

## Reconstruction of Procedure to Arrange the Articles on Remedies for “Non-performance” in Civil and Commercial Code of Thailand (1925)

- It is a fascinating issue to speculate how Phraya Manava Rahasevi proceeded in his arrangement (or rather re-arrangement) of the Civil and Commercial Code of Thailand, Book II, Title I, Chapter II, Part I “**Non-performance**”. This part consists of 23 articles. The most of them (17 articles) were adopted from the German Civil Code (BGB, 1900 – 2001), 3 articles from the revised Civil Code of Japan (1896), and other 3 were adopted from the Civil and Commercial Code of Thailand (1923).
- In first sight, however, the arrangement of the German articles seems to be severely confused. The original order of the articles is completely turned over. On the other hand, the adoption of the Japanese articles seems to have preserved their original order well.
- Hence, it would be quite reasonable to assume that Phraya Manava Rahasevi rearranged these German articles just in accordance with the basic concept on Remedies for “Non-performance” in the Japanese Civil Code.
- Starting from this assumption, we would like to reconstruct the procedure which Phraya Manava Rahasevi may have followed when he worked on a new arrangement of provisions on **Remedies for “Non-performance”** for the “**Civil and Commercial Code of Thailand (1925)**”.
- For this task, Phraya Manava Rahasevi took the following articles of the German Civil Code into consideration. These articles may be grouped into the following **6 segments**:

### Segmentation of Articles on “Remedies for non-performance” in BGB

§§ 249 – 253 Scope of damages (Natural restitution)  
§ 254 Contributory negligence

→ **Segment 1: Scope of damages**

§ 271 Time for performance

→ **Segment 2: Time for beginning of effects**

§ 275 (1) Impossibility of performance without debtor's responsibility  
§ 275 (2) Inability of performance (subjective impossibility)  
§ 276 Debtor's responsibility  
§ 277 Responsibility only for gross negligence in certain cases  
§ 278 Vicarious liability  
§ 279 Higher responsibility in case of obligation specified in species  
§ 280 Impossibility with debtor's responsibility; Damages in lieu of performance

→ **Segment 3: Impossibility of performance**

§ 284	Debtor's default through warning
§ 285	No default without debtor's responsibility
§ 286 (1)	Debtor's liability for damages due to default
§ 286 (2)	Damages in lieu of performance in case of default
§ 287	Strict liability of debtor during default

→ **Segment 4: Debtor's default**

§ 288	Statutory interest as damages in case of money debts
§ 289	Prohibition of interest upon interest
§ 290	Interest upon values lost during default

→ **Segment 5: Delinquency charge**

§ 293	Creditor's default
§ 294	Actual tender of performance
§ 295	Verbal tender of performance
§ 296	Cases where no tender of performance is required
§ 297	Cases where creditor is not in default (1)
§ 298	Creditor's default in cases where no counter-performance is tendered
§ 299	Cases where creditor is not in default (2)
§ 300	Reduced liability of debtor during creditor's default
§ 301	No interest for money debts during creditor's default

→ **Segment 6: Creditor's default**

- We may assume that Phraya Manava Rahasevi roughly arranged these segments in accordance with the order of 7 articles of the Japanese Civil Code, namely, Art. 412, 413, 414, 415, 416, 418, and 419. The following “**Correspondence Structure**” shows the overall comparability between the Segments in the German Code and these 7 articles of the Japanese Code.
- Art. 415 of the Japanese Civil Code is the main provision in this part. Therefore, the Segment 4 of the German Code should be set up as a core of the new arrangement (**Step 1**).
- The top part of the arrangement, however, should determine the starting point of the effect of obligations (**Step 2**), and the provision on “Enforcement of specific performance” should follow (**Step 3**).
- The core part regulates mainly “Debtor's liability for default” and “Damages for default”, and the provisions on “Impossibility of performance” and “Damages in lie of performance” should be located just after the core part (**Step 4**).

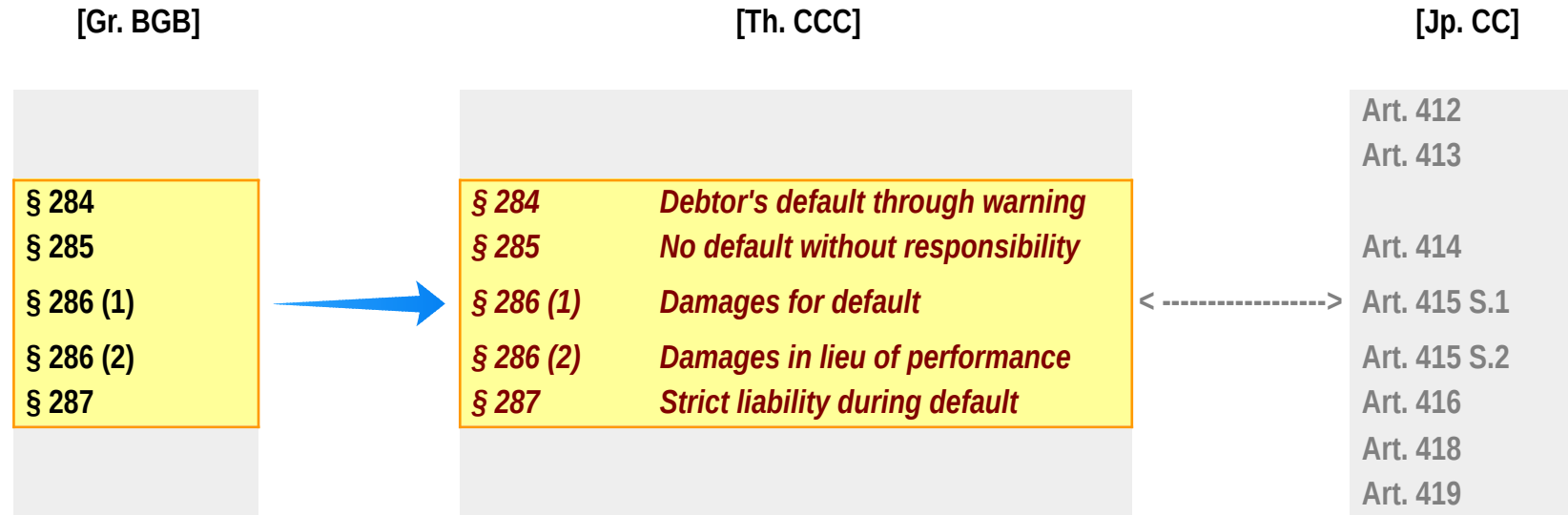
- After that, the provisions on “Scope of damages” and the special regulations for money debts (“Delinquency charge”) should follow (**Step 5, Step 6**).
- Additionally, the provisions on “Creditor's default” should be inserted just after the provisions on “Debtor's default” (**Step 7**).
- During these Steps, Phraya Manava Rahasevi decided to adopt 3 articles from the Japanese Code, namely Art. **414, 415, and 416** because the German Civil Code (1900 – 2001) did not possess comparable ones.
- At the end, Phraya Manava Rahasevi adopted 3 articles from the so-called “**Old Text**” and placed them among German and Japanese articles, namely, Art. **327, 355, and 373**.

### Overall Corresponding Structure

German code		Japanese code	Arrangement procedure
Segment 1			
Segment 2	→	Segment 2 Art. 412	→ Step 2
Segment 3		Segment 6 Art. 413	→ Step 7
		– Art. 414	→ Step 3
Segment 4	→	Segment 4 Art. 415 Sentence 1	→ Step 1
		Segment 3 Art. 415 Sentence 2	→ Step 4
		Segment 1 Art. 416, 417, 418	→ Step 5
Segment 5	→	Segment 5 Art. 419	→ Step 6
Segment 6			

- In following tables, we would like to test each of these steps in details and prove probability of the reconstruction of the whole procedure which Phraya Manava Rahasevi may have executed.

## Step 1-a: Setup of the Core part



- Firstly, Phraya Manava Rahasevi adopted the **Segment 4 (Debtor's default: §§ 284 – 287)** as **core part** for the provisions on “Remedies for non-performance”. The main reason for this decision may be **§ 286 (1)**. This paragraph provides: “*The debtor shall compensate the creditor for any damage arising from his default*”, and is comparable to **Art. 415 Sentence 1** of Japanese Civil Code.

## Step 1-b: Replacement of “Damages for non-performance”

[Gr. BGB]

§ 284  
§ 285  
§ 286 (1)  
§ 286 (2)  
§ 287

[Th. CCC]

§ 284 Debtor's default through warning  
§ 285 No default without responsibility  
**Art. 415 S.1 Damages for non-performance**  
§ 286 (2) Damages in lieu of performance  
§ 287 Strict liability during default

[Jp. CC]

Art. 412  
Art. 413  
Art. 414  
**Art. 415 S.1**  
Art. 415 S.2  
Art. 416  
Art. 418  
Art. 419



- Secondly, he replaced the German article **§ 286 (1)** with the Japanese one **Art. 415 Sentence 1**:
  - **§ 286 (1), German BGB**  
The debtor shall compensate the creditor for any damage arising from the default.
  - **Art. 415 Sentence 1, Japanese CC**  
When the debtor does not perform the obligation in accordance with the true intent and purpose of the same, the creditor may demand compensation for accruing damage.
- After the replacement, the article could cover not only “**default of performance**”, but also **any other types of non-performance**.
- However, Phraya Manava Rahasevi did not want to adopt the second sentence of Art. 415 because, so he assumed probably, it concerned merely “**Impossibility of performance**” and he intended to adopt German articles for this issue.


## Step 2: Adoption of “Time for performance”

[Gr. BGB]	[Th. CCC]	[Jp. CC]
<div style="border: 1px solid #0070c0; background-color: #d9e1f2; padding: 5px; margin-bottom: 5px;">§ 271</div> <div style="border: 1px solid #ffc000; background-color: #fff2cc; padding: 5px; margin-bottom: 5px;">§ 284</div> <div style="border: 1px solid #ffc000; background-color: #fff2cc; padding: 5px; margin-bottom: 5px;">§ 285</div> <div style="border: 1px solid #ccc; background-color: #e6e6e6; padding: 5px; margin-bottom: 5px;">§ 286 (1)</div> <div style="border: 1px solid #ffc000; background-color: #fff2cc; padding: 5px; margin-bottom: 5px;">§ 286 (2)</div> <div style="border: 1px solid #ffc000; background-color: #fff2cc; padding: 5px;">§ 287</div>	<div style="border: 1px solid #0070c0; background-color: #d9e1f2; padding: 5px; margin-bottom: 5px;">§ 271    Time for performance</div> <div style="border: 1px solid #ffc000; background-color: #fff2cc; padding: 5px; margin-bottom: 5px;">§ 284    Debtor's default through warning</div> <div style="border: 1px solid #ffc000; background-color: #fff2cc; padding: 5px; margin-bottom: 5px;">§ 285    No default without responsibility</div> <div style="border: 1px solid #cc0000; background-color: #f4cccc; padding: 5px; margin-bottom: 5px;">Art. 415 S.1    Damages for non-performance</div> <div style="border: 1px solid #ffc000; background-color: #fff2cc; padding: 5px; margin-bottom: 5px;">§ 286 (2)    Damages in lieu of performance</div> <div style="border: 1px solid #ffc000; background-color: #fff2cc; padding: 5px;">§ 287    Strict liability during default</div>	<div style="border: 1px solid #ccc; background-color: #e6e6e6; padding: 5px; margin-bottom: 5px;">Art. 412</div> <div style="border: 1px solid #ccc; background-color: #e6e6e6; padding: 5px; margin-bottom: 5px;">Art. 413</div> <div style="border: 1px solid #ccc; background-color: #e6e6e6; padding: 5px; margin-bottom: 5px;">Art. 414</div> <div style="border: 1px solid #cc0000; background-color: #f4cccc; padding: 5px; margin-bottom: 5px;">Art. 415 S.1</div> <div style="border: 1px solid #ccc; background-color: #e6e6e6; padding: 5px; margin-bottom: 5px;">Art. 415 S.2</div> <div style="border: 1px solid #ccc; background-color: #e6e6e6; padding: 5px; margin-bottom: 5px;">Art. 416</div> <div style="border: 1px solid #ccc; background-color: #e6e6e6; padding: 5px; margin-bottom: 5px;">Art. 418</div> <div style="border: 1px solid #ccc; background-color: #e6e6e6; padding: 5px;">Art. 419</div>

- Then, he placed the **Segment 3 (Time for effects of obligations: § 271)** before the core part. This German provision is just comparable with **Art. 412** of Japanese Civil Code.

### Step 3: Inserting the article on “Enforcement”

[Gr. BGB]	[Th. CCC]	[Jp. CC]
§ 271	§ 271 Time for performance	Art. 412 Art. 413
§ 284 § 285	§ 284 Debtor's default through warning § 285 No default without responsibility	
§ 286 (1)	<b>Art. 414 Enforcement of performance</b>	<b>Art. 414</b>
§ 286 (2) § 287	Art. 415 S.1 Damages for non-performance § 286 (2) Damages in lieu of performance § 287 Strict liability during default	<b>Art. 415 S.1</b> Art. 415 S.2 Art. 416 Art. 418 Art. 419



- German Civil Code poses no articles on the issue “**Enforcement of Specific performance**”. Phraya Manava Rahasevi adopted therefore **Art. 414** of the Japanese Civil Code and placed it between the article on “**No default without responsibility**” (§ 285, German BGB) and the article on “**Damages for non-performance**” (Art. 415 Sentence 1, Japanese Civil Code).

## Step 4-a: Adoption of “Impossibility of performance”

[Gr. BGB]	[Th. CCC]	[Jp. CC]
§ 271	§ 271 Time for performance	Art. 412 Art. 413
§§ 275 – 280		
§ 284	§ 284 Debtor's default through warning	
§ 285	§ 285 No default without responsibility	
§ 286 (1)	Art. 414 Enforcement of performance	Art. 414
§ 286 (2)	Art. 415 S.1 Damages for non-performance	Art. 415 S.1
§ 287	§ 286 (2) Damages in lieu of performance	
	§ 287 Strict liability during default	
	§ 275 (1) <i>Impossibility without responsibility</i>	
	§ 275 (2) <i>Inability of performance</i>	
	§ 276 <i>Debtor's responsibility</i>	
	§ 277 <i>Responsibility for gross negligence</i>	
	§ 278 <i>Vicarious liability</i>	
	§ 279 <i>No inability in obligation by species</i>	
	§ 280 <i>Impossibility with responsibility</i>	<-----> Art. 415 S.2
	§ 282 <i>Burden of proof of responsibility</i>	
		Art. 416 Art. 418 Art. 419

- Phraya Manava Rahasevi adopted the **Segment 4 (Impossibility of performance: §§ 275 – 280)** and placed them after the **core part (Default of performance)**. The main reason for this decision may be § 280 (I). This paragraph provides: “Where the performance becomes impossible in consequence of a circumstance for which the debtor is responsible, the debtor shall compensate the creditor for any damage arising from the non-performance”, and is comparable to **Art. 415 Sentence 2** of Japanese Civil Code.



## Step 4-b: Relocation of “Impossibility with responsibility”

[Gr. BGB]	[Th. CCC]	[Jp. CC]
§ 271	§ 271 Time for performance	Art. 412 Art. 413
§§ 275 – 280		
§ 284	§ 284 Debtor's default through warning	
§ 285	§ 285 No default without responsibility	
§ 286 (1)	Art. 414 Enforcement of performance	Art. 414
§ 286 (2)	Art. 415 S.1 Damages for non-performance	Art. 415 S.1
§ 287	§ 286 (2) Damages in lieu of performance	
	§ 287 Strict liability during default	
	§ 280 <i>Impossibility with responsibility</i>	Art. 415 S.2
	§ 275 Impossibility without responsibility	
	§ 276 Debtor's responsibility	
	§ 277 Responsibility for gross negligence	
	§ 278 Vicarious liability	
	§ 279 No inability in obligation by species	
	§ 282 Burden of proof of responsibility	
		Art. 416 Art. 418 Art. 419



- In the German BGB, the first issue in the **Segment 4** was “Exemption of the debtor from the duty of performance”. In the Thai code, however, the first article in this part should be rather “Damages in lieu of performance because of impossibility”. This is also the tenor of **Art. 415 Sentence 2** of the Japanese Civil Code.
- For this reason, Phraya Manava Rahasevi moved **§ 280** from the bottom to the top of this part on “Impossibility of performance”.

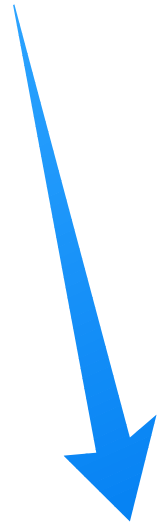
## Step 4-c: Deletion of “Debtor's responsibility”

[Gr. BGB]	[Th. CCC]	[Jp. CC]
§ 271	§ 271 Time for performance	Art. 412 Art. 413
§§ 275 – 280		
§ 284	§ 284 Debtor's default through warning	
§ 285	§ 285 No default without responsibility	
§ 286 (1)	Art. 414 Enforcement of performance	Art. 414
§ 286 (2)	Art. 415 S.1 Damages for non-performance	Art. 415 S.1
§ 287	§ 286 (2) Damages in lieu of performance	
	§ 287 Strict liability during default	
	§ 280 Impossibility with responsibility	Art. 415 S.2
	§ 275 Impossibility without responsibility	
	<del>§ 276</del> <i>Debtor's responsibility</i>	
	<del>§ 277</del> <i>Responsibility for gross negligence</i>	
	§ 278 Vicarious liability	
	<del>§ 279</del> <i>No inability in obligation by species</i>	
	<del>§ 282</del> <i>Burden of proof of responsibility</i>	
		Art. 416 Art. 418 Art. 419

- In the German BGB, two kinds of impossibility were distinguished, objective and subjective. **§ 275 (2)** provided the subjective impossibility (“*Inability of performance*”). Phraya Manava Rahasevi adopted this distinguishing. However, he decided to eliminate **§ 279** which prescribed even one of the most important consequences of this distinguishing.
- **§ 276** declared the principle of responsibility: “*A debtor is responsible [...] for willful default and negligence [...]*”, and **§ 277** limited his responsibility to gross negligence in certain cases. In case where it is not clear if the debtor is responsible for impossibility or not, **§ 282** prescribed that the debtor bore the burden of proof. In the arrangement in Thai CCC, however, this issue is already mentioned in the part on “**Debtor's default**”. So, it would be better to move **§§ 276, 277 and 282** just behind **§ 285 (No default without responsibility)** or behind **§ 280 (No default without responsibility)**, but Phraya Manava Rahasevi simply eliminated these articles.

## Step 5-a: Addition of “Scope of damages”

[Gr. BGB]	[Th. CCC]	[Jp. CC]
§§ 249 – 253, 254		
§ 271	§ 271 Time for performance	Art. 412 Art. 413
§§ 275 – 280		
§ 284	§ 284 Debtor's default through warning	
§ 285	§ 285 No default without responsibility	
§ 286 (1)	Art. 414 Enforcement of performance	Art. 414
§ 286 (2)	Art. 415 S.1 Damages for non-performance	Art. 415 S.1
§ 287	§ 286 (2) Damages in lieu of performance	
	§ 287 Strict liability during default	
	§ 280 Impossibility with responsibility	Art. 415 S.2
	§ 275 Impossibility without responsibility	
	§ 278 Vicarious liability	
	§§ 249 – 253 <i>Scope of damages</i>	Art. 416
	§ 254 <i>Contributory negligence</i>	Art. 418
		Art. 419



- Phraya Manava Rahasevi adopted the **Segment 1 (Scope of damages: §§ 249 – 253, 254)** and placed them behind the part on “**Impossibility of performance**” in accordance with the Japanese **Art. 416** and **Art. 418**.

## Step 5-b: Replacement of “Scope of damages”

[Gr. BGB]	[Th. CCC]	[Jp. CC]
§§ 249, 254		
§ 271	§ 271 Time for performance	Art. 412 Art. 413
§§ 275 – 280		
§ 284	§ 284 Debtor's default through warning	
§ 285	§ 285 No default without responsibility	
§ 286 (1)	Art. 414 Enforcement of performance	Art. 414
§ 286 (2)	Art. 415 S.1 Damages for non-performance	Art. 415 S.1
§ 287	§ 286 (2) Damages in lieu of performance	
	§ 287 Strict liability during default	
	§ 280 Impossibility with responsibility	Art. 415 S.2
	§ 275 Impossibility without responsibility	
	§ 278 Vicarious liability	
	<i>Art. 416 Scope of damages</i>	<i>Art. 416</i>
	§ 254 Contributory negligence	Art. 418 Art. 419

- The German § 249 obliges the debtor to restitute the original condition and applies also to tort cases. However, Phraya Manava Rahasevi preferred a milder regulation in the Japanese Civil Code (**Art. 416**) which is based on a famous case law in Common law (**Hardley vs. Baxendale, 1854**). For this reason, he replaced the German § 249 with the Japanese **Art. 416**.

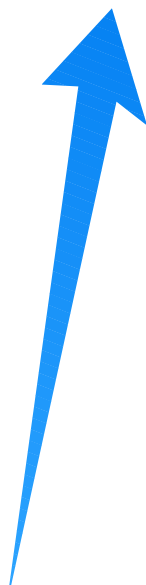
## Step 6: Adoption of “Delinquency charge”

[Gr. BGB]	[Th. CCC]	[Jp. CC]
§§ 249, 254		
§ 271	§ 271 Time for performance	Art. 412 Art. 413
§§ 275 – 280		
§ 284	§ 284 Debtor's default through warning	
§ 285	§ 285 No default without responsibility	
§ 286 (1)	Art. 414 Enforcement of performance	Art. 414
§ 286 (2)	Art. 415 S.1 Damages for non-performance	Art. 415 S.1
§ 287	§ 286 (2) Damages in lieu of performance	
	§ 287 Strict liability during default	
	§ 280 Impossibility with responsibility	Art. 415 S.2
	§ 275 Impossibility without responsibility	
	§ 278 Vicarious liability	
	Art. 416 Scope of damages	Art. 416
	§ 254 Contributory negligence	Art. 418
§§ 288 – 290	§§ 288, 289 <i>Statutory interest for money debts</i>	Art. 419
	§ 290 <i>Interest upon lost values</i>	

- At the end, Phraya Manava Rahasevi adopted the **Segment 6 (Delinquency charge, §§ 288 – 290)** from the German BGB and located behind the part on “**Scope of damages**” in accordance with the Japanese **Art. 419**.
- The main parts for “**Remedies for non-performance**” is now finished. Phraya Manava Rahasevi proceeded to further subsequent adjustments.

## Step 7-a: Adoption of “Creditor's default”

[Gr. BGB]	[Th. CCC]	[Jp. CC]
§§ 249, 254		
§ 271	§ 271 Time for performance	Art. 412
§§ 275 – 280		
§ 284	§ 284 Debtor's default through warning	
§ 285	§ 285 No default without responsibility	
	§ 293 <i>Creditor's default</i>	Art. 413
	§§ 294, 295 <i>Actual and verbal tender</i>	
	§ 296 <i>Cases where no tender is required</i>	
	§ 297 <i>Cases where creditor is not in default (1)</i>	
	§ 298 <i>No tender of counter-performance</i>	
	§ 299 <i>Cases where creditor is not in default (2)</i>	
§ 286 (1)	Art. 414 Enforcement of performance	Art. 414
§ 286 (2)	Art. 415 S.1 Damages for non-performance	Art. 415 S.1
§ 287	§ 286 (2) Damages in lieu of performance	
	§ 287 Strict liability during default	
	§ 280 Impossibility with responsibility	Art. 415 S.2
	§ 275 Impossibility without responsibility	
	§ 278 Vicarious liability	
	Art. 416 Scope of damages	Art. 416
	§ 254 Contributory negligence	Art. 418
	§§ 288, 289 Statutory interest for money debts	Art. 419
	§ 290 Interest upon lost values	
§§ 293 – 299		
§§ 300, 301		



- Phraya Manava Rahasevi adopted **an additional segment (Creditor's default, §§ 293 – 299)** from the German BGB and located behind the part on “Debtor's default” in accordance with the Japanese Art. 413.

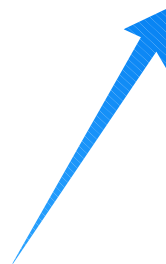
## Step 7-b: Improvement of the arrangement

[Gr. BGB]	[Th. CCC]	[Jp. CC]
§§ 249, 254		
§ 271	§ 271 Time for performance	Art. 412
§§ 275 – 280		
§ 284	§ 284 Debtor's default through warning	
§ 285	§ 285 No default without responsibility	
	§ 293 Creditor's default	Art. 413
	§§ 294, 295 Actual and verbal tender	
	§ 296 Cases where no tender is required	
	§ 298 <i>No tender of counter-performance</i>	
	§ 297 <i>Cases where creditor is not in default (1)</i>	
	§ 299 Cases where creditor is not in default (2)	
	Art. 414 Enforcement of performance	Art. 414
§ 286 (1)	Art. 415 S.1 Damages for non-performance	Art. 415 S.1
§ 286 (2)	§ 286 (2) Damages in lieu of performance	
§ 287	§ 287 Strict liability during default	
	§ 280 Impossibility with responsibility	Art. 415 S.2
	§ 275 Impossibility without responsibility	
	§ 278 Vicarious liability	
	Art. 416 Scope of damages	Art. 416
	§ 254 Contributory negligence	Art. 418
§§ 288 – 290	§§ 288, 289 Statutory interest for money debts	Art. 419
	§ 290 Interest upon lost values	
§§ 293 – 299		
§§ 300, 301		



## Step 7-c: Additional article on “Debtor's liability during creditor's default”

[Gr. BGB]	[Th. CCC]	[Jp. CC]
§§ 249, 254		
§ 271	§ 271 Time for performance	Art. 412
§§ 275 – 280		
§ 284	§ 284 Debtor's default through warning	
§ 285	§ 285 No default without responsibility	
	§ 293 Creditor's default	Art. 413
	§§ 294, 295 Actual and verbal tender	
	§ 296 Cases where no tender is required	
	§ 298 No tender of counter-performance	
	§ 297 Cases where creditor is not in default (1)	
	§ 299 Cases where creditor is not in default (2)	
	Art. 414 Enforcement of performance	Art. 414
§ 286 (1)	Art. 415 S.1 Damages for non-performance	Art. 415 S.1
§ 286 (2)	§ 286 (2) Damages in lieu of performance	
§ 287	§ 287 Strict liability during default	
	§ 280 Impossibility with responsibility	Art. 415 S.2
	§ 275 Impossibility without responsibility	
	§ 278 Vicarious liability	
	§ 300 <i>Debtor's liability during creditor's default</i>	
	§ 301 <i>No interest during creditor's default</i>	
	Art. 416 Scope of damages	Art. 416
	§ 254 Contributory negligence	Art. 418
§§ 288 – 290	§§ 288, 289 Statutory interest for money debts	Art. 419
	§ 290 Interest upon lost values	
§§ 293 – 299		
§§ 300, 301		



- Together with the articles on “Creditor's default”, Phraya Manava Rahasevi adopted also the article which lightens the liability of debtor during creditor's default.



## Step 7-d: Deletion of “Debtor's liability during creditor's default”

[Gr. BGB]	[Th. CCC]	[Jp. CC]
§§ 249, 254		
§ 271	§ 271 Time for performance	Art. 412
§§ 275 – 280		
§ 284	§ 284 Debtor's default through warning	
§ 285	§ 285 No default without responsibility	
	§ 293 Creditor's default	Art. 413
	§§ 294, 295 Actual and verbal tender	
	§ 296 Cases where no tender is required	
	§ 298 No tender of counter-performance	
	§ 297 Cases where creditor is not in default (1)	
	§ 299 Cases where creditor is not in default (2)	
	Art. 414 Enforcement of performance	Art. 414
§ 286 (1)	Art. 415 S.1 Damages for non-performance	Art. 415 S.1
§ 286 (2)	§ 286 (2) Damages in lieu of performance	
§ 287	§ 287 Strict liability during default	
	§ 280 Impossibility with responsibility	Art. 415 S.2
	§ 275 Impossibility without responsibility	
	§ 278 Vicarious liability	
	<del>§ 300</del> <i>Debtor's liability during creditor's default</i>	
	§ 301 No interest during creditor's default	
	Art. 416 Scope of damages	Art. 416
	§ 254 Contributory negligence	Art. 418
§§ 288 – 290	§§ 288, 289 Statutory interest for money debts	Art. 419
	§ 290 Interest upon lost values	
§§ 293 – 299		
§§ 300, 301		

- However, Phraya Manava Rahasevi had to delete § 300 on “Reduced liability of debtor during creditor's default” because he had already eliminated the article § 276 which defined the standard liability of the debtor.

## Step 8: Integration of some articles from “Old Text”

[Th. CCC: Old Text] (1923)		[Th. CCC] (1925)	
		§ 271 Time for performance	
		§ 284 Debtor's default through warning	
		§ 285 No default without responsibility	
มาตรา 327	→	มาตรา 327 Debtor's default in cases of unlawful acts	(Insertion)
มาตรา 355	→	มาตรา 355 Creditor's default	(Replacement)
		§§ 294, 295 Actual and verbal tender	
		§ 296 Cases where no tender is required	
		§ 298 No tender of counter-performance	
		§ 297 Cases where creditor is not in default (1)	
		§ 299 Cases where creditor is not in default (2)	
		Art. 414 Enforcement of performance	
มาตรา 373	→	มาตรา 373 <i>Enforcement from whole properties of debtor</i>	(Insertion)
		Art. 415 S.1 Damages for non-performance	
		§ 286 (2) Damages in lieu of performance	
		§ 287 Strict liability during default	
		§ 280 Impossibility with responsibility	
		§ 275 Impossibility without responsibility	
		§ 278 Vicarious liability	
		§ 301 No interest during creditor's default	
		Art. 416 Scope of damages	
		§ 254 Contributory negligence	
		§§ 288, 289 Statutory interest for money debts	
		§ 290 Interest upon lost values	

- At the end, Phraya Manava Rahasevi integrated several articles from the so-called “Old Text”, namely the first version of the Civil and Commercial Code of Thailand (1923).

## Finished.

[Gr. BGB] (1900 – 2001)	[Th. CCC: Old Text] (1923)	[Th. CCC] (1925)	[Jp. CC] (1896)
§ 271		<b>มาตรา 203</b> Time for performance	Art. 412
§ 284		<b>มาตรา 204</b> Debtor's default through warning	
§ 285		<b>มาตรา 205</b> No default without responsibility	
	<b>มาตรา 327</b>	<b>มาตรา 206</b> Debtor's default in cases of unlawful acts	
§ 293	<b>มาตรา 355</b>	<b>มาตรา 207</b> Creditor's default	Art. 413
§§ 294, 295		<b>มาตรา 208</b> Actual and verbal tender	
§ 296		<b>มาตรา 209</b> Cases where no tender is required	
§ 298		<b>มาตรา 210</b> No tender of counter-performance	
§ 297		<b>มาตรา 211</b> Cases where creditor is not in default (1)	
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