day of presentation) comment déterminer
par la copie du bill, que nous exigeons.

Art 1017. — The notice of dishonour in case
of non-acceptance . . . .

(2e par. 1063) The notice of dishonour in case
of non-payment must contain the
same particulars mutatis mu-
tandis, and, in addition, the
day of maturity of the bill of
exchange.

Art. 1022. — une lettre recommandée, pour que le
tireur ait un recours justifiable, il
a envoyé.

Art. 1024. — Le système qui veut qu'en cas de
Non Acceptance on peut exiger le
payement immédiat (au lieu d'une
Security ce dans les Cods étrangers)

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paraît singulier. Il en fait aucune différence entre le cas de non-acceptation et au cas de non-payement. — La question n'a toutefois pas été soulevée jusqu'au moment. Elle n'a jamais soulevé la moindre objection du Comité de Révision.

1072. — 1073 — La seule différence est la suivante : on ne fait plus de distinction entre le cas de non-acceptation et celui de non-payement. Car, il y a une acceptation formelle, l'aval sera dans la même situation.

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Rearrangement of Title XXI

Chapter on Bills of Exchange

~~Chapter 1 — General Provisions (s. 952 to 963)~~

Chapter 2. — Bills of Exchange

- Part I. — Drawing of a bill of exchange (s. 964 to 977)
- Part II. — Effects of a bill of exchange (s. 978 to 981)
- Part III. — Transfer and indorsement (s. 982 to 996)
- Part IV. — acceptance (s. 997 to 1008).
- Part V. — Suretyship (s. 1036 to 1041)
- Part VI. — Payment (s. 1042 to 1054).
- Part VII. — Acceptance or payment for honour (s. 1028 to 1035 + s. 1074 to 1089)
  - 1. — Acceptance for honour
  - 2. — Payment for honour.
- Part VIII. — Right of recourse (s. 1009 to 1027 + s. 1055 to 1073).
- Part IX. — Bill of exchange in a set. (s. 1085 to 1089).

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CHAPTER II.

BILLS OF EXCHANGE.

PART I.—DRAWING OF A BILL OF EXCHANGE.

964.—A bill of exchange is a written instrument by which a person, called the drawer, orders another person, called the drawee, to pay a sum of money to, or to the order of, a person called the payee.

965.—A bill of exchange must be dated, signed by the drawer, and must contain the following particulars :

1) A sum certain in money.

2) The name or trade name of the drawee.

3) The name or trade name of the payee.

4) An unconditional order to pay.

5) A day of maturity.

6) The place of payment.

966.—The sum must be expressed at least once in letters.

967.—If the sum is expressed in letters and figures and the two expressions do not agree, the bill of exchange is good for the sum expressed in letters.

968.—If the sum is expressed several times in letters and the several expressions do not agree, the bill of exchange is good for the lowest sum only.

969.—A stipulation as to interest in a bill of exchange is valid.

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970.—A person ~~can~~ may draw a bill of exchange payable to himself or to his order.

971.—A person ~~can~~ may draw a bill of exchange upon himself.

972.—A bill of exchange ~~can~~ may be drawn payable to bearer.

973.—~~The~~ A drawer ~~can~~ may insert in the bill of exchange a referee in case of need at the place of payment.

974.—The maturity of the bill of exchange must be:

1) On a fixed day, or

2) At the end of a fixed period after the date of the bill, or

3) On demand, or at sight, or

4) At the end of a fixed period after sight.

975.—If the drawer has not specified the maturity in the bill of exchange, the bill is payable on demand.

976.—A document which complies with the requirements of the present Part is a bill of exchange within the meaning of this Code.

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977.—A document which does not comply with the requirements of the present Part is not a bill of exchange within the meaning of this Code and any person liable under such document shall be bound only by the general rules concerning obligations.

Part II.—EFFECTS OF A BILL OF EXCHANGE

978.—The drawer of a bill of exchange engages that it shall be accepted and paid according to its tenor and that, if it be dishonoured by non-acceptance or non-payment, he will pay it to the holder or to any indorser who has been compelled to pay it, provided that the requisite proceedings on non-acceptance or non-payment have been duly taken.

979.—The drawer may specify in the bill of exchange that he assumes no liability or only a limited liability under the bill.

980.—The drawer may specify in the bill of exchange that he waives some or all of the duties of the holder.

981.—A debtor under a bill of exchange may set up against a person who makes a claim under such bill the following defences only :

1) Defences resulting from the provisions of this Title XXI.

2) Defences which the debtor has personally against the claimant.

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PART III.—TRANSFER AND INDORSEMENT.

982.—A bill of exchange issued to a named payee may be transferred by indorsement unless the drawer of the bill has inserted in it a clause forbidding indorsement.

983.—A bill of exchange payable to bearer is transferred by mere delivery. It may be also transferred by indorsement.

984.—Any person, even if drawer, acceptor or prior indorser, who acquires a bill of exchange by indorsement, may again transfer it by indorsement.

985.—An indorsement is made by writing the name or trade name of the indorsee on the bill of exchange, with the signature of the indorser.

986.—An indorsement may also be made by the mere signature of the indorser on the back of the bill of exchange. Such indorsement is called blank indorsement.

987.—A bill of exchange bearing a blank indorsement may be transferred by mere delivery.

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

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988.—When a bill of exchange payable to bearer has been transferred by indorsement, the bill ceases to be payable to bearer until it is indorsed to bearer or indorsed in blank.

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

990.—Indorsement must be for the whole amount of the bill of exchange. A partial indorsement is void.

991.—The indorser of a bill of exchange engages that it shall be accepted and paid according to its tenor and that, if it be dishonoured by non-acceptance or non-payment, he will pay it to the holder or to a subsequent indorser who has been compelled to pay it, provided that the requisite proceeding on non-acceptance or non-payment be duly taken.

992.—An indorser may, in indorsing the bill of exchange, specify that he assumes no liability or only a limited liability under the bill.

993.—If an indorser specifies that he forbids further indorsements, he incurs no liability under the bill of exchange to subsequent indorsers.

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994.—If the holder of a bill of exchange indorses it after the time for protest for non-acceptance or non-payment has elapsed, the indorsee acquires only the rights of his indorser.

995.—A holder may by indorsement pledge the bill of exchange or give an authority to another person to collect it. The purpose of such indorsement must be stated on the bill.

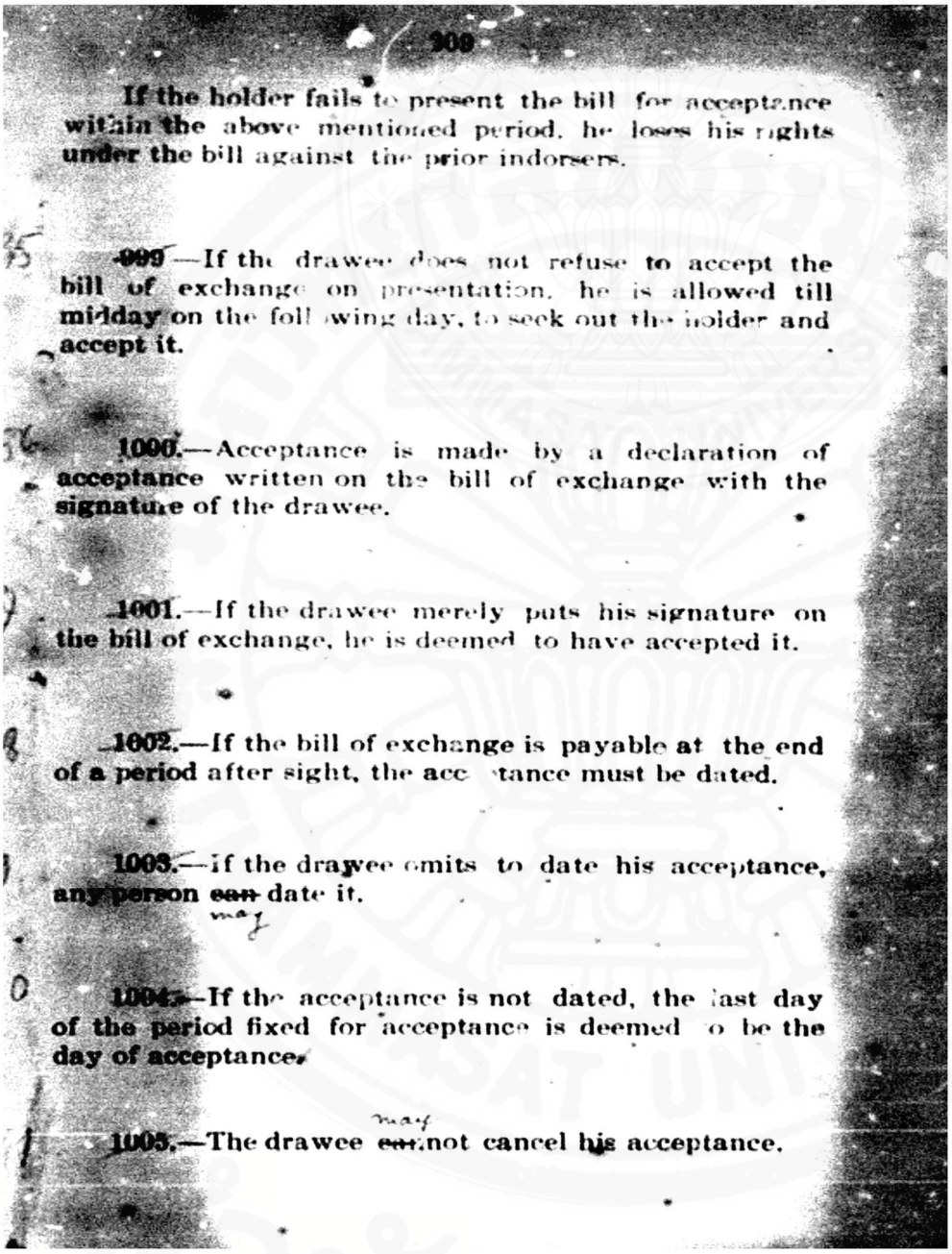
996.—Whenever a bill of exchange has been indorsed for pledge or collection, the indorsee cannot indorse it, except for the same purpose.

PART IV.—ACCEPTANCE.

997.—The holder of a bill of exchange is entitled to present it at any time for acceptance to the drawee, unless there be a clause in the bill forbidding presentation for acceptance.

998.—The holder of a bill of exchange payable at the end of a period after sight must present it for acceptance within one year from its date, unless the drawer has specified a shorter time, within such

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If the holder fails to present the bill for acceptance within the above mentioned period, he loses his rights under the bill against the prior indorsers.

999.—If the drawee does not refuse to accept the bill of exchange on presentation, he is allowed till midday on the following day, to seek out the holder and accept it.

1000.—Acceptance is made by a declaration of acceptance written on the bill of exchange with the signature of the drawee.

1001.—If the drawee merely puts his signature on the bill of exchange, he is deemed to have accepted it.

1002.—If the bill of exchange is payable at the end of a period after sight, the acceptance must be dated.

1003.—If the drawee omits to date his acceptance, any person ~~can~~ may date it.

1004.—If the acceptance is not dated, the last day of the period fixed for acceptance is deemed to be the day of acceptance.

1005.—The drawee ~~can~~ may not cancel his acceptance.

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1006.—The drawee may limit his acceptance to a part of the sum payable.

1007.—If the drawee subjects his acceptance to any other limitation than to part of the sum payable, acceptance is deemed to be refused.

1008.—By acceptance the drawee becomes bound to pay the amount accepted on the day of maturity of the bill of exchange.

PART V.—SURETYSHIP.

1036.—Every party to a bill of exchange may be guaranteed by a surety.

1037.—Suretyship is created by a signed statement to that effect on the bill of exchange.

1038.—A person who not being the drawee puts his signature on the face of a bill of exchange is deemed to be a surety.

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1039.—Suretyship may be for part only of the amount of the bill of exchange.

1040.—If the surety does not state on the bill of exchange for whom he is surety, he is deemed to be surety for the drawer.

1041.—A surety who has performed his obligation is subrogated to the rights which the holder had against the guaranteed debtor and to the rights of such debtor against the prior parties.

PART VI.—PAYMENT.

1042.—A bill of exchange is payable on the day of its maturity. The holder must present it for payment on that day.

1043.—In order to fix the day of maturity of a bill of exchange payable at the end of a period after sight which has not been accepted, the day of presentation shall be considered as the day of acceptance.

1044.—A bill of exchange payable on demand is payable on the day of its presentation.

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1045.—The holder of a bill of exchange payable on demand must present it for payment within one year from its date or, if the drawer has specified any shorter time, within such time.

1046.—Payment may be obtained only on surrender of the bill of exchange. The payer may require the holder to give a receipt on the bill and to sign it.

1047.—The holder of a bill of exchange may not refuse part payment, although the bill has been accepted for its full amount.

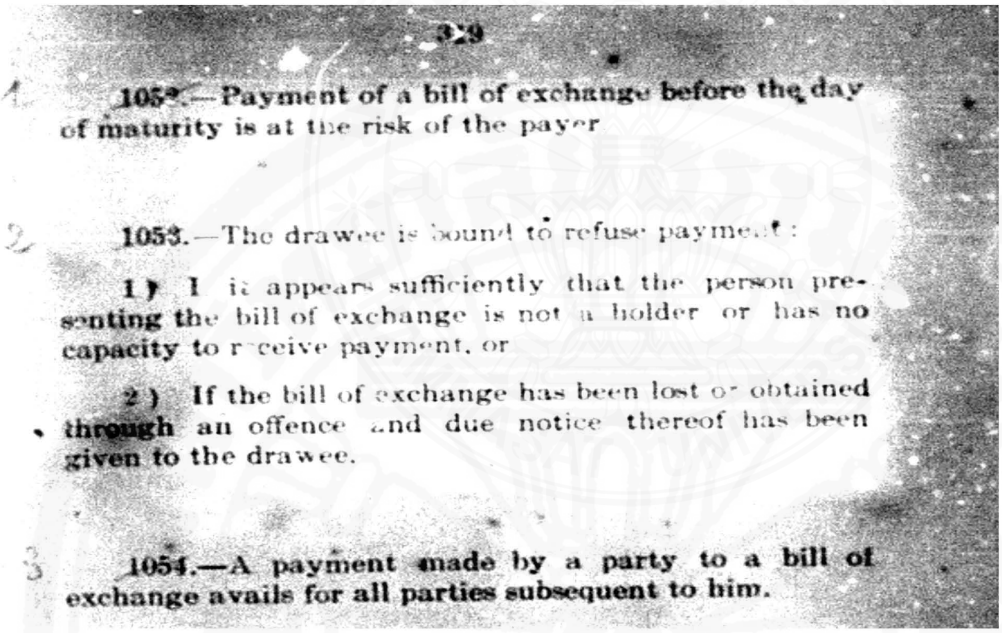
1048.—In case of part payment, the holder must note it on the bill of exchange and deliver a receipt to the payer.

1049.—If a bill of exchange is not presented for payment on the day of maturity, the acceptor may free himself from his liability by depositing the amout due on the bill.

1050.—The holder of a bill of exchange cannot be compelled to receive payment of it before maturity, except in case of a documentary bill.

1051.—If the holder grants an extension of time to the drawee, he loses his right of recourse against the prior parties who do not agree to the extension.

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1052.—Payment of a bill of exchange before the day of maturity is at the risk of the payer

1053.—The drawee is bound to refuse payment :

1) If it appears sufficiently that the person presenting the bill of exchange is not a holder or has no capacity to receive payment, or

2) If the bill of exchange has been lost or obtained through an offence and due notice thereof has been given to the drawee.

1054.—A payment made by a party to a bill of exchange avails for all parties subsequent to him.

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8. ACCEPTANCE FOR HONOUR.

1028.—If the drawee has failed to accept the bill of exchange, any person may, with the consent of the holder, accept the bill for the honour of any party liable thereon.

1029.—The holder cannot refuse acceptance offered by a referee in case of need.

If he refuses it he loses his right of recourse against the prior parties.

1030.—Acceptance by a referee in case of need or by a third person is called acceptance for honour.

1031.—An acceptance for honour is made by a declaration of acceptance on the bill of exchange with the signature of the acceptor.

1032.—If the acceptor for honour does not designate in the bill of exchange the person for whom he accepts, the acceptance is deemed to have been made for the honour of the drawer.

1033.—When a bill of exchange payable at the end of a period after sight is accepted for honour, its maturity is calculated from the date of such acceptance.

1034.—If the drawee fails to pay the bill of exchange, the acceptor for honour is liable to the holder and to the parties subsequent to the person for whose honour he has accepted, for any amount unpaid on the bill up to the amount of his acceptance together with the expenses.

But he is exempted from such liability if the holder fails:

1) To present the bill for payment on maturity to the drawee, and

2) To present the bill for payment to the acceptor for honour not later than the day following the day of maturity, and

3) To send a protest to the drawee within the proper time.

1035.—Sections 1002 to 1007 apply to acceptance for honour.

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5. PAYMENT FOR HONOUR.

1074.—A bill of exchange accepted for honour must, on the day of maturity, be presented for payment first to the drawee.

If the drawee fails to pay it, the holder must, on the day of maturity or on the following day, present it for payment to the acceptor for honour.

If there is no acceptor for honour or if the acceptor for honour does not pay the holder must, within the same period of time, present the bill for payment to the referee in case of need, if any.

1075.—If the acceptor for honour or the referee in case of need fails to pay the bill must be stated in the notice of dishonour.

1076.—If the holder fails to proceed as prescribed in sections 1017 and 1018 he loses his right of recourse against the person who has named the referee in case of need, or against the person in whose favour acceptance for honour has been made, and against the parties subsequent to them.

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

The holder cannot refuse such payment. If he refuses, he loses his right of recourse against the party for whom payment was offered and against the subsequent parties.

1078.—Payment by an acceptor for honour or by a referee in case of need or by a third person is called payment for honour.

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1079.—If several persons offer to pay a bill of exchange for honour, the holder must accept that payment which will discharge the greatest number of persons from their obligations.

1080.—If a payer for honour who is not a referee in case of need or an acceptor for honour does not name the person for whose honour he pays, such payment is deemed to be made for the honour of the drawee.

1081.—The holder must enter the fact of the payment for honour on the Post Office receipt for the protest for non-payment if such protest has been made. The holder must on payment of the sum due and of the expenses for protest deliver to the payer for honour the Post Office receipt and the bill of exchange.

1082.—The payer for honour must, within two days after date of payment, notify the payment to the person for whose honour he has paid and send the Post Office receipt for the protest, if any, to him.

1083.—The payer for honour is subrogated to the rights which the holder had against the acceptor, the person for whose honour he has paid and the parties prior to such person.

1084.—Sections 1046, 1047, 1048, 1050, 1052, 10[illegible] and 1054 apply to payment for honour.

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1058.—The protest shall be entered by the Post Office in three copies. ~~in the form provided by Schedule B attached to this Code.~~

1059.—Each copy shall be signed be the clerk of the Post Office where the protest is made and shall bear the date stamp of such office. It must contain the following particulars :

1) The date of protest.

2) The date of the bill of exchange.

3) The name or trade name of the drawer.

4) The name or trade name of the drawee.

5) The amount of the bill of exchange.

6) The day of maturity of the bill of exchange.

7) The name or trade name and address of the holder.

8) The amount payable to the holder, including expenses of protest.

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

1060.—Copy No. 1 being the protest shall be sent to the drawee under registered cover.

Copy No. 2 being the receipt for the protest shall be delivered to the holder.

Copy No. 3 being the original shall be kept by the Post Office.

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1061.—If the bill of exchange is not paid within the the taree days period, the bill is said to be dishonoured by non-payment and the holder must, within the four days next following, send notice of dishonour to the person or persons against whom he intends to take recourse.

1062.—If the drawee notes on the bill of exchange the fact and date of refusal of payment and signs such note, no protest is necessary and the holder must, within eight days from date of refusal, send notice of dishonour to the person or persons against whom he intends to take recourse.

1063.—The notice of dishonour must contain the day of maturity of the bill of exchange, the names or trade names of the drawer and drawee, the amount of the bill, the name or trade name and address of the holder, the date of protest or of the refusal of payment, the fact that the bill was not paid and the reason why it was not paid or the fact that no reason was given for its non-payment.

1064.—The right of recourse of the holder against the person or persons to whom notice of dishonour was sent is extinguished by prescription one year after the day of maturity.

1065.—An indorser to whom notice of dishonour has been given by a subsequent party can take recourse against all or any of the parties prior to him, jointly or separately.

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In such case the indorser must send notice of dishonour to the person or persons against whom he intends to take recourse within four days from the date when he himself has received notice of dishonour.

1065.—The right of recourse of the indorser is extinguished by prescription one year after date of the notice sent by him.

1067.—The return of the unpaid bill of exchange with the Post Office receipt for protest annexed to it is a sufficient notice of dishonour.

1068.—When a notice of dishonour has been duly addressed and posted, the sender is deemed to have given due notice of dishonour, notwithstanding any miscarriage by the Post Office.

1069.—If the holder or indorser fails to take the proceedings prescribed by Sections 1030 to 1040 he loses his rights under the bill of exchange against all prior parties, except those who have waived protest or notice of dishonour.

1070.—The holder is entitled to take recourse for the following amount:

1) The unpaid amount of the bill together with interest thereon from the day of maturity.

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2) The expenses of presentation for payment and of protest and of notice of dishonour.

1071. An indorser against whom recourse has been taken is himself entitled to take recourse for the following amounts:

1) The sum paid by him, together with interest thereon from the date of his payment.

2) All expenses paid by him.

1072.—Reimbursement of a dishonoured bill of exchange can be obtained only on surrender of the bill and of a recourse account.

The payee can require the payee to make a receipt on the recourse account and sign it.

1073.—A drawer, acceptor or prior indorser to whom a bill of exchange has been reindorsed or retransferred has no right of recourse against a party to whom he was previously liable under the bill.

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PART IX

VII.—BILL OF EXCHANGE IN A SET.

1085. The payee is entitled to require the acceptor to deliver to him the bill of exchange in a set consisting of several parts.

1086.—The several parts must be designated as such by the words First of Exchange, Second of Exchange, Third of Exchange, etc.

If they are not designated as such, each of them is good as an independent bill of exchange.

1087.—The acceptance must be made on one part only.

1088.—If one part of the set is paid, there is no liability under the other parts except those on which an acceptance is made.

1089.—A person who has indorsed different parts of a bill of exchange to different persons or who has made his acceptance on several parts is liable according to the provisions of the present Title for any such part not surrendered to him, at the time of payment.

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Correction (au crayon) 204

Supplément à proposition de fusion. Des 2 Parts

~~PART VII - RIGHT OF RECOURSE IN CASE OF NON-ACCEPTANCE.~~

1009.—If the bill of exchange is presented for acceptance ~~as provided by Sections 1001 to 1008~~ 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~~ the following.

1010.—If the acceptance is limited to part of the sum payable, the holder has the right of recourse for the difference only.

1011.—The holder must, ~~on the day~~ within three (3) days following the day of presentation, send to the drawee through the Post Office a notice called protest.

1012.—The protest shall be entered by the Post Office in three copies. ~~in the form provided by Schedule A attached to this Code~~

1013.—Each copy shall be signed by the clerk of the Post Office where the protest is made, and shall bear the date stamp of such Office. It must contain the following particulars: (3)

1) The date of the protest.

2) The date of the bill of exchange.

3) The name or trade name of the drawer.

4) The name or trade name of the drawee.

5) The amount of the bill of exchange.

6) The day of maturity of the bill of exchange.

~~7) The day of presentation.~~ (4)

8) The name or trade name and address of the holder.

9) A statement that ~~the drawee shall~~ during the three days next following the date of protest ~~pay to the holder~~ and accept the bill ~~of exchange~~ on paying the expenses of protest.

1014.—Copy No. 1 being the protest shall be sent to the drawee under registered cover.

Copy No. 2 being the receipt for the protest shall be delivered to the holder.

Copy No. 3 being the original shall be kept by the Post Office.

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1015.—If the bill of exchange is not accepted within the three days period, the bill is said to be dishonoured by non acceptance and the holder must, within the four days next following, send notice of dishonour to the person or persons against whom he intends to take recourse.

1016.—If the drawee notes on the bill of exchange the fact and date of refusal of acceptance and signs such note, no protest is necessary and the holder must, within eight days from the date of refusal, send notice of dishonour to the person or persons against whom he intends to take recourse.

1017.—The notice of dishonour must contain the date of the bill of exchange, the names or trade names of the drawer and drawee, the amount of the bill, the name or trade name and address of the holder, the date of the protest or of the refusal of acceptance, the fact that the bill was not accepted and the reason why the bill was not accepted or the fact that no reason was given for its non acceptance.

1018.—The right of recourse of the holder against the person or persons to whom notice of dishonour was sent is extinguished by prescription one year after date of non acceptance,

1019.—An indorser to whom notice of dishonour has been given by a subsequent party can take recourse against all or any of the parties prior to him, jointly or separately.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

B/205/1

In such case the indorser must send notice of dishonour to the person or persons against whom he intends to take recourse, within four days from the date when he himself has received notice of dishonour.

1020.—The right of recourse of the indorser is extinguished by prescription one year after date of notice sent by him.

1021.—The return of the non-accepted bill of exchange with the Post Office receipt for protest annexed to it is a sufficient notice of dishonour.

1022.—When a notice of dishonour has been duly addressed and posted, the sender is deemed to have given due notice of dishonour, notwithstanding any miscarriage by the Post Office.

1023.—If the holder or indorser fails to take the proceedings prescribed by Sections 1011 to 1021 he loses his rights under the bill of exchange against all prior parties, except those who have waived protest or notice of dishonour.

1024.—The holder is entitled to take recourse for the following amounts:

1) The non accepted amount of the bill of exchange less interest thereon up to the date of maturity.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

N O T E

for the Revising Committee,
re:
a redrafting
of section 1024 - No. 1
(as proposed by the
Department of Legislative Drafting)

1024

The holder is entitled to take recourse ~~for the non accepted amount of the bill of exchange and the expenses of presentation for acceptance, of protest and of notice of dishonour.~~ or unpaid

a) in case of non-acceptance for the ~~face value~~ unaccepted amount of the bill or ... days;

b) in case of non-payment for the unpaid amount of the bill of exchange.

25th. January 1924.

c) and in both cases for the expenses of presentation for acceptance or for payment in the case of protest and of notice of dishonour.

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13/206/1

In order to fix the date of matur[illegible] presentation is to be considered a[illegible] of c[illegible]

2) The expenses of presentation for acceptance and of protest and of notice of dishonour.

1025.—An indorser against whom recourse has been taken is himself entitled to take recourse for the following amounts:

1) The sum paid by him together with interest thereon from the date of his payment.

2) All expenses paid by him.

1026.—Reimbursement of a dishonoured bill of exchange can be obtained only on surrender of the bill and of a recourse account

. The payer can require the payee to make a receipt on the recourse account and sign it.

1027.—A drawer or prior indorser to whom a bill of exchange has been reindorsed or retransferred has no right of recourse against a party to whom he was previously liable under the bill.

2. RIGHT OF RECOURSE IN CASE OF NON PAYMENT.

1055.—If a bill of exchange is presented for payment on the day of maturity and the drawee fails to pay 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 1057 to 1064.

1056.—If part only of a bill of exchange is paid, the holder has the right of recourse for the difference.

1057.—The holder must, on the day following the day of maturity, send to the drawee through the Post Office a notice called protest.

ดาวน์โหลดจากระบบ TDC โดย Thammasat University Library

Mécanisme de la Lettre de Change.

P habitant Besançon achète une marchandise de mi pour 500 francs à S marchand de vin à Bordeaux et se fait payer dans trois mois ; S fait traite (Lettre de change) sur lui à 90 jours, c.à.d. que P accepte de payer ce 500 f à 90 jours, il est tiré et généralement acceptant.

S est tireur.

Mais si S a fait sa Lettre de change, c'est pour avoir du crédit. Aussi il fait cette Lettre à l'ordre de X marchand de futailles à Marseille, lequel pourra par là envoir rapidement les 500 f que S lui devait. X pourra la donner à Y qui l'endossera à Z et ainsi de suite jusqu'à ce que la dernier venu, disons Z, la présente au remboursement P qui paiera les 500 f.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

Department of Legislation.

13th. February 1924.

Dear Phya Chinda,

I submit to you a copy of the re-arrangement proposed for the Bills of Exchange, before we send it to the Revising Committee.

The general re-arrangement, following your proposal, has been possible without difficulties and I think we are indebted to you for a better presentation of the matter.

As to the two parts on "Right of Recourse", you remember that the Revising Committee did claim that "Right of recourse in case of non-acceptance" and "Right of recourse in case of non-payment" be shortened by way of mutatis mutandis in the second part. Finally we have come to the idea that it was better to make one and the same part for the matter as made in other legislations. This will be easier for the reader then a second part consisting chiefly of "mutatis mutandis" which are mere figures and need searches for being understood. With this we come to 107 sections instead of 125.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

To make one part only on "Right of Recourse" did not entail real alterations of the principles. We have only taken the opportunity of that re-arrangement to make the following minor alterations which make easier the system:

1) Section 1009. - To say duly, what allows to repeal in 1008 the words "as provided by sections 987 to 999" and in 1055 the words "on the day of maturity", and has the same effect; than we can have one and the same section;

2) Section 1011. - The delay specified for the sending of the protest is "on the following day". Experience has proved abroad that this delay was too short in many cases. In France a bill has been submitted by the Government on the 16th. March 1920 to extend it to 3 days. In England, you know that the protest is far from being so drastically ruled (art. 51 s. 1882). We therefore propose to extend the present delay to three days, what can probably raise no objections and is more practical.

3) Section 1013. - In the protest, the legislations abroad use to claim a copy of the bill of exchange itself. This seems good, and will avoid here any mistakes made by unexperienced clerks of Posts Offices in the specifications. Three or four words are sufficient to add this requirement in section 1013.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

The same for the place and date of the protest (No. 1 of same section).

4) Section 1022. - We say a registered letter is necessary, because only such a letter may allow the sender to have a titled proving he has sent it, namely the Post Office receipt: Otherwise he can always contend he has sent an ordinary letter and there is no proof.

Other minor points need no explanations.

I do not think that the above alterations, which are as a fact consequences of the re-arrangement, require us to trouble our Committee and to have a special meeting ? Unless you are of contrary opinions, I would propose to deliver copies to our colleagues, and to send the draft to the Revising Committee who claim it in the shortest delay.

Yours very sincerely,

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

Finale 7th draft
211.

NOTE FOR THE REVISING COMMITTEE

(Bills of Exchange)

The Revising Committee have requested that, in the Chapter on Bills of Exchange, the two parts on "Right of Recourse in case of non-acceptance" and "Right of Recourse in case of non-payment", which contain as a fact similar provisions, be shortened, for instance by way of "mutatis mutandis" in the second part.

The Committee of Legislative Drafting have examined carefully the question and have finally come to the following proposals:

1) they have made a general re-arrangement of the Parts in the Chapter on Bills of Exchange, in order to make a clearer presentation, which appears in the note of contents annexed hereto;

2) in the special matter of "Right of Recourse", they have finally come to this conclusion that it was better to make one and the same part for the matter, as made in other legislations. This will be easier for the reader than a second part consisting chiefly of "mutatis mutandis" which are mere figures and need searches for being understood. We so come to 107 sections instead of 125.

The draft proposed is annexed hereto.

14th. February 1924.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

REARRANGEMENT OF

TITLE XXI

CHAPTER ON BILLS OF EXCHANGE

		SECTIONS
CHAPTER II. -	Bills of Exchange	
Part I. -	Drawing of a bill of exchange	964-977
Part II. -	Effects of a bill of exchange	978-981
Part III.-	Transfer and indorsement	982-996
Part IV. -	Acceptance	997-1008
Part V. -	Suretyship	1036-1041
Part VI.-	Payment	1042-1054
Part VII-	Acceptance or payment for honour	
	1) Acceptance for honour	1028-1035
	2) Payment for honour	1074-1088
Part VIII.-	Right of recourse	1009-1027 1055-1073
Part IX. -	Bill of exchange in a set	1085-1089.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

PART VIII. - RIGHT OF RECOURSE

1009. - If the bill of exchange is duly presented for acceptance or for payment as the case may be and the drawee fails to accept or pay 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 the following Sections.

1010. - If the acceptance or payment is limited to part of the sum payable, the holder has the right of recourse for the difference only.

1011. - The holder must, within three days following the day of presentation, send to the drawee through the Post Office a notice called protest.

1012. - The protest shall be entered by the Post Office in three copies.

1013. - Each copy shall be signed by the clerk of the Post Office where the protest is made and shall bear the date stamp of such Office. It must contain a copy of the bill and specify the following particulars:

1) The place and date of the protest..
2) The date of the bill of exchange.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

3) The name or trade name of the drawer.

4) The name or trade name of the drawee.

5) The amount of the bill of exchange.

6) The day of maturity of the bill of exchange.

7) The name or trade name and address of the holder.

8) The amount payable to the holder, with addition of the expenses of protest.

9) A statement that during the three days next following the date of protest, acceptance or payment of the bill may be made by the drawee on paying the expenses of protest.

1014. - Copy No. 1 being the protest shall be sent to the drawee under registered cover.

Copy No. 2 being the receipt for the protest shall be delivered to the holder.

Copy No. 3 being the original shall be kept by the Post Office.

1015. - If the bill of exchange is not accepted or not paid within the three days period, the bill is said to be dishonoured and the holder must, within the four days next following, send notice of dishonour to the person or persons, against whom he intends to take reccurse.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

1016. - If the drawee notes on the bill of exchange the fact and date of refusal of acceptance or payment and signs such note, no protest is necessary and the holder must, within eight days from the date of refusal, send notice of dishonour to the person or persons against whom he intends to take recourse.

1017. - The notice of dishonour in case of non acceptance must contain the date of the bill of exchange, the names or trade names of the drawer and drawee, the amount of the bill, the name or trade name and address of the holder, the date of the protest or of the refusal of acceptance, the fact that the bill was not accepted and the reason why the bill was not accepted or the fact that no reason was given for its non acceptance.

The notice of dishonour in case of non payment must contain the same particulars mutatis mutandis, and, in addition, the day of maturity of the bill of exchange.

1018. - The right of reccurse of the holder against the person or persons to whom notice of dishonour was sent is extinguished by prescription one year after date of non acceptance or after the day of maturity, as the case may be.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

1019. - An indorser to whom notice of dishonour has been given by a subsequent party may take recourse against all or any of the parties prior to him, jointly or separately.

In such case the indorser must send notice of dishonour to the person or persons against whom he intends to take recourse, within four days from the date when he himself has received notice of dishonour.

1020. - The right of recourse of the indorser is extinguished by prescription one year after date of notice sent by him.

1021. - The return of the dishonoured bill of exchange with the Post Office receipt for protest annexed to it is a sufficient notice of dishonour.

1022. - When a notice of dishonour has been duly addressed and posted by registered letter the sender is deemed to have given due notice of dishonour, notwithstanding any miscarriage by the Post Office.

1023. - If the holder or indorser fails to take the proceedings prescribed in the present Part he loses his rights under the bill of exchange against all prior parties, except those who have waived protest or notice of dishonour.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

1024. - The holder is entitled to take recourse:

a) in case of non acceptance for the non accepted amount of the bill of exchange;

b) in case of non payment for the unpaid amount of the bill of exchange;

c) and in both cases for the expenses of presentation for acceptance or for payment as the case may be, of protest and of notice of dishonour.

1025. - An indorser against whom recourse has been taken is himself entitled to take recourse for the following amounts:

1) The sum paid by him together with interest thereon from the date of his payment.

2) All expenses paid by him.

1026. - Reimbursement of a dishonoured bill of exchange may be obtained only on surrender of the bill and of a recourse account.

The payer may require the payee to make a receipt on the recourse account and sign it.

1027. - A drawer, acceptor, or prior indorser to whom a bill of exchange has been reindorsed or retransferred has no right of recourse against a party to whom he was previously liable under the bill.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

Entretien avec Phya Chirada
(14 février 1924)

1013 :— ajouter " of the product " au titre

1013 a° 6.— rétablir " the day of presentation " qui était dans 1013 ancien ; il ne figure pas dans le correspondant (paiement) mais n'est pas g. in a 23 car il se confond avec " the day of maturity " jamais deux jours à mettre bis dans ;

1013 a° 8.— Dire " cost " et non expenses.

1013 a° 9.— rétablir l'ancien texte supprimé par le D^r Jones ; le " sight cost " est une indication précieuse.

1024 b).— rétablir la spécification des intérêts, nécessaire au point de vue commercial.

1024 c).— rétablir avec le mot " costs ".

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

= Two days ——
and three days.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

1124, 1125, 1126

=

Olga Morera a indiqué que le mot "copy" en anglais était ici à confusion. En réalité, il s'agit en effet, d'un duplicata (et non d'un "new bill" comme il le prétendait). Suggère de mettre la dernière [illegible] de la loi anglaise, art. 69. Voir note

11 février 1924.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

S. 1124, 1125, 1126.

A Duplicate bill of the same year.

Expl. sec. 5-89

A Duplicate bill ....

A Duplicate bill ....

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

NOTE FOR THE REVISING COMMITTEE

(Bills of Exchange)

The Revising Committee have requested that, in the Chapter on Bills of Exchange, the two parts on "Right of Recourse in case of non-acceptance" and "Right of Recourse in case of non-payment", which contain as a fact similar provisions, be shortened, for instance by way of "mutatis mutandis" in the second part.

The Committee of Legislative Drafting have examined carefully the question and have finally come to the following proposals:

1) they have made a general re-arrangement of the Parts in the Chapter on Bills of Exchange, in order to make a clearer presentation, which appears in the note of contents annexed hereto;

2) in the special matter of "Right of Recourse", they have finally come to this conclusion that it was better to make one and the same part for the matter, as made in other legislations. This will be easier for the reader than a second part consisting chiefly of "mutatis mutandis" which are mere figures and need searches for being understood. We so come to 107 sections instead of 125.

The draft proposed is annexed hereto.

13th. February 1924.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

REARRANGEMENT OF

TITLE XXI

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ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

PART VIII. - RIGHT OF RECOURSE

1009. - If the bill of exchange is duly presented for acceptance or for payment as the case may be and the drawee fails to accept or pay 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 the following Sections.

1010. - If the acceptance or payment is limited to part of the sum payable, the holder has the right of recourse for the difference only.

1011. - The holder must, within three days following the day of presentation, send to the drawee through the Post Office a notice called protest.

1012. - The protest shall be entered by the Post Office in three copies.

1013. - Each copy of the protest shall be signed by the clerk of the Post Office where the protest is made and shall bear the date stamp of such Office. It must contain a copy of the bill and specify the following particulars:

1) The place and date of the protest.
2) The date of the bill of exchange.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

3) The name or trade name of the drawer.

4) The name or trade name of the drawee.

5) The amount of the bill of exchange.

6) The day of presentation and of maturity of the bill of exchange.

7) The name or trade name and address of the holder.

8) The amount payable to the holder, and the cost of protest.

9) A statement that the drawee may, during the three days next following the date of protest, seek out the holder and accept or pay the bill, as the case may be, with the costs of protest.

1014. - Copy No. 1 being the protest shall be sent to the drawee under registered cover.

Copy No. 2 being the receipt for the protest shall be delivered to the holder.

Copy No. 3 being the original shall be kept by the Post Office.

1015. - If the bill of exchange is not accepted or not paid within the three days period, the bill is said to be dishonoured and the holder must, within the four days next following, send notice of dishonour to the person or persons, against whom he intends to take recourse.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

1016. - If the drawee notes on the bill of exchange the fact and date of refusal of acceptance or payment and signs such note, no protest is necessary and the holder must, within eight days from the date of refusal, send notice of dishonour to the person or persons against whom he intends to take recourse.

1017. - The notice of dishonour in case of non acceptance must contain the date of the bill of exchange, the names or trade names of the drawer and drawee, the amount of the bill, the name or trade name and address of the holder, the date of the protest or of the refusal of acceptance, the fact that the bill was not accepted and the reason why the bill was not accepted or the fact that no reason was given for its non acceptance.

The notice of dishonour in case of non payment must contain the same particulars mutatis mutandis; and, in addition, the day of maturity of the bill of exchange.

1018. - The right of reccurse of the holder against the person or persons to whom notice of dishonour was sent is extinguished by prescription one year after date of non acceptance or after the day of maturity, as the case may be.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

1019. - An indorser to whom notice of dishonour has been given by a subsequent party may take recourse against all or any of the parties prior to him, jointly or separately.

In such case the indorser must send notice of dishonour to the person or persons against whom he intends to take recourse, within four days from the date when he himself has received notice of dishonour.

1020. - The right of recourse of the indorser is extinguished by prescription one year after date of notice sent by him.

1021. - The return of the dishonoured bill of exchange with the Post Office receipt for protest annexed to it is a sufficient notice of dishonour.

1022. - When a notice of dishonour has been duly addressed and posted by registered letter the sender is deemed to have given due notice of dishonour, notwithstanding any miscarriage by the Post Office.

1023. - If the holder or indorser fails to take the proceedings prescribed in the present Part he loses his rights under the bill of exchange against all prior parties, except those who have waived protest or notice of dishonour.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

1024. - The holder is entitled to take recourse:

a) in case of non-acceptance for the non accepted amount of the bill of exchange;

b) in case of non payment for the unpaid amount of the bill together with interests thereon from the day of maturity;

c) costs of presentation for acceptance or for payment as the case may be, costs of protest and of notice of dishoncur.

1025. - An indorser against whom recourse has been taken is himself entitled to take recourse for the following amounts:

1) The sum paid by him together with interest thereon from the date of his payment.

2) All expenses paid by him.

1026. - Reimbursement of a dishonoured bill of exchange may be obtained only on surrender of the bill and of a recourse account.

The payer may require the payee to make a receipt on the recourse account and sign it.

1027. - A drawer, accepter, or prior indorser to whom a bill of exchange has been reindorsed or retransferred has no right of recourse against a party to whom he was previously liable under the bill.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

NOTE FOR THE REVISING COMMITTEE

Section 1082
(Bills of Exchange)

The Committee of Legislative Drafting propose to increase the delay from <u>two</u> days to <u>three</u> days, for uniformity and so that the shortest delay in matter of bills of exchange will be three days in any case.

14th. February 1924.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

NOTE FOR THE REVISING COMMITTEE

(Bills of Exchange)

Section 1120. - The Drafting Committee have no objection to this section being divided in two separate sections, without "provided that" in the beginning of the second section.

If besides it was feared that the second section concerning the banker is not clear enough, it could be redrafted in the following way.

1120 bis. - If a bill payable to order on demand is drawn on a banker and such banker pays the bill in good faith, and in the ordinary course of business, he is deemed to have paid it in due course only in the case where the indorsement of the payee or any subsequent indorsement has been forged.

14th. February 1924.

Voir une note accessoire du 19 février pour l'amendement des 1120 bis.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

NOTE FOR THE REVISING COMMITTEE

Sections 1124, 1125, 1126.

The Siamese members of the Department of Legislative Drafting are afraid that the word copy in these sections is not clear enough.

It is proposed to say, instead of the word "copy":

in section 1124: "..... a duplicate-bill of the same tenor".

in section 1125: ".....duplicate-bill".

in section 1126: ".....duplicate-bill.

13th. February 1924.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563