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ถอยตัวบ้างเล็กน้อย เพื่อให้เป็นปกติ คือ

(ก) และคำว่า "the person who keeps" เช่น

"the owner or the person who undertakes to keep the animal on behalf of the owner"

(ข) ได้เขียนข้อไขในจดหมายขึ้นตามอำนาจของอธิบดีกรมวศ  
กฎหมายวิธี (ตามมาตรา ๔๑๒ ในสำเนาข้างท้าย)

นาย เบน กาโช แสดงว่า ได้ตรวจพิจารณาข้อพิพาท  
ในบรรพ ๓ เห็นว่าราคาซื้อขายกลางที่มีอยู่ทั่วไปในมาตรา ๔๑๔  
และ ๔๑๕, ๔๑๖ และ ๔๑๗ จึงชักเอาราคาที่ประเมินไว้ว่าเหมาะสม  
ขึ้น เพื่อให้มีผลอยู่ในมาตราที่กล่าวแล้ว ถึงความดีของกฎหมาย  
ด้วยพฤติการณ์ในบรรพ ๓ ด้วย

ที่ประชุมปลุ่ประชุมหาญกัน เห็นชอบปิดปิดความ เห็นชอบ  
นาย เบน กาโช จึงตกลงด้วยร่างมาตราขึ้นตามอำนาจขึ้น  
(ตามมาตรา ๔๑๖ และ ๔๓๐ ในสำเนาข้างท้าย)

ปิดประชุมเวลา ๕.๓๐ น.ค.

(ลงนาม) นายสนิท อรรถยุกติ

ฯและเรียบเรียง

บุญเรือง พิมพ์  
๑๙๕๖/๓๓

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## TITLE V.

## WRONGFUL ACTS.

## CHAPTER I.

## LIABILITY FOR WRONGFUL ACTS.

420. - A person who, intentionally or negligently, unlawfully injures the life, body, health, liberty, property or any right of another person, is said to commit a wrongful act and is bound to make compensation therefor.

(cf. *Col. Inst. 116*; *G. 223*).

421. - The exercise of a right which can only have the purpose of causing injury to another is unlawful.

(*G. 226*).

422. - If damage results from an infringement of a statutory provision intended for the protection of others, the person who so infringes is presumed to be in the fault.

(cf. *G. 220 par. 2*).

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423. - A person who, contrary to the truth, asserts or circulates as a fact that which is injurious to the reputation or the credit of another or his earnings or prosperity in any other manner, shall compensate the other for any damage arising therefrom, even if he does not know of its untruth, provided he ought to know it.

A person who makes a communication the untruth of which is unknown to him, does not thereby render himself liable to make compensation, if he or the receiver of the communication has a rightful interest in it.  
(*cf. G. 224*).

424. - The Court, when giving judgement as to the liability for wrongful act and the amount of compensation by the wrongdoer, shall not be bound by the provisions of criminal law concerning liability to punishment or by the conviction or non-conviction of such wrongdoer for a criminal offence.  
(*S.O. 50 par. 1 ; Penal Code 91*).

425. - An employer is jointly liable with his employee for the consequences of a wrongful act committed by such employee in the course of his employment.  
(*Old text 187 ; cf. G. 231 ; G. 915*).

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426. - The employer who has made compensation to a third person for a wrongful act committed by his employee is entitled to reimbursement from such employee.

*(Old text 190; cf. J. 715 par. 3; S.O. 25 par. 2)*

427. - The two foregoing sections apply *mutatis mutandis* to principal and agent.

428. - A person, even though incapacitated, is liable for the consequences of his wrongful act. The parents of such person are, or his guardian is, jointly liable with him, unless they or he can prove that proper care in performing their or his duty of supervision has been exercised.

*(Old text 182 par. 1; cf. G. 827, 828 and 829; J. 112 and 713. Ex. 1310).*

429. - A teacher, employer or other person who undertakes the supervision of an incapacitated person either permanently or temporarily, is jointly liable with such person for any wrongful act committed by the latter whilst under his supervision, provided that it can be proved that he has not exercised proper care.

*(cf. Old text 188 par. 2; G. 832; J. 714).*

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430. - In the cases coming under the two foregoing sections the provisions of section 427 apply *mutatis mutandis*.

431. - If several persons by a joint wrongful act cause damage to another person, they are jointly bound to make compensation for the damage. The same applies, if among several joint doers of an act the one who caused the damage cannot be ascertained.

Persons who instigate or assist in a wrongful act are deemed to be joint actors.  
(*J. 717 ; cf. G. 220 ; S.O. 50*).

432. - If a person is killed, or the body or health of a person is injured, or a thing is damaged by an animal, the owner or the person who undertakes to keep the animal on behalf of the owner is bound to compensate the injured party for any damage arising therefrom, unless he can prove that under the circumstances of the case he has exercised proper care in keeping it, or the damage would have been occasioned notwithstanding the exercise of such care.

(*cf. G. 233 ; S.O. 56*).