

# “French Advisers' Heritage” in Civil and Commercial Code, especially in Book I and II

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## I. Introduction

### A. “Kingdom of Siam: Draft Civil and Commercial Code” (1919)

In 1919, Monsieur **René Guyon** (27 May 1876 – 1963), a former French legal adviser to the Kingdom of Siam, reported on the codification projects at that time in his publication “*The Work of Codification in Siam*” in Paris.<sup>1</sup> In this report, he mentioned a comprehensive draft for the whole civil and commercial code. According to his report, its *Draft “Book on Obligations”* would have contained more than 1,400 articles.<sup>2</sup> However, this draft was eventually not published officially. So, we had no possibility to know of its particular contents for long time. Even the author of an authoritative publication just on the issue of French contribution and influence upon the modern

1 This report was commented and translated into Thai language also in Thailand: สุรพล ไตรเวทย์: “การร่างประมวลกฎหมายในประเทศไทย โดยเรอเน่ กียอง หัวหน้าคณะกรรมการร่างประมวลกฎหมายประเทศไทย”, พ.ศ. 2550.

2 Guyon wrote on “Book on Obligations” in 1919: “The preliminary drafting of about 1400 Sections took some time (1908 – 1912), and a Draft was then submitted to the Revising Committee (1913), discussed and altered. [...] and the draft was finally completed by the insertion of the contract of mortgage and of the preferential rights on immovables (1917). Now that it has been adopted, it is under translation.” (สุรพล ไตรเวทย์, op. cit. p. 204f.)

codification in Thailand<sup>1</sup> did not mention to contents of the drafts for the civil and commercial code compiled by the group of the French advisers at all.

This situation has been changed recently. Most parts of the original drafts for the civil and commercial code could be successfully identified in the “*Phya Manava Rajsevi Library*” in the Main Library of Bangkok University. The special publication for the 100th anniversary of the birth of พระยามานวราชเสวี<sup>2</sup> has a detailed catalog of this library (รายชื่อหนังสือพระยามานวราชเสวีที่มีอยู่ในสำนักหอสมุดกลางมหาวิทยาลัยกรุงเทพ). In the part of books in foreign language (กรมหนังสือภาษาอังกฤษ), there are following two entries;

55 Kingdom of Siam draft civil and commercial code: book on obligations

217 Kingdom of Siam draft civil and commercial code: book on obligations

With the recommendation letter from the dean of Faculty of Law, Thammasat University, I visited the Main Library of the Bangkok University on June 16. and 30, 2013. I was allowed by the director of the library to take photo pictures of the whole pages of the following two books;

217 Kingdom of Siam draft civil and commercial code: Book on Obligations

217.2 Kingdom of Siam draft civil and commercial code: Book on Capacity of Persons, Law on Family Registration, Book on Things, Law on conflicts of Laws, Law on Civil Procedure, Bankruptcy Act.

→ See the tables of contents in [Appendix]

Apparently, these documents are the original drafts which Monsieur **René Guyon** and other French advisers compiled during 1912 – 1919.

## B. Origin of the Civil and Commercial Code, Book I and II (1923)

In order to confirm my supposition, I firstly tried to compare the articles of “*Civil and Commercial Code Book I and II*” (1923)<sup>3</sup> with articles in the drafts (“*Book on Capacity of Persons*”, “*Book on Things*”, and “*Book on Obligations*”, Section 1 to 387). In general, Monsieur **René Guyon** and other French advisers had followed the so-called “*Justinian system*”, and they had not planed to set up any separated special book for general principles before other books for substantial provisions. As a result of my provisional research, I could really confirm that the Civil and Commercial Code, Book I on “*General Principals*” (1923) was a combination of articles mainly from the Drafts (1919) for “*Book on Capacity of Persons*”, “*Book on Things*”, and general parts in “*Book on Obligations*” while Book II on “*Obligations*” had directly adopted other articles from the Draft “*Book on Obligations*” almost unchanged.

## C. Origin of the Civil and Commercial Code, Book III (1924)

Regarding the origin of the further parts of the Civil and Commercial Code, namely Book III on “*Specific Contracts*” and Book IV on “*Properties*”, there was almost no discussion on this issue in academic research.<sup>4</sup> However, it could be strongly speculated that these parts of the code were basically compiled also in accordance with drafting works by the French advisers. In order to confirm this point, I tried to compare the articles on

1 ดร. ชาญชัย แสงศักดิ์: “อิทธิพลของฝรั่งเศสในการปฏิรูปกฎหมายไทย”, พ.ศ. 2539, น.46 – 61.

2 พระยามานวราชเสวี: “อุทาหรณ์สำหรับประมวลกฎหมายแพ่งและพาณิชย์ บรรพ ๑-๒ ฉบับกรร่างกฎหมาย”, พ.ศ. 2533.

3 ประมวลกฎหมายแพ่งและพาณิชย์ บรรพ ๑ และ ๒, พ.ศ. ๒๕๖๖

4 For instance, see “อิทธิพลของฝรั่งเศสในการปฏิรูปกฎหมายไทย” โดย ดร. ชาญชัย แสงศักดิ์, op. cit., หน้า๖๙.

several types of contrasts (“Sale”, “Exchange”, “Gift”, “Hire of Property”, “Hire purchase”, “Hire of Services”, and “Hire of Work”) in the Draft (1919) and the Civil and Commercial Code, Book III (1924 and 1928). As a result, I could clearly confirm that both versions of Book III are almost exclusively based on the Draft “Book on Obligations”, Division VII “Specific Contracts” (1919).

However, I would like to suspend my final confirmation until the whole articles of Book III will be completely researched.

#### D. “French advisers' Heritage” in the current version of the Civil and Commercial Code

Such facts as described above let us conclude that we have the contribution by the French advisers still alive in many parts of the current version of the Civil and Commercial Code. I would like to call such parts “French advisers' Heritage”. In order to exactly identify these parts, we would have to trace the development of each article from the Drafts (1919) over the first version of the code (1923, 24) and the initial version of current code (1925, 28) to its actual standing (1992~).

The following work is my first attempt to identify this heritage in the part of Book I and II. The drafting work of the French advisers was firstly adopted into the first version of the code in 1923 (Book I and II) and in 1924 (Book III). According to my own determination, 78 of the whole 105 articles in Book I and 340 of the whole 347 articles in Book II, totally 418 of 452 articles are the result of direct adoption of the drafting work by the French advisers.

In 1925, the new version of the Civil and Commercial Code, Book I and II were promulgated under strong influence of the German and Japanese Civil Code. The new Book I included also “Juristic Acts” and “Prescription”, the number of the articles in Book I swelled from 105 to 193. Furthermore, the new Book II was totally rewritten in accordance with the Japanese Civil Code. Nevertheless, certain parts of the “French advisers' Heritage” survived such a radical change of the arrangement of the code. 64 of the whole 193 articles in the Book I (1925) still maintained the heritage from its first version, namely 43 articles from Book I (1923) and 21 articles from Book II (1923). On the other hand, the importance of such a heritage was dramatically reduced in the new Book II (1925). Only 27 of the whole 347 articles in Book II (1923) were maintained in Book II (1925), and one article was introduced from Book I (1923) into Book II (1925).

In 1992, Book I of the Civil and Commercial Code experienced a radical reform once more. The most articles were newly composed and modernized, however, their contents and main purposes of the articles were largely preserved. Under this circumstance, 58 of the whole 228 articles in Book I (1992) still maintain the heritage from the Drafts (1919).

The provisional result of my research described above could be summarized as shown in a following table:

**Table 1: “French advisers' Heritage” in Book I and II of the Civil and Commercial Code**

	<b>1923</b> <b>(Heritage / Total)</b>	<b>1925</b> <b>(Heritage / Total)</b>	<b>1992</b> <b>(Heritage / Total)</b>
<b>Book I</b>	<b>78</b> / 105	<b>64</b> / 193	<b>58</b> / 228
<b>Book II</b>	<b>340</b> / 347	<b>28</b> / 259	(28 / 259)
<b>Total</b>	<b>418</b> / 452	<b>92</b> / 452	(86 / 487)

## II. Civil and Commercial Code (1923): Its Origin and Historical Development

### A. Explanation of the Tables

The following tables will show the historical development of the adoption of the Drafts (1919) from its initial state in the Code (1923) to the actual standing (1992 ~).

- The starting point of this table is the “*Civil and Commercial Code, Book I and II (1923)*”. The number of its each article is shown in the second column;

< Sample 1 >

Draft (1919)	Book I (1923)	Book I (1925)	Book I (1992)
ข้อความเบื้องต้น			
<b><i>Ob.1</i></b>	1	1	1
<b><i>Ob.2</i></b>	2	2	2

- As described above, the most articles in these Books were the adoption of the Drafts (1919), namely, Draft “*Book on Capacity of Persons*”, “*Book on Things*”, and “*Book on Obligations*”. The number of such muster articles in the Drafts are indicated in the first column. Following abbreviations are in use;

Table 2: Abbreviations

Ca.<###>	Article number of the Draft “ <i>Book on Capacity of Persons</i> ”
Th.<###>	Article number of the Draft “ <i>Book on Things</i> ”
Ob.<###>	Article number of the Draft “ <i>Book on Obligations</i> ”

- In <Sample 1>, Art. 1 and 2 of **Book I (1923)** stay next to the “***Ob.1***” and “***Ob.2***” in the first column of the **Draft (1919)**. This means, both articles in the Code (1923) had adopted the draft “Session 1” and “Session 2” (“Ob.1” and “Ob.2” are displayed in **Bold** and *Italic*, and the columns have the background in **orange color**).
- Furthermore, the background in **orange color** is extended to the third column, **Book I (1925)** and the fourth column, **Book I (1992)**. This means, these provisions have been maintained in the initial version of the current Civil and Commercial Code (1925) and also in its revised version (1992). So, these articles belong to “*French advisers' Heritage*”.
- In <Sample 2>, Art. 85 of **Book I (1923)** had its model in Section 106 of Draft “*Book on Capacity of Persons*” (1919). It was further adopted into **Book I (1925)**, Art. 85 Paragraph 2, but not maintained in the revised **Book I (1992)** while Section 107 of Draft “*Book on Capacity of Persons*” (1919) could be once adopted into **Art. 86 of Book I (1923)**, but could not survive the further historical development. Indeed, **Art. 82 of Book I (1925)** and **Art. 112 of Book I (1992)** show a quite similar concept to **Ca.107** of the Draft, however, they have their origin in other foreign laws than in the Draft (1919);

< Sample 2 >

<b>Ca.104</b>	84	81	110
<b>Ca.106</b>	85	85(II)	-
<b>Ca.107</b>	86	82	112

- Finally in <Sample 3>, **Art. 55 of Book I (1923)** had its model in Section 93 of Draft “*Book on Capacity of Persons*” (1919) while **Art. 54** did not have its origin in the Draft (1919). **Ca.82 – 86** of the Draft had contents relevant to it, but not identical with it;

< Sample 3 >

ส่วนที่ ๒ บุคคลวิกลจริต			
Ca.82, 83, 84, 85, 86	54	29	28(I)(III)
<b>Ca.93</b>	55	31	29

B. Table 3: Book I on “General Principals”

Draft (1919)	Book I (1923)	Book I, II (1925)	Book I (1992)
<b>ข้อความเบื้องต้น</b>			
<i>Ob.1</i>	1	1	1
<i>Ob.2</i>	2	2	2
<i>Ob.3</i>	3	3	3
<b>บรรพ ๑ บทเบ็ดเสร็จทั่วไป</b>			
<b>ลักษณะ ๑ บทวิเคราะห์</b>			
<i>Ob.4</i>	4	-	-
<i>Ob.5</i>	5	-	-
<i>Ob.7</i>	6	226(I)	
<i>Ob.8</i>	7	-	-
<i>Ob.9</i>	8	204(I)	
<i>Ob.10</i>	9	8	8
<i>Ob.11</i>	10	-	-
<b>ลักษณะ ๒ ปรับบทกฎหมาย</b>			
<i>Ob.12</i>	11	-	-
<i>Ob.13</i>	12	113	150
<i>Ob.14</i>	13	4(II)	4(II)
<i>Ob.15</i>	14	4(III)	4(III)
<i>Ob.16</i>	15	9	9
<i>Ob.17</i>	16	-	-
<i>Ob.18</i>	17	5	5
<i>Ob.19</i>	18	6	6
<i>Ob.20</i>	19	-	-
<i>Ob.21</i>	20	-	-
<i>Ob.22</i>	21	11	11
<i>Ob.23</i>	22	7	7
<b>ลักษณะ ๓ วิธีตีความในเอกสาร</b>			
<i>Ob.24</i>	23	-	-
<i>Ob.25</i>	24	-	-
<i>Ob.26</i>	25	-	-
<i>Ob.27</i>	26	10	10
<i>Ob.28</i>	27	12	12
<i>Ob.29</i>	28	13	13
<i>Ob.30</i>	29	14	14
<b>ลักษณะ ๔ ระยะเวลา</b>			
<i>Ob.31</i>	30	156	193/1
<i>Ob.32</i>	31	157(I)	193/2 sent.1

Draft (1919)	Book I (1923)	Book I, II (1925)	Book I (1992)
<b>Ob.33</b>	<b>32</b>	<b>158 sent.1</b>	<b>193/3(II) sent.1</b>
<b>Ob.34</b>	<b>33</b>	159(II)	193/5(II)
<b>Ob.35</b>	<b>34</b>	159(II)	193/5(II)
<b>Ob.36</b>	<b>35</b>	159(I)	193/5(I)
<b>Ob.37</b>	<b>36</b>	<b>160</b>	<b>193/7</b>
<b>Ob.38</b>	<b>37</b>	<b>161</b>	<b>193/8</b>
<b>Ob.39</b>	<b>38</b>	<b>162</b>	<b>193/4</b>

ลักษณะ ๕ บุคคลธรรมดา

หมวด ๑ สภาพบุคคล

-	<b>39</b>	<b>15</b>	<b>15</b>
Ca.3, 4, 5	<b>40</b>	Ca.3 → 19, Ca.4 → 20	19, 20
<b>Ca.7</b>	<b>41</b>	<b>16</b>	<b>16</b>
<b>Ca.17, 18</b>	<b>42</b>	<b>18</b>	<b>18</b>
Ca.22	<b>43</b>	44	37
-	<b>44</b>	<b>48</b>	<b>41</b>
-	<b>45</b>	<b>50(I), 51</b>	43, 44

หมวด ๒ ความสามารถ

ส่วนที่ ๑ ผู้เยาว์

Ca.76, 77	<b>46</b>	21	21
-	<b>47</b>	<b>22</b>	<b>22</b>
<b>Ca.74</b>	<b>48</b>	<b>23</b>	<b>23</b>
<b>Ca.75</b>	<b>49</b>	<b>24</b>	<b>24</b>
-	<b>50</b>	<b>27</b>	<b>27(I)</b>
<b>Ca.79</b>	<b>51</b>	-	-
<b>Ca.80</b>	<b>52</b>	<b>137</b>	<b>175</b>
<b>Ca.81</b>	<b>53</b>	-	-

ส่วนที่ ๒ บุคคลวิกลจริต

Ca.82, 83, 84, 85, 86	<b>54</b>	<b>29</b>	<b>28(I)(III)</b>
<b>Ca.93</b>	<b>55</b>	<b>31</b>	<b>29</b>
-	<b>56</b>	<b>32</b>	<b>30</b>
<b>Ca.94</b>	<b>57</b>	<b>137</b>	<b>175</b>
<b>Ca.95</b>	<b>58</b>	-	-

ส่วนที่ ๓ บุคคลมีกายฤๅใจไม่สมประกอบ

-	<b>59</b>	<b>34</b>	<b>32</b>
-	<b>60</b>	<b>35(I)</b>	<b>34(I)</b>
-	<b>61</b>	<b>35(II)</b>	<b>34(II)</b>
-	<b>62</b>	<b>137</b>	<b>175</b>
-	<b>63</b>	-	-

Draft (1919)	Book I (1923)	Book I, II (1925)	Book I (1992)
<b>หมวด ๓ สาบสูญ</b>			
<i>Ca.24</i>	64	53	48
<i>Ca.25</i>	65	54	49
<i>Ca.26</i>	66	56	51
<i>Ca.27</i>	67	57	52
<i>Ca.28</i>	68	58	54
<i>Ca.29</i>	69	59	55
<i>Ca.30</i>	70	60	56
<i>Ca.31</i>	71	61	57
<i>Ca.32</i>	72	62	58
<i>Ca.33</i>	73	63	60
<i>Ca.34</i>	74	64	61
<i>Ca.35</i>	75	65	62
<i>Ca.36</i>	76	66	63
<i>Ca.37</i>	77	-	-

**ลักษณะ ๖ บุคคลนิติสมมต**

**หมวด ๑ ก่อตั้งและความสามารถแห่งบุคคลนิติสมมต**

<i>Ca.96</i>	78	68	65
<i>Ca.97, 98</i>	79	70	67
-	80	71	68
<i>Ca.99</i>	81	72	-
<i>Ca.100</i>	82	73	-
<i>Ca.101, 103</i>	83	<i>Ca.101 → 74</i>	-

**หมวด ๒ มูลนิธิ**

<i>Ca.104</i>	84	81	110
<i>Ca.106</i>	85	85(II)	-
<i>Ca.107</i>	86	82	112
<i>Ca.108, 109, 110</i>	87	<i>Ca.108,109 → 86, Ca.110 → 85</i>	-
<i>Ca.111</i>	88	88	123
<i>Ca.112</i>	89	89	77
<i>Ca.113</i>	90	79	73
<i>Ca.114</i>	91	90	128
<i>Ca.115</i>	92	92	130
<i>Ca.116</i>	93	93	131
<i>Ca.117</i>	94	95	133
<i>Ca.118, 119, 120</i>	95	96	134
-	96	97(I)	136

**ลักษณะ ๗ ทรัพย์**

<i>Th.1</i>	97	98	137
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II. Code (1923): Its Origin and Historical Development

B. Table 3: Book I on “General Principals”

<b>Draft (1919)</b>	<b>Book I (1923)</b>	<b>Book I, II (1925)</b>	<b>Book I (1992)</b>
Th.2, 3	<b>98</b>	100, 101	139, 140
-	<b>99</b>	102	-
-	<b>100</b>	<b>103</b>	-
-	<b>101</b>	<b>107, 109</b>	<b>144, 146</b>
Th.4	<b>102</b>	<b>110</b>	<b>147</b>
-	<b>103</b>	-	-
Th.5, 6	<b>104</b>	<b>108</b>	<b>145</b>
Th.7, 8	<b>105</b>	<b>111</b>	<b>148</b>



C. Table 4: Book II on “Obligations”

Draft (1919)	Book II (1923)	Book I, II (1925)	Book I (1992)
บรรพ ๒ ว่าด้วยหนี้ ภาค ๑ มูลแห่งหนี้ ลักษณะ ๑ สัญญา หมวด ๑ บทวิเคราะห์			
<b>Ob.40</b>	<b>106</b>	-	
หมวด ๒ ว่าด้วยความสมบูรณ์แห่งสัญญา			
<b>Ob.41</b>	<b>107</b>	<b>116</b>	<b>153</b>
<b>Ob.42</b>	<b>108</b>	-	
<b>Ob.43</b>	<b>109</b>	-	
<b>Ob.44</b>	<b>110</b>	137	175
<b>Ob.45</b>	<b>111</b>	<b>139</b>	<b>177</b>
<b>Ob.46</b>	<b>112</b>	<b>133</b>	<b>172(I)</b>
<b>Ob.47 sent.1</b>	<b>113</b>	<b>134</b>	<b>172(I)</b>
<b>Ob.48</b>	<b>114</b>	138	176
ส่วนที่ ๑ ความไร้สามารถเข้าทำสัญญา			
<b>Ob.49</b>	<b>115</b>	131	170
ส่วนที่ ๒ ความยินยอม			
<b>Ob.50</b>	<b>116</b>	<b>366 sent.1</b>	
<b>Ob.51</b>	<b>117</b>	-	
(๑) คำเสนอกับคำสนอง			
<b>Ob.52</b>	<b>118</b>	<b>361(I)</b>	
<b>Ob.53</b>	<b>119</b>	-	
<b>Ob.54</b>	<b>120</b>	-	
<b>Ob.55</b>	<b>121</b>	<b>356</b>	
<b>Ob.56</b>	<b>122</b>	<b>355</b>	
<b>Ob.57</b>	<b>123</b>	<b>354</b>	
<b>Ob.58</b>	<b>124</b>	<b>358</b>	
<b>Ob.59</b>	<b>125</b>	-	
<b>Ob.60</b>	<b>126</b>	-	
<b>Ob.61</b>	<b>127</b>	<b>359(I)</b>	
<b>Ob.62</b>	<b>128</b>	<b>359(II)</b>	
<b>Ob.63</b>	<b>129</b>	130(II)	169(II)
<b>Ob.64</b>	<b>130</b>	<b>130(I)</b>	<b>169(I)</b>
<b>Ob.65</b>	<b>131</b>	<b>362</b>	
<b>Ob.66</b>	<b>132</b>	<b>363(I)</b>	

Draft (1919)	Book II (1923)	Book I, II (1925)	Book I (1992)
<b>Ob.67</b>	<b>133</b>	<b>364(I)(II)</b>	

(๒) ความยินยอมบกพร่อง

<b>Ob.68</b>	<b>134</b>	<b>119 sent.1</b>	<b>156(I)</b>
<b>Ob.69</b>	<b>135</b>	119 sent,2	158
<b>Ob.70</b>	<b>136</b>	<b>122</b>	<b>159(II)</b>
<b>Ob.71</b>	<b>137</b>	121(II)	159(III)
<b>Ob.72</b>	<b>138</b>	<b>128</b>	<b>166</b>
<b>Ob.73</b>	<b>139</b>	<b>126</b>	<b>164(II)</b>
<b>Ob.74</b>	<b>140</b>	127	165
<b>Ob.75</b>	<b>141</b>	<b>129</b>	<b>167</b>
<b>Ob.76</b>	<b>142</b>	<b>143</b>	<b>181</b>
<b>Ob.77</b>	<b>143</b>	-	
<b>Ob.78</b>	<b>144</b>	<b>143</b>	<b>181</b>
<b>Ob.79</b>	<b>145</b>	141	179

(๓) สัตยาบัน คือเห็นชอบด้วยภายหลัง

<b>Ob.80</b>	<b>146</b>	140	178
<b>Ob.81</b>	<b>147</b>	<b>142</b>	<b>180</b>
<b>Ob.82</b>	<b>148</b>	140	178
<b>Ob.83</b>	<b>149</b>	<b>139</b>	<b>177</b>
<b>Ob.84</b>	<b>150</b>	<b>139</b>	<b>177</b>

ส่วนที่ ๓ วัตถุประสงค์

<b>Ob.85</b>	<b>151</b>	113	150
<b>Ob.86</b>	<b>152</b>	-	
<b>Ob.87</b>	<b>153</b>	-	

ลักษณะ ๒ จัดการรารนอกสั่ง

<b>Ob.88</b>	<b>154</b>	<b>395</b>	
<b>Ob.89</b>	<b>155</b>	<b>399 sent.1</b>	
<b>Ob.90</b>	<b>156</b>	<b>395</b>	
<b>Ob.91</b>	<b>157</b>	-	
<b>Ob.92</b>	<b>158</b>	<b>396</b>	
<b>Ob.93</b>	<b>159</b>	<b>397</b>	
<b>Ob.94</b>	<b>160</b>	<b>398</b>	
<b>Ob.95</b>	<b>161</b>	-	
<b>Ob.96</b>	<b>162</b>	<b>401(I)</b>	
<b>Ob.97</b>	<b>163</b>	-	
<b>Ob.98</b>	<b>164</b>	<b>399 sent.1</b>	
<b>Ob.99</b>	<b>165</b>	402(II)	

Draft (1919)	Book II (1923)	Book I, II (1925)	Book I (1992)
<i>Ob.100</i>	166	402(II)	
<i>Ob.101</i>	167	<b>399 sent.2</b>	
<i>Ob.102</i>	168	<b>405(I)</b>	
<i>Ob.103</i>	169	<b>404</b>	
<i>Ob.104</i>	170	<b>402(II)</b>	

## ลักษณะ ๓ ลากมิควรรได้

<i>Ob.105</i>	171	406
<i>Ob.106</i>	172	-
<i>Ob.107</i>	173	407
<i>Ob.108</i>	174	<b>408</b>
<i>Ob.109</i>	175	-
<i>Ob.110</i>	176	412 sent.2, <b>413(I)</b>
<i>Ob.111</i>	177	<b>413(II) sent.1</b>
<i>Ob.112</i>	178	412 sent.2, <b>414(I)</b>
<i>Ob.113</i>	179	412 sent.1, <b>414(II)</b>
<i>Ob.114</i>	180	412 sent.2
<i>Ob.115</i>	181	-
<i>Ob.116</i>	182	<b>416(I)</b>
<i>Ob.117</i>	183	<b>416(II)</b>
<i>Ob.118</i>	184	417
<i>Ob.119</i>	185	<b>418</b>

## ลักษณะ ๔ ละเมิด

## หมวด ๑ ความจะต้องใหม่เพราะละเมิด

Ob.120	186	<b>420</b> , 423, 447
-	187	422, <b>424</b>
Ob.121	188	<b>429, 430</b>
<i>Ob.122</i>	189	<b>425</b>
<i>Ob.123</i>	190	<b>426</b>
<i>Ob.124</i>	191	<b>432(I)</b>
<i>Ob.125</i>	192	<b>432(III)</b>

หมวด ๒ ยึดยึดเอง ป้องกันชอบด้วยกฎหมาย คำสั่งชอบด้วย  
กฎหมาย ความจำเป็น

Ob.127	193	-
-	194	<b>451(I)</b>
Ob.128, 129	195	<b>451(II)(III)</b>
<i>Ob.130</i>	196	<b>449</b>
Ob.131	197	<b>450</b>

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หมวด ๓ คำสั่งใหม่ทดแทนเพราะทำละเมิด			
<i>Ob.132</i>	198	<i>438(II)</i>	
<i>Ob.133</i>	199	439	
<i>Ob.134</i>	200	<i>442</i>	
<i>Ob.135</i>	201	<i>444</i> , 446	
<i>Ob.136</i>	202	443	
<i>Ob.137</i>	203	<i>448</i>	
ภาค ๒ หนี้ต่างประเภท			
ลักษณะ ๑ หนี้มีเงื่อนไข			
<i>Ob.138(I)</i>	204	<i>144</i>	<i>182</i>
<i>Ob.139</i>	205	<i>150</i>	<i>188</i>
<i>Ob.140</i>	206	-	
<i>Ob.141</i>	207	-	
<i>Ob.142</i>	208	-	
ลักษณะ ๒ หนี้มีเงื่อนไขเวลา			
<i>Ob.143</i>	209	153	191
<i>Ob.144</i>	210	-	
<i>Ob.145</i>	211	<i>154</i>	<i>192</i>
<i>Ob.146</i>	212	-	
ลักษณะ ๓ หนี้มีเงื่อนไขเลือก			
<i>Ob.147</i>	213	<i>198</i>	
<i>Ob.148</i>	214	<i>198</i>	
<i>Ob.149</i>	215	<i>200(I)</i>	
<i>Ob.150</i>	216	<i>200(II)</i>	
<i>Ob.151</i>	217	<i>201</i>	
<i>Ob.152</i>	218	-	
<i>Ob.153</i>	219	<i>202 sent.1</i>	
ลักษณะ ๔ เจ้าหนี้ถูกลูกหนี้หลายคน			
หมวด ๑ บทเบ็ดเสร็จทั่วไป			
<i>Ob.154</i>	220	<i>290</i>	
<i>Ob.155</i>	221	290	
<i>Ob.156</i>	222	290	
<i>Ob.157</i>	223	-	
<i>Ob.158</i>	224	-	

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หมวด ๒ หนี้ร่วมกัน

ส่วนที่ ๑ บทเบ็ดเสร็จทั่วไป

<i>Ob.159</i>	225		<b>291</b>
<i>Ob.160</i>	226		-
<i>Ob.161</i>	227		<b>297</b>
<i>Ob.162</i>	228		-

ส่วนที่ ๒ เจ้าหนี้ร่วมกัน

<i>Ob.163</i>	229		298
<i>Ob.164</i>	230		<b>300</b>
<i>Ob.165</i>	231		-
<i>Ob.166</i>	232		-
<i>Ob.167</i>	233		-
<i>Ob.168</i>	234		-
<i>Ob.169</i>	235		-
<i>Ob.170</i>	236		-
<i>Ob.171</i>	237		-
<i>Ob.172</i>	238		<b>299(I)</b>
<i>Ob.173</i>	239		-
<i>Ob.174</i>	240		-
<i>Ob.175</i>	241		-
<i>Ob.176</i>	242		-
<i>Ob.177</i>	243		299(II)

(๑) ความเกี่ยวพันระหว่างลูกหนี้ร่วมกับเจ้าหนี้คนเดียว

<i>Ob.178</i>	244		-
<i>Ob.179</i>	245		<b>291</b>
<i>Ob.180</i>	246		-
<i>Ob.181</i>	247		<b>292(I)</b>
<i>Ob.182</i>	248		292(I)
<i>Ob.183</i>	249		-
<i>Ob.184</i>	250		-
<i>Ob.185</i>	251		-
<i>Ob.186</i>	252		<b>294</b>
<i>Ob.187</i>	253		-
<i>Ob.188</i>	254		293
<i>Ob.189</i>	255		-
<i>Ob.190</i>	256		-
<i>Ob.191</i>	257		<b>295(I)</b>

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(๒) ความเกี่ยวพันระหว่างลูกนี้ร่วมกัน			
<i>Ob.192</i>	258		<i>296 sent.1</i>
<i>Ob.193</i>	259		-
<i>Ob.194</i>	260		-
<i>Ob.195</i>	261		-
<i>Ob.196</i>	262		-
<i>Ob.197</i>	263		-
หมวด ๓ หนี้อันแบ่งออกมิได้			
<i>Ob.198</i>	264		-
<i>Ob.199</i>	265		<i>301, 302</i>
ภาค ๓ โอนหนี้			
ลักษณะ ๑ บทเบ็ดเสร็จทั่วไป			
<i>Ob.200</i>	266		<i>303(I)</i>
<i>Ob.201</i>	267		<i>303(II)</i>
<i>Ob.202</i>	268		-
<i>Ob.203</i>	269		-
<i>Ob.204</i>	270		-
ลักษณะ ๒ โอนสิทธิ			
<i>Ob.205</i>	271		<i>306</i>
<i>Ob.206</i>	272		<i>307</i>
<i>Ob.207</i>	273		<i>308(II)</i>
<i>Ob.208</i>	274		-
<i>Ob.209</i>	275		-
<i>Ob.210</i>	276		-
<i>Ob.211</i>	277		-
<i>Ob.212</i>	278		-
<i>Ob.213</i>	279		-
ลักษณะ ๒ โอนหน้าที่ชำระหนี้			
<i>Ob.214</i>	280		-
<i>Ob.215</i>	281		-
<i>Ob.216</i>	282		-
<i>Ob.217</i>	283		-
ภาค ๔ ผลแห่งหนี้			
ลักษณะ ๑ บทเบ็ดเสร็จทั่วไป			
<i>Ob.218</i>	284		-
<i>Ob.219</i>	285		-

Draft (1919)	Book II (1923)	Book I, II (1925)	Book I (1992)
<i>Ob.220</i>	286	<b>374(I)</b>	
<i>Ob.221</i>	287	<b>376(II), 375</b>	

ลักษณะ ๒ ชำระหนี้

หมวด ๑ ชำระหนี้และผู้ได้พึงชำระหนี้

<i>Ob.222</i>	288	-	
<i>Ob.223</i>	289	<b>314</b>	
<i>Ob.224</i>	290	230(II)	

หมวด ๒ ผู้ใดชอบที่จะได้รับชำระหนี้

<i>Ob.225</i>	291	315	
<i>Ob.226</i>	292	315, 317	
<i>Ob.227</i>	293	<b>316, 318</b>	
<i>Ob.228</i>	294	-	
<i>Ob.229</i>	295	<b>319</b>	

หมวด ๓ การชำระหนี้มีอย่างไรบ้าง

<i>Ob.230</i>	296	<b>320</b>	
<i>Ob.231</i>	297	<b>321(I)</b>	
<i>Ob.232</i>	298	<b>321(III)</b>	
<i>Ob.233</i>	299	<b>320</b>	
<i>Ob.234</i>	300	-	
<i>Ob.235</i>	301	<b>195(I)</b>	
<i>Ob.236</i>	302	<b>196(I)</b>	
<i>Ob.237</i>	303	<b>196(II)</b>	
<i>Ob.238</i>	304	<b>326(I) sent.1</b>	
<i>Ob.239</i>	305	<b>326(I) sent.2</b>	
<i>Ob.240</i>	306	<b>326(I) sent.3</b>	
<i>Ob.241</i>	307	<b>326(II)</b>	
<i>Ob.242</i>	308	<b>327(III)</b>	
<i>Ob.243</i>	309	<b>327(I)</b>	
<i>Ob.244</i>	310	<b>327(II)</b>	
<i>Ob.245</i>	311	<b>325 sent.1</b>	

หมวด ๔ สถานที่ชำระหนี้

<i>Ob.246</i>	312	324	
<i>Ob.247</i>	313	<b>324</b>	

หมวด ๕ เวลาชำระหนี้

<i>Ob.248</i>	314	203	
<i>Ob.249</i>	315	203	
<i>Ob.250</i>	316	369	

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หมวด ๖ จัดสรรการชำระหนี้			
<b>Ob.251</b>	<b>317</b>		<b>328</b>
<b>Ob.252</b>	<b>318</b>		328
<b>Ob.253</b>	<b>319</b>		328
<b>Ob.254</b>	<b>320</b>		328(II)
<b>Ob.255</b>	<b>321</b>		328(II)
<b>Ob.256</b>	<b>322</b>		<b>329(I)</b>
ลักษณะ ๓ การไม่ชำระหนี้			
หมวด ๑ ลูกหนี้ผิดนัด			
<b>Ob.257</b>	<b>323</b>		203(I)
<b>Ob.258</b>	<b>324</b>		203(II)
<b>Ob.259</b>	<b>325</b>		-
<b>Ob.260</b>	<b>326</b>		-
<b>Ob.261</b>	<b>327</b>		<b>206</b>
หมวด ๒ ทางแก้ของเจ้าหนี้			
<b>Ob.262</b>	<b>328</b>		213, 215, 386
<b>Ob.263</b>	<b>329</b>		-
<b>Ob.264</b>	<b>330</b>		-
หมวด ๓ การชำระหนี้เฉพาะเจาะจง			
<b>Ob.265</b>	<b>331</b>		213(I)
<b>Ob.266</b>	<b>332</b>		213(II) sent.1
<b>Ob.267</b>	<b>333</b>		213(II) sent.2
<b>Ob.268</b>	<b>334</b>		213(III)
<b>Ob.269</b>	<b>335</b>		-
หมวด ๔ คำสินไหมทดแทน			
<b>Ob.270</b>	<b>336</b>		219
<b>Ob.271</b>	<b>337</b>		217
<b>Ob.272</b>	<b>338</b>		-
หมวด ๕ ทอดสินไหมทดแทนการไม่ชำระหนี้			
<b>Ob.273</b>	<b>339</b>		222
<b>Ob.274</b>	<b>340</b>		223(I)
<b>Ob.275</b>	<b>341</b>		-
<b>Ob.276</b>	<b>342</b>		-
<b>Ob.277</b>	<b>343</b>		-
<b>Ob.278</b>	<b>344</b>		-



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หมวด ๖ ข้อเบี่ยงปรับกับเงินมัดจำ

<i>Ob.279</i>	345		<b>379 sent.1</b>
<i>Ob.280</i>	346		<b>384</b>
<i>Ob.281</i>	347		<b>380(I)</b> , 381(I), 382
<i>Ob.282</i>	348		-
<i>Ob.283</i>	349		-
<i>Ob.284</i>	350		<b>383(I) sent.1</b>
<i>Ob.285</i>	351		380
<i>Ob.286</i>	352		-
<i>Ob.287</i>	353		<b>378</b>

ลักษณะ ๔ สิทธิของลูกหนี้

หมวด ๑ เจ้าหนี้ผิดนัด

<i>Ob.288</i>	354		208(I)
<i>Ob.289</i>	355		<b>207</b>
<i>Ob.290</i>	356		<b>208(II)</b>
<i>Ob.291</i>	357		-
<i>Ob.292</i>	358		-
<i>Ob.293</i>	359		<b>208(I)</b>
<i>Ob.294</i>	360		221, 330, 370(I)

หมวด ๒ วางทรัพย์สินชำระหนี้

<i>Ob.295</i>	361		<b>331 sent.1</b>
<i>Ob.296</i>	362		<b>333(I)(II)</b>
<i>Ob.297</i>	363		<b>333(III)</b>
<i>Ob.298</i>	364		<b>339(I)</b>
<i>Ob.299</i>	365		<b>334, 339(II)</b>
<i>Ob.300</i>	366		334(I)
<i>Ob.301</i>	367		-
<i>Ob.302</i>	368		<b>336</b>
<i>Ob.303</i>	369		336
<i>Ob.304</i>	370		-
<i>Ob.305</i>	371		<b>338</b>

ภาค ๕ สิทธิของเจ้าหนี้เหนือทรัพย์สินของลูกหนี้

ลักษณะ ๑ สิทธิของเจ้าหนี้สามัญ และเจ้าหนี้มีบุริมสิทธิ

หมวด ๑ บทเบ็ดเสร็จทั่วไป

<i>Ob.306</i>	372		-
<i>Ob.307</i>	373		<b>214</b>
<i>Ob.308</i>	374		-

Draft (1919)	Book II (1923)	Book I, II (1925)	Book I (1992)
<i>Ob.309</i>	375	<b>251</b>	
<i>Ob.310</i>	376	-	
<i>Ob.311</i>	377	-	
<i>Ob.312</i>	378	-	
<i>Ob.313</i>	379	-	

หมวด ๒ บุริมะสิทธิพิเศษ

<i>Ob.314</i>	380	<b>259, 273</b>
<i>Ob.315</i>	381	-
<i>Ob.316</i>	382	<b>274</b>
<i>Ob.317</i>	383	<b>275, 286</b>
<i>Ob.318</i>	384	<b>260</b>
<i>Ob.319</i>	385	261
<i>Ob.320</i>	386	<b>262</b>
<i>Ob.321</i>	387	<b>276</b>
<i>Ob.322</i>	388	-
<i>Ob.323</i>	389	281
<i>Ob.324</i>	390	<b>285</b>
<i>Ob.325</i>	391	-
<i>Ob.326</i>	392	288
<i>Ob.327</i>	393	-
<i>Ob.328</i>	394	-
<i>Ob.329</i>	395	<b>289</b>

หมวด ๓ บุริมะสิทธิสามัญ

<i>Ob.330</i>	396	<b>253</b>
<i>Ob.331</i>	397	<b>255</b>
<i>Ob.332</i>	398	<b>257(I)</b>

หมวด ๔ ลำดับก่อนหลังและผลแห่งบุริมะสิทธิ

<i>Ob.333</i>	399	<b>277(I)</b>
<i>Ob.334</i>	400	<b>278(2)</b>
<i>Ob.335</i>	401	-
<i>Ob.336</i>	402	<b>279(II)</b>
<i>Ob.337</i>	403	<b>280</b>

ลักษณ ๒ สิทธิแห่งเจ้าหนี้ที่จะฟ้องคดีของลูกหนี้

<i>Ob.338</i>	404	<b>233</b>
<i>Ob.339</i>	405	<b>234</b>
<i>Ob.340</i>	406	<b>235</b>
<i>Ob.341</i>	407	-

Draft (1919)	Book II (1923)		Book I, II (1925)	Book I (1992)
<b>Ob.342</b>	<b>408</b>		<b>236</b>	
ลักษณะ ๓ สิทธิของเจ้าหนี้ที่จะเพิกถอนการซึ่งได้กระทำ เพื่อจ้ฉลสิทธิของตน				
<b>Ob.343</b>	<b>409</b>		<b>237</b>	
<b>Ob.345</b>	<b>410</b>		-	
<b>Ob.346</b>	<b>411</b>		-	
<b>Ob.347</b>	<b>412</b>		<b>239</b>	
<b>Ob.348</b>	<b>413</b>		<b>240 sent.1</b>	
<b>Ob.349</b>	<b>414</b>		<b>240 sent.2</b>	
ภาค ๖ ความระงับหนี้ ลักษณะ ๑ การชำระหนี้				
<b>Ob.350</b>	<b>415</b>		-	
ลักษณะ ๒ ปลดหนี้				
<b>Ob.351</b>	<b>416</b>		<b>340</b>	
ลักษณะ ๓ หักกลบสบหนี้				
<b>Ob.352</b>	<b>417</b>		<b>341(I)</b>	
<b>Ob.353</b>	<b>418</b>		<b>342(I)</b>	
<b>Ob.354</b>	<b>419</b>		342	
<b>Ob.355</b>	<b>420</b>		-	
<b>Ob.356</b>	<b>421</b>		<b>347</b>	
<b>Ob.357</b>	<b>422</b>		<b>343</b>	
<b>Ob.358</b>	<b>423</b>		<b>423</b>	
ลักษณะ ๔ หนี้เคลื่อนกลืนกัน				
<b>Ob.359</b>	<b>424</b>		<b>353 sent.1</b>	
ลักษณะ ๕ อายุความ หมวด ๑ บทเบ็ดเสร็จทั่วไป				
<b>Ob.360</b>	<b>425</b>		<b>163</b>	<b>193/3</b>
<b>Ob.361</b>	<b>426</b>		<b>192(I) sent.1</b>	<b>193/24 sent.1</b>
<b>Ob.362</b>	<b>427</b>		<b>191</b>	<b>193/11</b>
<b>Ob.363</b>	<b>428</b>		<b>193</b>	<b>193/29</b>
<b>Ob.364</b>	<b>429</b>		<b>169 sent.1</b>	<b>193/12 sent.1</b>
<b>Ob.365</b>	<b>430</b>		<b>170(I)</b>	<b>193/13 sent.1</b>
<b>Ob.366</b>	<b>431</b>		<b>169, 170(II)</b>	<b>193/12 sent.2, /13 sent.2</b>
<b>Ob.367</b>	<b>432</b>		<b>182</b>	<b>193/25</b>
<b>Ob.368</b>	<b>433</b>		<b>190</b>	<b>193/26</b>
<b>Ob.369</b>	<b>434</b>		<b>189</b>	<b>193/27</b>

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<i>Ob.371</i>	436	<b>185</b>	<b>193/22</b>
<i>Ob.372</i>	437	<b>186</b>	<b>193/23</b>
<i>Ob.373</i>	438	<b>172, 173</b>	<b>193/14, 193 /18</b>
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<i>Ob.376</i>	441	<b>178(I)</b>	-
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<i>Ob.378</i>	443	<b>172</b>	<b>193/14 No.1</b>
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<i>Ob.380</i>	445	<b>180</b>	<b>193/16</b>
<i>Ob.381</i>	446	<b>181(I)</b>	<b>193/15(I)</b>
<i>Ob.382</i>	447	<b>181(II)</b>	<b>193/15(II)</b>

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<i>Ob.384</i>	449	166	193/33
<i>Ob.385</i>	450	<b>167</b>	<b>193/31</b>
<i>Ob.386</i>	451	<b>168</b>	<b>193/32</b>
<i>Ob.387</i>	452	<b>164</b>	<b>193/30</b>

D. Table 4: Book III on “Specific Contracts” — **uncompleted** —

Draft (1919)	Book III (1924)	Book III (1928)
<b>บรรพ ๓ เอกเทศสัญญา</b>		
<b>ลักษณะ ๑ ซื้อขาย</b>		
หมวด ๑ สภาพและหลักสำคัญของสัญญาซื้อขาย		
ส่วนที่ ๑ บทเบ็ดเสร็จทั่วไป		
<b>Ob.388</b> , 389	<b>453</b>	<b>453</b>
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<b>Ob.390</b>	<b>455</b>	<b>455</b>
<b>Ob.391</b>	<b>456</b>	456
<b>Ob.392</b>	<b>457</b>	<b>457</b>
ส่วนที่ ๒ การโอนกรรมสิทธิ์		
<b>Ob.393</b>	<b>458</b>	<b>458</b>
<b>Ob.394</b>	<b>459</b>	<b>459</b>
<b>Ob.395</b>	<b>460</b>	460
หมวด ๒ หน้าที่และความรับผิดชอบของผู้ขาย		
ส่วนที่ ๑ การส่งมอบ		
<b>Ob.399</b>	<b>461</b>	<b>461</b>
<b>Ob.400</b>	<b>462</b>	<b>462</b>
<b>Ob.401</b>	<b>463</b>	<b>463</b>
<b>Ob.402</b>	<b>464</b>	464
-	<b>465</b>	<b>465</b>
-	<b>466</b>	<b>466</b>
-	<b>467</b>	<b>467</b>
<b>Ob.403</b>	<b>468</b>	<b>468</b>
<b>Ob.404</b>	<b>469</b>	<b>469</b>
<b>Ob.406</b>	<b>470</b>	<b>470</b>
<b>Ob.407</b>	<b>471</b>	<b>471</b>
ส่วนที่ ๒ ความรับผิดเพื่อชำระดอกเบี้ย		
<b>Ob.408</b>	<b>472</b>	<b>472</b>
<b>Ob.409</b>	<b>473</b>	<b>473</b>
<b>Ob.410</b>	<b>474</b>	<b>474</b>
ส่วนที่ ๓ ความรับผิดการรอนสิทธิ		
<b>Ob.412</b>	<b>475</b>	<b>475</b>
<b>Ob.413</b>	<b>476</b>	<b>476</b>
Ob.414	<b>477</b>	<b>477</b>
<b>Ob.415</b>	<b>478</b>	<b>478</b>
<b>Ob.417, 418</b>	<b>479</b>	<b>479</b>
<b>Ob.419</b>	<b>480</b>	<b>480</b>

Draft (1919)	Book III (1924)		Book III (1928)
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<b>Ob.422</b>	<b>482</b>		<b>482</b>

ส่วนที่ ๔ ข้อสัญญาว่าจะไม่ต้องรับผิด

<b>Ob.423</b>	<b>483</b>		<b>483</b>
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<b>Ob.426</b>	<b>486</b>		<b>486</b>
Ob.427	<b>487</b>		<b>487</b>
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-	<b>489</b>		<b>489</b>
-	<b>490</b>		<b>490</b>

หมวด ๔ การซื้อขายเฉพาะบางอย่าง

ส่วนที่ ๑ ขายฝาก

<b>Ob.429</b>	<b>491</b>		<b>491</b>
Ob.430	<b>492</b>		<b>492</b>
<b>Ob.431</b>	<b>493</b>		<b>493</b>
<b>Ob.433</b>	<b>494</b>		<b>494</b>
<b>Ob.434</b>	<b>495</b>		<b>495</b>
<b>Ob.435</b>	<b>496</b>		<b>496</b>
<b>Ob.436</b>	<b>497</b>		<b>497</b>
<b>Ob.437</b>	<b>498</b>		<b>498</b>
<b>Ob.438</b>	<b>499</b>		<b>499</b>
<b>Ob.439</b>	<b>500</b>		<b>500</b>
Ob.440	<b>501</b>		<b>501</b>
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ส่วนที่ ๒ ขายตามตัวอย่าง ขายตามคำพรรณนา ขายเพื่อ

ชอบ

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<b>Ob.444</b>	<b>505</b>		<b>505</b>
<b>Ob.445</b>	<b>506</b>		<b>506</b>
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<b>Ob.447</b>	<b>508</b>		<b>508</b>

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<b>Ob.453</b>	<b>509</b>		<b>509</b>
<b>Ob.454</b>	<b>510</b>		<b>510</b>
<b>Ob.455</b>	<b>511</b>		<b>511</b>
<b>Ob.456</b>	<b>512</b>		<b>512</b>
<b>Ob.457</b>	<b>513</b>		<b>513</b>

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<b>Ob.458</b>	514		<b>514</b>
<b>Ob.459</b>	515		<b>515</b>
<b>Ob.460</b>	516		<b>516</b>
<b>Ob.461</b>	517		<b>517</b>

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<b>Ob.469</b>	526		<b>526</b>
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<b>Ob.479</b>	529		<b>529</b>
<b>Ob.480</b>	530		530
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Ob.481	532		<b>532</b>
Ob.485	533		<b>533</b>
-	534		<b>534</b>
-	535		535
<b>Ob.486</b>	536		536

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<b>Ob.488</b>	538		538
<b>Ob.489</b>	539		<b>539</b>
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<b>Ob.493</b>	541		541
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<b>Ob.518</b>	<b>553</b>		<b>553</b>
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<b>Ob.551</b>	<b>578</b>		<b>578</b>
<b>Ob.552</b>	<b>579</b>		579
<b>Ob.553</b>	<b>580</b>		<b>580</b>
<b>Ob.554</b>	<b>581</b>		<b>581</b>
<b>Ob.555</b>	<b>582</b>		<b>582</b>
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