

contrary to be within the class of cases where, after the contract directly concerning an interest in land has been executed, the action has been held to be upon a separate promise to be performed after such execution." *Griffith v. Young*, 12 East 513; *Poulter v. Killingbeck*, 1 Bos. P. 397; *Seaman v. Price*, 2 Bing. 437 (E.C.L.R. vol. 9); *Souch v. Strawbridge*, 2 Com. B. 808 (E.C.L.R. vol. 52), also referred to.

Then a word as to whether a contract of this kind is in fact entire or severable.

It is well-settled law that if the agreement is entire, and parts of it are bad by reason of the Statute of Frauds, the whole is bad, and no action can be maintained upon it. *Thomas v. Williams*, 10 B. & C. 664; *Mechelen v. Wallace*, 7 Ad. & E. 49; *Vaughan v. Hancock*, 3 C.B. 766; *Prante v. Schutte*, 18 Ill. App. 62; *Coyler v. Roe*, 99 Ind. 1; *Ranboll v. East*, 56 Ind. 538, etc., etc.

And on the other hand that if the agreement is severable the good part may be enforced.

The latter case is generally illustrated by cases where there is an agreement to pay for past services and to pay for others to be furnished in the future, another person being also liable for the past debt. A promise for instance to pay for gas that has been furnished a third person, and for all gas to be furnished, is severable, and an action may be maintained on the promise not obnoxious to the statute. *Wood v. Benson*, 2 Crompt. & J. 94; *Mayfield v. Wadsley*, 3 B. & C. 357. Similarly in the case of an agreement to pay for board already furnished a child and for board to be furnished. *Haynes v. Nice*, 100 Map. 327. See also *Mobile Insce. Co. v. McMillan*, 31 Ala. 711; *Pierce v. Woodward*, 6 Pick. (Mass.) 206.

Some may be inclined to think that between cases of the character of those last mentioned where the agreement was held to be severable, and the present case there is a very marked distinction.

It may be thought by many that the agreement in the present case to pay the \$300, is so bound up with the contract to purchase the land that it is impossible to sever them, and that in