

361. — The benefit of prescription cannot be waived before prescription is completed, but it may be renounced afterwards.

ILLUSTRATION. — *A has engaged B's services at 100 baht per month ; on the 1st. of March 2456 A dispenses with B's services without paying three months salary due to B.*

A however agrees that he shall pay B's salary later on and further agrees that he shall not take advantage of prescription if B claims his salary more than two years hereafter. This latter clause is void ; A cannot waive prescription before it is completed.

Now on the 3rd. of March 2458 B claims his salary from A. B's right is extinguished by prescription (Section 383 3°). A may nevertheless renounce the benefit of prescription and pay B his salary.

362. — The periods of prescription fixed by law cannot be extended or reduced.

[363. — When prescription has not been set up as a defence, the Court cannot dismiss the claim on the ground of prescription.]

~~364. — Prescription can be set up as a defence at any stage of the proceedings and in any Court.~~

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