

PARENT AND CHILD.

1. A father is bound to educate and maintain his infant child, and if another person performs this natural duty for him, with his knowledge and consent, the father is liable to pay a reasonable sum to such person. *Thompson & Waters vs. Dorsey*, 149.
2. To such a case the Statute of Frauds has no application, for the debt is the debt of the father and not of the son, and therefore is not an attempt to charge him with the debt of a third person. *Ib.*

PAROL PROOF.

See RESULTING TRUSTS, 1, 2.

SPECIFIC PERFORMANCE, 5, 6, 8.

EVIDENCE, 5.

MISTAKE, 6.

PARTITION.

1. In a proceeding for the partition of the real estate of an intestate, two of his children, to whom he had in his lifetime given certain portions of his estate, and of which they had taken possession, and made expensive improvements thereon, under the promise or agreement of their father that the property should be theirs, were made *defendants*, and they insisted that the land so claimed and possessed by them was not liable to partition. HELD—
That under the case as presented, the parties claiming the lands being *defendants*, and not asking the active interposition of the court in their favor, partition of these lands should not be decreed. *Haines vs. Haines*, 133.
2. At common law upon partition between coparceners there is an implied warranty that if either loses any of his share by eviction, on account of defect of title in the ancestor, the party evicted may enter upon the others and defeat the partition, or by proper proceedings, may obtain recompense for the part lost. *Dugan vs. Hollins*, 139.
3. A deed of partition was executed between several parties without covenants, and the portion assigned to one was made responsible for the payment of a decree against the ancestor. HELD—
That he had a right to call upon the other parties in chancery, to contribute their proportions of the money paid by him in discharge of this decree.
4. The judgment of the commissioners to divide real estate, in regard to its susceptibility to be divided among all the heirs, though not absolutely conclusive, will not be disbursed without proof demonstrating error of judgment, or partiality, or some other good reason for disregarding it. *Wilhelm vs. Wilhelm*, 330.
5. The provision of the 9th sec. of the act of 1786, ch. 45, prohibiting the commissioners when the land is not worth more than \$15 per acre, from dividing it into shares of less than fifty acres, forms no part of the act of 1820, ch. 191, and was purposely dropped by the legislature. *Ib.*
6. The objection that two of the heirs at law who are infants, have no part of the inheritance given to them until after the death of their mo-