CHAPTER II.

NON PERFORMANCE.

[Part] I. — DEFAULT OF THE DEBTOR.

257. — If the obligation is not performed the debtor is said to be in default.

258. — If the obligation is to be performed at a definite time, that is to say on a date which was known beforehand, the debtor is in default from such date.

If the obligation is to be performed at a time which is not definite, the debtor is in default from the moment when he knows that such time has arrived, or when he would have known of it if he had exercised such care as may be expected from a person of ordinary prudence.

If the performance of the obligation by the debtor depends on an act to be done by the creditor or by another person, the debtor is not in default until such act is done.

ILLUSTRATION. — 1. — A borrows money from B. A agrees to repay the money at B's residence on the 1st. of April 2456. If A does not bring the money to B's residence on the 1st. of April, he is in default from such date.

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