

Under the statute, the Court has no jurisdiction to conduct a hearing nor to find the defendant to be a sexual psychopath after receiving a report of the examining board that he was not.

Remanded.

All concurred.

Cheshire,
No. 4385.

MONADNOCK COMMUNITY HOSPITAL v. JULIO MEI.

Submitted February 2, 1955.

Decided February 25, 1955.

Joseph T. Cristiano for the plaintiff, furnished no brief.

Walter H. Gentsch and *William D. Tribble* for the defendant.

BLANDIN, J. The long established law in this state is that in the absence of statute or a contract, express or implied, a parent is not liable for necessities furnished his minor child by a third party. *Kelley v. Davis*, 49 N. H. 187; *Clapp v. Brighi*, 93 N. H. 431, 433; see also, *Woodman v. Peck*, 90 N. H. 292, 293; *State v. Tetreault*, 97 N. H. 260, 261. Such too is the general rule elsewhere. 67 C. J. S., Parent and Child, 699. Cases in this state which have allowed recovery for necessities furnished a minor by a third party depend on facts permitting a conclusion that the parent promised to pay. *McConnell v. Lamontagne*, 82 N. H. 423. The record before us discloses no facts which would warrant such a finding. Whether the order for support should be modified to compel the defendant to pay these expenses would be a matter for the Superior Court if Rita should file a petition requesting such relief.

Judgment for the defendant.

All concurred.

Hillsborough,
No. 4367.

EVANGELINE GUGGENHEIMER *v.* FRED S. GUGGENHEIMER.
(NOW EVANS)

Argued February 1, 1955.

Decided March 11, 1955.