

III. — *A has borrowed money from B and made a bond for it. Later on, B informs A that the bond has been stolen and warns A not to pay it if presented by a person other than B. C presents the bond and A pays it. The payment is not valid because A knew that the person producing the document of the obligation was not entitled to receive performance.*

IV. — *A has bought a large quantity of goods from the firm B. A has previously bought goods from that firm and had always paid the bills to persons whom he knew to be bill collectors of the firm B. C who is well known as a bad character, who has no connection whatever with the firm B, comes and presents to A the bill for the goods sold and a receipt signed by the firm B. A pays. It turns out afterwards that the bill and the receipt were stolen by C. The payment is not valid, because if A had acted with such care as may be expected from a person of ordinary prudence he would have easily known that C was not entitled to receive performance.*

228. — Performance made to an incapacitated creditor is void, unless the creditor was enriched by it.

In such case, the performance is valid only to the extent to which the creditor has been enriched thereby.

ILLUSTRATION. — A owes 1000 baht to B who is a person of unsound mind placed under the custody of a guardian. A pays the 1000 baht to B himself.

If B gives the whole money to his guardian the whole payment is valid, because B was enriched thereby.

If B wastes or loses 300 baht and gives the rest to his

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