

LAMEW *v.* WILSON-WARD COMPANY.

Opinion delivered January 27, 1913.

**BILLS AND NOTES—LIABILITY OF JOINT MAKER.**—When a note is signed by the firm B. & L. and by B. and L. individually, L. is liable for the full amount of the note, although no service is had upon B.

Appeal from Lawrence Circuit Court; *R. E. Jeffery*, Judge; affirmed.

STATEMENT BY THE COURT.

This is a suit brought by the appellee against appellant and one John A. Bush, upon their joint note for \$1,000. The note was signed by the firm of Bush & Lamew and by W. L. Lamew and John A. Bush individually. There was no service upon Bush, but service was had upon Lamew. Lamew answered that he was liable to the appellee for one-half of the amount of the note and no more, and offered to confess judgment for \$565, and for the costs of suit. The court, upon the complaint and answer, rendered judgment against the defendant, Lamew, for the full amount of the note, with costs, from which judgment Lamew appeals to this court, contending that the judgment was erroneous because Bush was not served with summons, and judgment could not have been rendered against appellant for more than one-half of the amount of the note.

*W. P. Smith* and *O. C. Blackford*, for appellant.

1. This was a joint obligation and appellant was only liable for one-half the note. Kirby's Digest, §§ 4420, 4422, 6009, 6010, 6011.

*A. S. Irby*, for appellee.

1. Two or more persons jointly liable for the payment of money are severally liable for the whole debt. Kirby's Digest, §§ 4420, 6009, 6010; 62 Ark. 391.

Wood, J. (after stating the facts). "Joint obligations shall be construed to have the same effect as joint and several obligations, and may be sued on, and recoveries had thereon in like manner." Kirby's Digest, section 4420.

"Persons severally liable upon the same contract, including parties to bills of exchange, promissory notes, etc., may all or any of them, be included in the same action, at the plaintiff's option." Kirby's Digest, sections 6009, 6010. See *Maledon v. Leflore*, 62 Ark. 391.

Judgment affirmed.