

Illustrations : — A has bought a diamond necklace from B, not knowing that B had received it as pledge from C. A is in good faith. But he ceases to be in good faith when C has produced to him conclusive evidence of his right of ownership (for instance a “receipt as pledge” from B together with photographs or other documents for identifying the necklace).

According to Section 19 of the Book on Obligations, A is presumed to have been in good faith. If C contends that A was in bad faith, C must bring evidence of such bad faith. If C contends that A ceased to be in good faith from a certain time because C has produced to A conclusive evidence of his (C's) ownership, C should also prove how and when he did produce such conclusive evidence.

121. — A possessor is in bad faith when he possesses forcibly or clandestinely.

But the possessor is not in bad faith when he has taken possession forcibly in compliance with the provisions governing self-help or lawful defence.

F. 2233, 2229. I. 689. G. 858.

Illustrations : — I. — A has stolen a golden watch from B and sold it to C, C, knowing that this watch was stolen, keeps it hidden. Both A and C are possessors in bad faith.

II. — A, who lives in Bangkok, is creditor of B who shall deliver to him a horse for the race-course of next Sunday. On Saturday, A hears that B is sending this horse to Singapore by a ship which will sail in a few hours. A, exercising the right of self-help which is granted to him

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