

On the 1st. of February A makes an agreement with D, a contractor, to drag the logs to the river Me Pin for 1000 baht not later than the 1st. of September. No penalty is provided in the contract, but before signing it A has shown to D the clauses of the agreement entered into between himself and C. D is therefore aware of the consequences of failure of A to deliver the logs to the Me Pin river in due time.

D and D's employees manage their business so badly that 10 of the logs are lost and the remaining 90 logs reach the river after the 1st. of October. As a consequence A cannot perform his contract with C. C determines the contract and A must pay him 1000 baht for the breach.

A is entitled to claim from D:

- 1) The value of the 10 logs which were lost.*
- 2) 1,000 baht paid to C for breach of contract.*
- 3) 2,000 baht being the benefit which A would have made if his contract with C had been executed (13,000 baht sale price of the logs to C, less 10,000 baht original price paid by A and 1,000 baht cost of dragging the logs).*

274. — If non-performance is partly due to the fault of the party entitled to compensation, the Court may reduce the amount of compensation or even grant no compensation at all.

ILLUSTRATION. — A agrees with B that A shall drag a certain number of teak logs to the river Me Pin before the 1st. of August and B agrees that he shall provide A

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