

effect the name of his principal so that he will come under the rules of Agency;

2) when the commission-agent is in Siam but the principal outside (that is to say in all cases of importation or exportation of goods or otherwise), the Siamese rule would be that such commission-agent is personally liable (except in course unless otherwise agreed between the commission -agent and the customer).

Chapter VII, if made so explanatory, would follow much more closely the foreign systems. Its place in the title of Agency would be less objectionable. And finally it could be titled "Commission Agency" as in the other Codes, instead of "Importation Agents".

The draft suggested is as follows:

CHAPTER VII

COMMISSION AGENCY.

897. - A Commission-agent is a person who, in the ordinary course of his business, acts in his own name or in the name of his own firm on account of another.

He is personally liable, unless he has

~~especially~~ disclosed the name of the principal in order to benefit by the provisions of Agency.

However, importation or exportation Agents whether called agents, commission-agents, factors, representatives or otherwise are personally liable for the performance of the contracts entered into by them as such.

cf. French Commercial Code articles 94, 95
 Japanese Commercial Code articles 313, 314
 Swiss Code articles 430, 431.
 German Commercial Code articles 383.
 English Law, Factor's Act 1889.

*but in any case he is personally
 liable if the principal is not liable.*

*Four to solution
 of this question
 was III (report)
 July 1913 at
 the 11th session.*