

Aug. 10, }
1876. }

JANVRIN v. JANVRIN.

Reference of libel for divorce.

A libel for divorce may be sent to a referee under the act of 1875.

FROM ROCKINGHAM CIRCUIT COURT.

PETITION, for divorce and alimony, filed April 8, 1874. At the January term of said court, 1876, it was referred generally by order of court. At the April term, 1876, the libelee moved to discharge the rule of reference, and that the case be tried by the court. The court overruled the motion, and ordered the case to be continued and the rule enlarged. To this order the defendant excepts, because a petition for divorce and alimony cannot be referred generally under the statute.

Stickney and Marston, for the plaintiff.

Leavitt and Towle, for the defendant.

LADD, J. We have held several times within the past year that a libel for divorce might be sent to a referee under the act of 1874. No distinction in this respect is seen between the act of 1874 and that of 1875. The defendant's exception must be overruled.

CUSHING, C. J., and SMITH, J., concurred.

Exceptions overruled.

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GOLDING'S PETITION.

Judicial office—Infant.

An infant cannot execute the office of a judge.

Offices, where judgment, discretion, and experience are essentially necessary to the proper discharge of the duties they impose, cannot be executed by an infant.

The office of justice of the peace is a judicial office.

ROCKINGHAM COUNTY.

PETITION, for a writ of *habeas corpus*, presented to SMITH, J., August 3, 1876. The hearing thereon was adjourned into court to August 10. The facts sufficiently appear in the opinion of the court.