CHAPTER 9

Separate Composition of One of Joint Debtors

**SECTION 32-9-10. Separate composition of indebtedness by join debtor.**

 Any joint debtor may make a separate composition with his creditor as prescribed in this section. Such composition shall discharge the debtor making it and him only. The creditor must execute to the compounding debtor a release of the indebtedness or other instrument exonerating him therefrom. A member of a partnership cannot thus compound for a partnership debt until the partnership has been dissolved by mutual consent or otherwise. In that case the instrument must release or exonerate him from all liability incurred by reason of his connection with the partnership. An instrument given pursuant to this section shall not impair the creditor's right of action against any other joint debtor or his right to take any other proceeding against the latter unless an intent to release or exonerate him appears affirmatively upon the face thereof.

HISTORY: 1962 Code § 11-251; 1952 Code § 11-251; 1942 Code § 7038; 1932 Code § 7038; Civ. C. '22 § 5598; Civ. C. '12 § 3944; Civ. C. '02 § 2841; R. S. 2311; 1883 (18) 431.

**SECTION 32-9-20. Satisfying judgment recovered.**

 An instrument given pursuant to § 32-9-10 shall be deemed a satisfaction piece for the purpose of satisfying any judgment recovered upon an indebtedness released or discharged thereby as far as the judgment affects the compounding debtor. When a judgment is satisfied thereby a special entry must be made upon the judgment roll to the effect that the judgment is satisfied as to the compounding debtor only.

HISTORY: 1962 Code § 11-252; 1952 Code § 11-252; 1942 Code § 7039; 1932 Code § 7039; Civ. C. '22 § 5599; Civ. C. '12 § 3945; Civ. C. '02 § 2842; R. S. 2312; 1883 (18) 431.

**SECTION 32-9-30. Rights of joint debtor who has not compounded.**

 When a joint debtor has thus compounded a joint debtor who has not compounded may make any defense or counterclaim or have any other relief as against the creditor to which he would have been entitled if the composition had not been made. He may require the compounding debtor to contribute his ratable proportion of the joint debt or of the partnership debts, as the case may be, as if the latter had not been discharged. And the debtor who has not compounded with his creditor may set up by way of discount against such creditor the amount compounded by his joint debtor.

HISTORY: 1962 Code § 11-253; 1952 Code § 11-253; 1942 Code § 7040; 1932 Code § 7040; Civ. C. '22 § 5600; Civ. C. '12 § 3946; Civ. C. '02 § 2843; R. S. 2313; 1883 (18) 431.