

CHAPTER III. PLURALITY OF DEBTORS AND CREDITORS.

289[90]. – If several persons owe a divisible performance, or if a divisible performance is owed to several persons, each debtor is, in case of doubt, liable only for an equal share, and each creditor is entitled to an equal share.

(c/p Old text 220, 221, 222; G. 420).

290[91]. – If several persons owe an act of performance in such manner that each is bound to effect the whole performance, though the creditor is entitled to obtain the whole performance only once (i.e. joint debtors), the creditor may demand the performance at his option from any one of the debtors, in the whole or in part. Until the whole performance has been effected all of the debtors remain bound.

(c/p Old text 225, 245; c/p G. 421; c/p J. 432).

291[2]. – Performance of the obligation by one joint debtors operates in favour of the other debtors. The same rule applies to any act in lieu of performance **[.] of the obligation** to the deposit of lieu of performance and to

CHAPTER III. PLURALITY OF DEBTORS AND CREDITORS.

289. – If several persons owe a divisible performance or if a divisible performance is owed to several persons, each debtor is, in case of doubt, liable only for an equal share, and each creditor is entitled only to an equal share.

(c/p Old text 220, 221, 222, G. 420).

290. – If several persons owe an act of performance in such manner that each is bound to effect the whole performance, though the creditor is entitled to obtain the whole performance only once (i.e. joint debtors), the creditor may demand the performance at his option from any one of the debtors, in whole or in part. Until the whole performance has been effected all of the debtors remain bound.

(c/p old text 225, 245; c/p G. 421; c/p J. 432).

291. – Performance of the obligation by one joint debtor operates in favour of the other debtors. The same rule applies to any act in lieu of performance, **of the obligation,** to deposit in lieu of performance and to

set off.

A claim belonging to one of the joint debtors may not be set off by the other debtors.

(c/p old text 247, 248; G. 422).

292[3]. – A release of the obligation **made [granted]** to one of the joint debtors avails for the benefit of the other debtors only in respect **to such [of the share of the] debtor's share [who has been released]** unless otherwise agreed.

(c/p old text 254; G. 423; J. 437).

293[4]. – The default of the creditor towards one joint debtor avails also in favour of the other debtors.

(c/p old text 252; G. 424).

294[5]. – Facts other than those specified in Sections 291[2] to 293[4] avail, unless **a [the] contrary intention** appears from the nature of the obligation, in favour of and as against only the joint debtor to whom they particularly refer.

This applies, in particular, to the giving of notice, default, imputability of fault, impossibility of performance on the part of one joint debtor, prescription or its interruption, and merger of the claim in debt.

(c/p old text 246, 256, 257, 260; G. 425).

set-off.

A claim belonging to one of the joint debtors may not be set-off by the other debtors.

(c/p old text 247, 248; G. 422).

292. – A release of the obligation ^{granted} ~~made~~ to one of the joint debtors avails for the benefit of the other debtors only in respect of ^{the share of the who has been released} ~~to such~~ debtor ~~as~~ unless otherwise agreed.

(c/p old text 254; G. 423; J. 437).

293. – The default of the creditor towards one joint debtor avails also in favour of the other debtors.

(c/p old text 252; G. 424).

294. – Facts other than those specified in sections 291 to 293 avail, unless ^{the} ~~a~~ **contrary intention** appears from the nature of the obligation, in favour of and as against only the joint debtor to whom they particularly refer.

This applies, in particular, to the giving of notice, default, imputability of fault, impossibility of performance on the part of one joint debtor, prescription or its interruption, and merger of the claim in the debt.

(c/p old text 246, 256, 257, 260; G. 425).