

[Table 1] Referred provisions from the German and Swiss laws in the part of “Rescission of Contract” of the Japanese Civil Code (1896)

As of 1895	As of 1896	a) Minutes Vol. 25 (1895)	b) de Becker's “Index to Articles” (1921)	BGB (1898)
Art. 538	Art. 540	Gr. 1 st Draft (1888) 426 * Gr. 2 nd Draft (1894) 300 S.O. (1881) 122	Gr. 349 S.O. (1911) 107	Gr. 325
Art. 539	Art. 541	Gr. 1 st Draft 436 [243, 369(II)] Gr. 2 nd Draft 309 [277] Gr. Com. (1884) 354 – 356 Gr. Bavaria Draft (1861) II. 365 Gr. Saxony Code (1863) 1436 S.O. (1881) 122 *	Gr. 283, 324, 326 , 354 S.O. (1911) 107	Gr. 326
Art. 540	Art. 542	[Gr. 1 st Draft] [361(I)] [Gr. 2 nd Draft] [278] Gr. Com. 357 Gr. Bavaria Draft II. 366 Gr. Saxony Code 865 S.O. (1881) 123 * , 124, 234	Gr. 361 , 286(II), 326(II), 346, 362 S.O. (1911) 108	Gr. 346
Art. 541	Art. 543	Gr. 1 st Draft 369 [369(I)] Gr. 2 nd Draft 276	Gr. 325, 326 S.O. (1911) 97	Gr. 349
Art. 542	Art. 544	Gr. 1 st Draft 433 Gr. 2nd Draft 305 * Gr. prALR.(1794) II.11. 280, 281 Gr. Saxony Code 910, 1116	Gr. 356	Gr. 356
Art. 543	Art. 545	Gr. 1 st Draft 427 Gr. 2 nd Draft 298 Gr. Com. 354 Gr. Bavaria Draft II. 326, 362, 368 Gr. prALR. I.11. 331 Gr. Saxony Code 911 – 914, 1109 S.O. (1881) 124 *	Gr. 346 S.O. (1911) 109	Gr. 361

- a) Japan Society for the Promotion of Science (ed), *The Minutes of the Discussion in the Codes Investigatory Commission* (n 13) Vol. 25 71–114.
- b) J.E. de Becker, *The Principles and Practice of the Civil Code of Japan* (n 24) 838.
- * The German or Swiss provisions closest to the Japanese draft in content.

[Table 2] Final arrangement of the part “Non-performance” in the Thai Code, its origin in the German BGB and comparability to the Japanese provisions

[Gr. BGB] (1896 – 2001)	[Civil and Commercial Code of Thailand] (1925 –)	[Jp. CC] (1898 – 2020)
§ 241 Natural fulfillment	§ 241 Sec. 194 Demand of specific performance	
§ 249 § 254 ① Scope of damages		
§ 271 ② Time of performance	§ 271 Sec. 203 Time of performance Art. 412
§ 275 § 276 § 278 § 279 ③ Impossibility	§ 284 Sec. 204 Debtor's default through warning § 285 Sec. 205 No default without responsibility Sec. 206 Debtor's default in unlawful acts § 293 Sec. 207 Creditor's default §§ 294,295 Sec. 208 Actual and verbal tender § 296 Sec. 209 No tender of performance § 298 Sec. 210 No tender of counter-performance § 297 Sec. 211 Creditor is not in default (1) § 299 Sec. 212 Creditor is not in default (2) Art. 413
§ 284 § 285 § 286 ④ Debtor's default § 287	Sec. 213 Enforcement of performance Sec. 214 Enforcement from whole properties § 286 (I) Sec. 215 Damages due to non-performance § 286 (II) Sec. 216 Damages in lieu of performance § 287 Sec. 217 Strict liability during default	← Art. 414 ← Art. 415 S.1
§ 288 § 289 ⑤ Delinquency charge § 290	§ 280 Sec. 218 Impossibility with responsibility § 275 Sec. 219 Impossibility without responsibility § 278 Sec. 220 Vicarious liability § 301 Sec. 221 No interest during creditor's default Art. 415 S.2
§ 293 § 294 § 295 § 296 § 298 § 297 § 299 § 301 ⑥ Creditor's default	§ 249 Sec. 222 Scope of damages § 254 Sec. 223 Contributory negligence §§ 288,289 Sec. 224 Delinquency charge § 290 Sec. 225 Interest upon lost values Sec. 226 Subrogation and real subrogation Sec. 227 Subrogation for damages § 281 Sec. 228 Demand for delivery of substitutes	← Art. 416 Art. 418 Art. 419 ← Art. 422