

**DRAFT CODE ON
OBLIGATIONS,
VI**



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AC 15/5

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ARCHIVES

OF THE CIVIL AND COMMERCIAL CODE



Volume VI

Internal Work of the Commission
of Codification

for

Books I and II

(1920 - 1923)

I. - General Notes having entailed no alterations in the Code.

II. - Special Notes having entailed alterations in the Code.

III. - Decision to separately promulgate the Books I and II (October 1921 - December 1922) and appointment by the King of a Revising Committee (June 1922). *(Revision of the Decree of His Royal Highness)*

IV. - Decision to promulgate the illustration apart from the Code.

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NOTE FOR THE TRANSLATION.

The French Commissioners have no competency to give directions for or to make comments upon the translation of the Codes from English into Siamese. It is even very delicate for them to recommend such or such rule to be followed in a work of translating, because, as a fact, every translator has his own methods.

After our conversations, however, and to comply with the request which has been expressed to me, I may indicate:

1) that it seems highly desirable that the Siamese translation does never let aside any part, as small it may be, of the English text; any idea expressed in the English language must be found again in the Siamese language, no matter the term must be different. Otherwise it means no longer translation, but adaptation. To let aside parts of the sections in one or the other version, would lead astray the reader and the judges who may make comparisons between the two languages.

2) that it seems necessary that one and the same word in the English version be always translated by one and the same word in the Siamese version. The French Commissioners have tried very carefully to use a word always and solely in the same sense; when they have had selected it, they have definitely used it for one and the same idea. They have done so not only for the Code of Obligations alone, but for the whole codification, so that words used in the whole work will have always one and the same sense. They have avoided, as far as it

is possible, of course, to use one word for two different ideas: for instance: to avoid this, they have proposed in the Revised Penal Code to substitute the word "accessory" by "accomplice", because "accessory" is necessarily used in another acceptation in the 61.11 law (see s. 208, 217 Obligations). They indicate also that every word "must" and every word "may" be translated with an imperative meaning and a facultative meaning respectively, because these two words have never been used indifferently. Many deliberations have been spent to that effect by the French Commissioners and they hope to have succeeded as far as it is possible to do in a human language.

of 17

15th. January 1920.

*(Note adressé au Prince
Prityalankar, membre
du Comité de Traduction)*

สำนักหอสมุด