

KINGDOM OF SIAM.



DRAFT

CIVIL AND COMMERCIAL CODE.



**BOOK**  
**ON**  
**OBLIGATIONS.**



Printed at the "Bangkok Daily Mail"



# CONTENTS

## BOOK ON OBLIGATIONS.



<b>PRELIMINARY.</b>	<b>SECTIONS.</b>
<b>TITLE I.</b> — Title, Commencement and Repeal. ....	1 — 3
<b>TITLE II.</b> — Definitions. ....	4 — 10
<b>TITLE III.</b> — General Provisions. ....	11 — 23
<b>TITLE IV.</b> — Rules for construction of documents. ....	24 — 30
<b>TITLE V.</b> — Periods of time. ....	31 — 39

### DIVISION I. — HOW OBLIGATIONS ARISE.

<b>TITLE I.</b> — Contracts.	
<b>Chapter I.</b> — Definition. ....	40
<b>Chapter II.</b> — Conditions for the validity of Contracts. ....	41 — 48
<b>[Part] I.</b> — Capacity of Parties. ....	49
<b>[Part] II.</b> — Consent. ....	50 — 51
1. — Offer and Acceptance. ....	52 — 67
2. — Defective Consent. ....	68 — 79
3. — Ratification. ....	80 — 84
<b>[Part] III.</b> — Object. ....	85 — 87
<b>TITLE II.</b> — Management of affairs without a mandate. ....	88 — 104
<b>TITLE III.</b> — Undue Enrichment.	
<b>Chapter I.</b> — Liability for undue enrichment. ....	105 — 108
<b>Chapter II.</b> — Restitution for undue enrichment. ....	109 — 119
<b>TITLE IV.</b> — Wrongful Acts.	
<b>Chapter I.</b> — Liability for Wrongful Acts. ....	120 — 126
<b>Chapter II.</b> — Self-Help. ....	127 — 129
<b>Chapter III.</b> — Lawful defence, lawful command, necessity. ....	130 — 131
<b>Chapter IV.</b> — Compensation for wrongful acts. ....	132 — 137

## [III]

### DIVISION II. — OF SOME PARTICULAR KINDS OF OBLIGATIONS.

		SECTIONS.
<b>TITLE I.</b>	— Conditional Obligations. ....	138 — 142
<b>TITLE II.</b>	— Obligations subject to a time clause. ....	143 — 146
<b>TITLE III.</b>	— Alternative Obligations. ....	147 — 153
<b>TITLE IV.</b>	— Plurality of creditors and debtors.	
<b>Chapter I.</b>	— General Provisions. ....	154 — 158
<b>Chapter II.</b>	— Joint Obligations. ....	
<b>[Part] I.</b>	— General Provisions. ....	159 — 162
<b>[Part] II.</b>	— Joint Creditors. ....	163 — 177
<b>[Part] III.</b>	— Joint Debtors.	
1.	— Relations between Joint Debtors and the creditor. ....	178 — 191
2.	— Relations between Joint Debtors. ....	192 — 197
<b>Chapter III.</b>	— Indivisible Obligations. ....	198 — 199

### DIVISION III. — TRANSFER OF OBLIGATIONS.

<b>TITLE I.</b>	— General Provisions . ....	200 — 204
<b>TITLE II.</b>	— Transfer of Rights. ....	205 — 213
<b>TITLE III.</b>	— Transfer of Liabilities. ....	214 — 217

### DIVISION IV. — EFFECTS OF OBLIGATIONS.

<b>TITLE I.</b>	— General provisions. ....	218 — 221
<b>TITLE II.</b>	— Rights of the creditor. ....	222
<b>Chapter I.</b>	— Performance.	
<b>[Part] I.</b>	— Who may perform. ....	223 — 224
<b>[Part] II.</b>	— Who is entitled to receive. ....	225 — 229

### **[III]**

	<b>SECTIONS.</b>
<b>[Part]</b> III. — What may performance consist of. ....	230 — 245
<b>[Part]</b> IV. — Place of performance. ....	246 — 247
<b>[Part]</b> V. — Time of performance. ....	248 — 250
<b>[Part]</b> VI. — Appropriation. ....	251 — 256
<b>Chapter II.</b> — Non-Performance.	
<b>[Part]</b> I. — Default of the Debtor. ....	257 — 261
<b>[Part]</b> II. — Remedies of the creditor. ....	262 — 264
<b>[Part]</b> III. — Specific Performance. ....	265 — 269
<b>[Part]</b> IV. — Compensation. ....	270 — 272
<b>[Part]</b> V. — Assessment of Compensation for non-performance. ....	273 — 278
<b>[Part]</b> VI. — Penalty Clause and Earnest Money. ....	279 — 287
<b>TITLE III.</b> — Rights of the debtor.	
<b>Chapter I.</b> — Default of the creditor. ....	288 — 294
<b>Chapter II.</b> — Deposit in lieu of performance. ....	295 — 305

## **DIVISION V. — RIGHTS OF THE CREDITOR OVER THE PROPERTY OF THE DEBTOR.**

<b>TITLE I.</b> — Respective rights of the ordinary and preferred creditors.	
<b>Chapter I.</b> — General Provisions. ....	306 — 313
<b>Chapter II.</b> — Special preferential rights. ....	314 — 329
<b>Chapter III.</b> — General preferential rights. ....	330 — 332
<b>Chapter IV.</b> — Rank and effects of preferential rights. ....	333 — 337
<b>TITLE II.</b> — Rights of the creditor to exercise the debtor's rights of action.	338 — 342

## [IV]

### SECTIONS.

<b>TITLE III.</b> — Rights of the creditor to cancellation of the acts made in fraud of his own rights	343 — 349
---	-----------

### DIVISION VI. — EXTINCTION OF OBLIGATIONS.

<b>TITLE I.</b> — Performance. ....	350
<b>TITLE II.</b> — Release. ....	351
<b>TITLE III.</b> — Set Off . ....	352 — 358
<b>TITLE IV.</b> — Merger. ....	359
<b>TITLE V.</b> — Prescription.	
<b>Chapter I.</b> — General provisions . ....	360 — 382
<b>Chapter II.</b> — Periods of prescription. ....	383 — 387

### DIVISION VII. — SPECIFIC CONTRACTS.

<b>TITLE I.</b> — Sale.	
<b>Chapter I.</b> — Nature and essentials of the contract of Sale.	
[Part] I. — General Provisions. ....	388 — 392
[Part] II. — Transfer of Ownership. ....	393 — 395
[Part] III. — Promise of Sale. ....	396 — 398
<b>Chapter II.</b> — Duties and liabilities of the seller.	
[Part] I. — Delivery. ....	399 — 407
[Part] II. — Liability for Defects. ....	408 — 411
[Part] III. — Liability for Eviction. ....	412 — 422
[Part] IV. — Clause for non-liability. ....	423 — 425
<b>Chapter III.</b> — Duties of the buyer. ....	426 — 428
<b>Chapter IV</b> — Of some particular kinds of Sale.	
[Part] I. — Sale with right of redemption. ....	429 — 441
[Part] II. — Sale by sample. Sale on approval. ....	442 — 447
[Part III. — Sale by number, quantity, weight or measure. ....	448 — 425]

## [V]

	<b>SECTIONS.</b>
[Part] IV. — Sale by auction. ....	453 — 461
<b>TITLE II.</b> — Exchange. ....	462 — 464
<b>TITLE III.</b> — Gift. ....	465 — 486
<b>TITLE IV.</b> — Hire of Property.	
<b>Chapter I.</b> — General Provisions. ....	487 — 495
<b>Chapter II.</b> — Duties and liabilities of the lessor.	
[Part] I. — Delivery and repair. ....	496 — 500
[Part] II. — Liability for Defects. ....	501 — 505
[Part] III. — Liability for Eviction. ....	506 — 515
[Part] IV. — Clause for non-liability. ....	516
<b>Chapter III.</b> — Duties and liabilities of the lessee. ....	517 — 533
<b>Chapter IV.</b> — Extinction of the lease. ....	534 — 543
<b>Chapter V.</b> — Transfer of lease and sublease. ....	544 — 546
<b>TITLE V.</b> — Hire of services. ....	547 — 559
<b>TITLE VI.</b> — Hire of work. ....	560 — 586
<b>TITLE VII.</b> — Carriage. ....	587 — 588
<b>Chapter I.</b> — Carriage of goods. ....	
[Part] I. — General. ....	589 — 593
[Part] II. — Duties and liabilities of the carrier. ....	594 — 608
[Part] III. — Rights and duties of the sender and the consignee. ....	609 — 622
<b>Chapter II.</b> — Carriage of passengers. ....	623 — 628
<b>TITLE VIII.</b> — Loan.	
<b>Chapter I.</b> — Loan for use. ....	629 — 647
<b>Chapter II.</b> — Loan for consumption.	
[Part] I. — General Provisions. ....	648 — 652
[Part] II. — Special rules for loan of money. ....	653 — 656
<b>TITLE IX.</b> — Deposit.	
<b>Chapter I.</b> — General Provisions. ....	657 — 678

## [VI]

### SECTIONS.

<b>Chapter II.</b> — Special rules for deposit of money. ....	697	—	680
<b>Chapter III.</b> — Special rules for innkeepers. ....	681	—	688
<b>TITLE X.</b> — Suretyship.			
<b>Chapter I.</b> — General Provisions. ....	687	—	695
<b>Chapter II.</b> — Effects before performance. ....	696	—	703
<b>Chapter III.</b> — Effects after performance. ....	704	—	708
<b>Chapter IV.</b> — Extinction of Suretyship. ....	709	—	713
<b>TITLE XI.</b> — Mortgage.			
<b>Chapter I.</b> — General Provisions. ....	714	—	728
<b>Chapter II.</b> — Extent of Mortgage. ....	729	—	735
<b>Chapter III.</b> — Rights and duties of mortgagee and mortgagor. ....	736	—	742
<b>Chapter IV.</b> — Enforcement of Mortgage. ....	743	—	751
<b>Chapter V.</b> — Rights and duties of the transferee of a mortgaged property. ....	752	—	763
<b>Chapter VI.</b> — Extinction of mortgage. ....	764	—	767
<b>Chapter VII.</b> — Registration. ....	768	—	775
<b>TITLE XII.</b> — Pledge.			
<b>Chapter I.</b> — General Provisions. ....	776	—	792
<b>Chapter II.</b> — Rights and duties of pledgee and pledgor. ....	793	—	800
<b>Chapter III.</b> — Enforcement of pledge. ....	801	—	809
<b>Chapter IV.</b> — Extinction of pledge. ....			810
<b>TITLE XIII.</b> — Warehousing.			
<b>Chapter I.</b> — General Provisions. ....	811	—	823
<b>Chapter II.</b> — Warehouse receipt <b>by [and]</b> warrant. ....	824	—	843
<b>TITLE XIV.</b> — Agency.			
<b>Chapter I.</b> — General Provisions. ....	844	—	858
<b>Chapter II.</b> — Duties of the agent to the principal. ....	859	—	864

## [VII]

	<b>SECTIONS.</b>
<b>Chapter III.</b> — Duties of the principal to the agent. ....	865 — 872
<b>Chapter IV.</b> — Liability of principal and agent to third persons. ....	873 — 879
<b>Chapter V.</b> — Extinction of agency. ....	880 — 889
<b>Chapter VI.</b> — Subagency. ....	890 — 896
<b>Chapter VII.</b> — Importation agents. ....	897
<b>TITLE XV.</b> — Brokerage. ....	898 — 906
<b>TITLE XVI.</b> — Compromise. ....	907 — 912
<b>TITLE XVII.</b> — Gambling and Betting. ....	913 — 915
<b>TITLE XVIII.</b> — Current Account. ....	916 — 924
<b>TITLE XIX.</b> — Insurance against Loss. ....	925 — 938
<b>TITLE XX.</b> — Insurance on life. ....	939 — 951
<b>TITLE XXI.</b> — Bills.	
<b>Chapter I.</b> — General Provisions. ....	952 — 963
<b>Chapter II.</b> — Bills of Exchange.	
<b>[Part] I.</b> — Drawing of a Bill of Exchange. ....	964 — 977
<b>[Part] II.</b> — Effects of a Bill of Exchange. ....	978 — 981
<b>[Part] III.</b> — Transfer and indorsement. ....	982 — 996
<b>[Part] IV.</b> — Acceptance.	
1. — Acceptance by drawee. ....	997 — 1008
2. — Right of recourse in case of non-acceptance. ....	1009 — 1027
3. — Acceptance for honour. ....	1028 — 1035
<b>[Part] V.</b> — Suretyship. ....	1036 — 1041
<b>[Part] VI.</b> — Payment.	
1. — General provisions. ....	1042 — 1054
2. — Right of recourse in case of non-Payment. ....	1055 — 1073
3. — Payment for honour. ....	1074 — 1084



## [VIII]

### SECTIONS.

<b>[Part]</b> VII. — Bills of exchange in a set.		1085	—	1089
<b>Chapter III.</b> — Promissory Notes. ....		1090	—	1098
<b>Chapter IV.</b> — Cheques.				
<b>[Part]</b> I. — General provisions. ....		1099	—	1110
<b>[Part]</b> II. — Crossed Cheques. ....		1111	—	1113
<b>Chapter V.</b> — Prescription. ....		1114	—	1115
<b>Chapter VI.</b> — Forged, stolen and lost Bills. ....		1116	—	1128
<b>TITLE XXII.</b> — Partnerships and Companies.				
<b>Chapter I.</b> — General Provisions. ....		1129	—	1140
<b>Chapter II.</b> — Ordinary Partnerships.				
<b>[Part]</b> I. — Definition. ....				1141
<b>[Part]</b> II. — Relations of partners between themselves. ....		1142	—	1165
<b>[Part]</b> III. — Relations of partners with third persons. ....		1166	—	1171
<b>[Part]</b> IV. — Dissolution and liquidation of ordinary Partnerships. ....		1172	—	1177
<b>[Part]</b> V. — Registration of Ordinary Partnerships. ....		1178	—	1189
<b>[Part]</b> VI. — Amalgamation of Registered Partnerships. ....		1190	—	1193
<b>Chapter III.</b> — Limited Partnerships. ....		1194	—	1215
<b>Chapter IV.</b> — Limited Companies.				
<b>[Part]</b> I. — Nature and formation of Limited Companies. ....		1216	—	1244
<b>[Part]</b> II. — Shares and shareholders. ....		1245	—	1274
<b>[Part]</b> III. — Management of Limited Companies.				
1. — General ....		1275	—	1280
2. — Directors ....		1281	—	1303
3. — General meetings ....		1304	—	1330

**[IX]**

**SECTIONS.**

4. — Balance-sheet .....	1331	—	1334
5. — Dividends and interests .....	1335	—	1340
6. — Books and accounts .....	1341	—	1342
<b>[Part]</b> IV. — Audit .....	1343	—	1349
<b>[Part]</b> V. — Inspection .....	1350	—	1354
<b>[Part]</b> VI. — Increases and reductions of capital .....	1355	—	1365
<b>[Part]</b> VII. — Debentures .....	1366	—	1373
<b>[Part]</b> VIII.— Dissolution .....			1374
<b>[Part]</b> IX. — Amalgamation of Limited Companies .....	1375	—	1380
<b>[Part]</b> X. — Notices .....	1381	—	1382
<b>Chapter V.</b> — Liquidation of Registered Partnerships, Limited partnerships and Limited Companies	1383	—	1410
<b>Chapter VI.</b> — Penalties .....	1411	—	1429
<b>TITLE XXIII.</b> — Associations .....	1430	—	1463
Schedules	Pages	411	— 415