

from all title, interest, claim and demand of the others, their heirs and assigns, &c.]

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THE CHANCELLOR :

The bill in this case was filed in the year 1833, on the equity side of Charles County Court, and prays that the defendant may be compelled to convey to the complainants, Morgan Harris (since deceased) and his wife Etheldra, a parcel of land in said county, called "Morris Landing." After various proceedings in the County Court, it was transferred under the act of Assembly to this court, and is submitted for decision upon notes in writing of the solicitors of the parties.

The agreement alleged in the bill is, it is true a parol agreement, but a part performance of it, is distinctly averred, and a long possession of the party under whom the complainants claim is also charged.

The answer, however, denies the agreement, and impliedly, rather than expressly, relies upon the Statute of Frauds.

My opinion is, that the complainant's case is clearly established by the proof, if John G. Chapman and Elizabeth Chapman are competent witnesses, and I do not see how they can be considered incompetent. John G. Chapman and the surviving complainant were the heirs at law of the late Samuel Chapman, and after his death, by their deed making partition of the estate, executed on the 3d of October, 1832. Each conveyed to the other certain parcels thereof, to be held in severalty with a covenant that each should hold the parcels so conveyed free from any claim or demand on the part of the other, or his or her heirs, but neither covenanted to assure the title of the other.

In this division the land in question fell to the share of the complainant, and it is supposed that if she fails in this suit, there is some sort of responsibility on the part of the witness to compensate her for the loss, and that, therefore, he is disqualified on the ground of interest. But I do not think so. A vendor of land, selling in good faith, is not responsible for the goodness of his title beyond the covenants in his deed. *Gouver-*