ILLUSTRATION. — A is creditor of B for a sum of 1500 baht. B transfers his liability to C on the 1st. of April 2456. A agrees to the transfer on the same day. Subsequently it appears that the obligation was extinguished by prescription on the 1st. of January 2454. If A claims payment from C, C can object that the obligation is extinguished by prescription.

217. — When a liability has been transferred, the benefit of the securities or preferential rights given by the original debtor does not pass as security for the performance of the obligation by the new debtor.

Interest due is presumed to be included in the transfer of a debt.

ILLUSTRATION. — I. — A is a creditor of B for 10,000 baht, money borrowed. D has agreed with A to be a surety for B. B transfers his liability to C and A agrees to the transfer. Dis discharged.

II. — A builds a house [for B] for 20.000 baht. The price is not paid. A has the right to be paid out of the proceeds of the sale of the house in preference to other creditors. B transfers his liability to C. A agrees to the transfer. A has no longer a preferential right over the house.

III. — A owes 10,000 baht to B. The debt bears interest. Neither capital nor interest has been paid. A transfers the debt of 10,000 baht to C. It is presumed that C is liable for the capital and for the interest.

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ILLUSTRATION.—*A is creditor of B for a sum of 1500 baht. B transfers his liability to C on the 1st. of April 2456. A agrees to the transfer on the same day. Subsequently it appears that the obligation was extinguished by prescription on the 1st. of January 2454. If A claims payment from C, C can object that the obligation is extinguished by prescription.*

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ILLUSTRATION.—I.—*A is a creditor of B for 10,000 baht, money borrowed. D has agreed with A to be a surety for B.* **B** *transfers his liability to C and A agrees to the transfer. D is discharged.*

II.—*A builds a house for B for 20.000 baht. The price is not paid. A has the right to be paid out of the proceeds of the sale of the house in preference to other creditors. B transfers his liability to C. A agrees to the transfer. A has no longer a preferential right over the house.*

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