

No. 447, A.]

[Published June 16, 1927.]

CHAPTER 235.

AN ACT to create sections 113.01 to 113.10 of the statutes, relating to the discharge of obligors bound for the same debt or liability, and making uniform the laws relating thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ten new sections are added to the statutes to read: 113.01 In this section, unless otherwise expressly stated, "obligation" includes a liability in tort; "obligor" includes a person liable for a tort; "obligee" includes a person having a right based on a tort; "several obligors" means obligors severally bound for the same performance.

113.02 A judgment against one or more of several obligors, or against one or more of joint, or of joint and several obligors shall not discharge a co-obligor who was not a party to the proceeding wherein the judgment was rendered.

113.03 The amount or value of any consideration received by the obligee from one or more of several obligors, or from one or more of joint, or of joint and several obligors, in whole or in partial satisfaction of their obligations, shall be credited to the extent of the amount received on the obligations of all co-obligors to whom the obligor or obligors giving the consideration did not stand in the relation of a surety.

113.04 Subject to the provisions of section 113.03, the obligee's release or discharge of one or more of several obligors, or of one or more of joint, or of joint and several obligors shall not discharge co-obligors, against whom the obligee in writing and as part of the same transaction as the release or discharge, expressly reserves his rights; and in the absence of such reservation of such rights shall discharge co-obligors only to the extent provided in section 113.05.

113.05 (1) If an obligee releasing or discharging an obligor without express reservation of rights against a co-obligor, then knows or has reason to know that the obligor released or discharged did not pay so much of the claim as he was bound by his contract or relation with that co-obligor to pay, the obligee's claim against that co-obligor shall be satisfied to the amount which the obligee knew or had reason to know that the released or discharged obligor was bound to such co-obligor to pay.

(2) If an obligee so releasing or discharging an obligor has not then such knowledge or reason to know, the obligee's claim against the co-obligor shall be satisfied to the extent of the lesser of two amounts, namely (1) the amount of the fractional share of the obligor released or discharged, or (2) the amount that such obligor was bound by his contract or relation with the co-obligor to pay.

113.06 On the death of a joint obligor in contract, his executor or administrator (or estate) shall be bound as such jointly and severally with the surviving obligor or obligors.

113.07 This chapter shall not apply to obligations arising prior to the date it takes effect.

113.08 This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

113.09 This act may be cited as the uniform joint obligations act.

113.10 All acts or parts of acts inconsistent with this act are repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1927.

No. 533, A.]

[Published June 16, 1927.

CHAPTER 236.

AN ACT to create subsections (9) and (10) of section 40.53 of the statutes, relating to attendance and tuition of high school pupils.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Two new subsections are added to section 40.53 of the statutes to read: (40.53) (9) The proper authorities of any town, village or city the whole or a portion of which is not within a free high school district may authorize residents of such town, village or city who do not live within a free high school district to attend the high school maintained by the university of Wisconsin. The tuition shall be the same as required of other students.