

would be extremely inconvenient to deprive the corporation of his testimony in every case when he may by possibility be presumed to be liable for negligence. An attorney called to testify for his client has been held to be within this exception. 11 *Mass. Rep.* 242, *Phillips & al. vs. Bridge*. And we cannot conceive any necessity to exist in the case of an attorney, which may not be presumed to be equally pressing in the case of a cashier of a bank. We are, therefore, of opinion that the witness in this case was competent, although his situation might detract something from the credit that might otherwise have been due to his testimony.

Strafford Bank  
vs.  
Cornell & al.

*Judgment on the verdict.*

HENRY SABIN, ADMINISTRATOR OF A. DORMAN,

*versus*

COTTON GILMAN.

One who has obtained letters of administration under the authority of another state, cannot prosecute an action in this state by virtue of such letters of administration.

THIS was an action of assumpsit. The defendants pleaded in abatement that administration of the goods and estate of the said A. Dorman had never been granted to the plaintiff. To this the plaintiff replied, that the said A. Dorman at the time of his death was an inhabitant of, and had his residence in, the state of Connecticut, where administration of his goods and estate had been duly granted to the plaintiff. To this replication there was a general demurrer and joinder.

*S. Moody*, for the plaintiff.

*J. P. Hale* and *J. Woodman*, for the defendant.

*Per curiam*. It has long been settled, in this state, that neither an executor nor an administrator can prosecute an action in our courts by virtue of letters granted to him under the authority of another state. 3 *Mass. Rep.* 514, *Goodwin vs. Jones*.—1 *Cranch* 259, *Fenwick vs. Sears*, admin-

Sabin, Adm'r,  
vs.  
Gilman.

istrator.—3 *Cranch* 319, *Dixon's Executors vs. Ramsay's Executors*. The replication is insufficient, and the defendant is entitled to judgment.

*Judgment for the defendant.*

THE TOWN OF GILFORD

*versus*

THE TOWN OF GILMANTON.

Where the parents of a single woman live in one town, and she, when of age, labors for wages in another, her "dwelling place or home," under our statute as to the settlement of paupers, is in the town where she labored.

THIS was an action of assumpsit, for money expended in the relief of one Betsey Smith, from July, 1813, to October, 1814.

It was submitted on a statement, all the material facts in which were as follows: In A. D. 1789, Oliver Smith, the pauper's [father, moved into Gilmanton. At that time she was about five years old; and thenceforward, until A. D. 1805, except an absence of three years, Oliver Smith and his family resided, without being warned out, in that part of the town which still retains the name of Gilmanton.

He then removed to that part of the town which is now called Gilford, but left the pauper behind him; and afterwards, till his death in 1811, he'd no office and paid no taxes. From 1805 to 1812, Betsey Smith labored as a hired servant in numerous families in what is still called Gilmanton, and was accustomed to treat the place where she worked as her home for the time of her service: but occasionally visited her parents, carried some of her earnings, in flax, wool, &c. to their house, and when out of employ manufactured a portion of them into clothes and bedding for her own use.

In June, 1812, Gilmanton was divided, and the north part of it incorporated into a town by the name of Gilford. At that time said Betsey was laboring with one Nelson, in what is still Gilmanton.