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334. — If there are several persons entitled to a preferential right for the preservation of property (S. 314 No. 2) a later preserver ranks before an earlier one.

335. — If there are several persons entitled to a preferential right for hire of work (S. 314 No. 3) an earlier contractor ranks before a later one.

336. — If there are several persons entitled to a preferential right for sale of an immovable property or on account of mortgage (S. 314 No. 5), an earlier creditor according to the respective dates of registration ranks before a later one.

337. — When there are several preferential rights of the same rank, each creditor is entitled to receive performance in proportion to the amount of his obligation.

TITLE II.

RIGHTS OF THE CREDITOR TO EXERCISE THE DEBTOR'S RIGHTS OF ACTION.

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338.—If a debtor refuses or neglects to exercise a right of action belonging to him, and his refusal or

neglect is likely to prejudice a judgment creditor, such judgment creditor can exercise such right of action in **[his own]the** name **[on behalf]** of the debtor.

ILLUSTRATION.—A is a judgment creditor of B for 20,000 baht, B is creditor of C for 10,000 baht; B neglects to claim from C the payment of these 10,000 baht and his negligence is likely to prevent A from being paid. A has the right to exercise B's claim against C, that is to say to sue C in Court and to obtain judgment ordering C to pay 10,000 baht.

339. — The judgment creditor who exercises a right of action belonging to his debtor must summon the debtor to appear in the action.

[340. — The judgment creditor can exercise a right of action belonging to the debtor for the whole amount due to the debtor, irrespective of the amount due to the creditor. But the defendant can satisfy the creditor by paying the amount due to him, provided that, if the original debtor joined as a plaintiff, he may proceed to judgment for the balance.]

ILLUSTRATION.—A is a judgment creditor of B for 10,000 baht. A exercises against C a right of action for the recovery of sums due by C to B. If C owes to B more than 10,000 baht, say 20,000 baht, A may nevertheless enter an action for the full amount of 20,000 baht. C may have the action dismissed by paying 10,000 baht to A ; but,

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