

the weight of authority, are to the effect that a mere license of this character is always revocable at the will of the licensor, so far as any further enjoyment of the privilege is concerned; for otherwise, such parol license would acquire the force of a conveyance of a permanent character in real estate. *Marston v. Gale*, 24 N. H. 176; *Cowles v. Kidder*, 24 N. H. 364; *Houston v. Laffee*, 46 N. H. 505; 1 Washb. Real Prop. \*400, *et seq.*

The doctrine, that such a license cannot be revoked without first reimbursing the money expended, or doing what is equivalent to restoring the licensee *in statu quo*, as held in *Woodbury v. Parshley* 7 N. H. 237, was overruled in *Houston v. Laffee*, above cited; and the doctrine of the latter case must be regarded as the settled law of this state. See, also, *Morse v. Copeland*, 2 Gray 302; 3 Kent's Com. (12th ed.) \*452, n. 1.

We are not called upon to determine at this time what remedy, if any, on account of their expenditures, on the faith of the defendant's license, the plaintiffs have in equity.

*Case discharged.*

STANLEY, J., did not sit.

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STATE v. THOMPSON.

A plea, that the defendant has been adjudged a bankrupt since the fraudulent concealment of his property, charged in an indictment under Gen. St., c. 257, s. 2, and that jurisdiction of such offences in all cases where bankruptcy proceedings are commenced is conferred exclusively upon the United States courts, is not a good plea to the jurisdiction.

INDICTMENT, for fraudulently concealing personal estate to the value of one hundred dollars, contrary to the provisions of Gen. St., c. 257, s. 2, on the twenty-third day of February, 1877. The defendant appeared specially, and pleaded that in proceedings begun in the U. S. District Court after the time of the alleged concealment he was adjudged a bankrupt, &c. The court reserved the question whether the state court has jurisdiction.

*H. S. Clark*, for the defendant.

*Greene*, solicitor, for the state.

CLARK, J. Section 5132 of the U. S. Rev. St. punishes "every person respecting whom proceedings in bankruptcy are commenced \* \* \* : First. Who secretes or conceals any property belonging to his

estate; or \* \* \* Sixth. Who, with intent to defraud, wilfully and fraudulently conceals from his assignee, or omits from his inventory, any property," &c. When this section punishes the debtor's pledge or disposal of his goods, committed before proceedings in bankruptcy, it describes the goods as "his," and not as "property belonging to his estate," and limits the time to "three months next before the commencement of proceedings in bankruptcy," and the property to "goods or chattels which have been obtained on credit and remain unpaid for." The concealment of "property belonging to his estate," and the concealment of property from his assignee, which it prohibits, are after the commencement of those proceedings. The previous concealment of his property is an offence which those proceedings do not withdraw from the jurisdiction of the state court.

*Case discharged.*

BINGHAM, J., did not sit.

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PARSHLEY v. GREEN.

A sled used by the debtor in drawing wood and timber, cut from his land, to market for sale, is exempt from attachment as a tool of his occupation, under Gen. St., c. 205, s. 2: a wagon, used only for convenience or pleasure, is not exempt.

TROVER, for a sled and a wagon. Facts found by the court. The sled and wagon were attached as the property of the plaintiff, Dec. 4, 1876, by the defendant, as a deputy sheriff, on a writ against the plaintiff. The plaintiff claimed that the sled and wagon were exempt from attachment, as tools of his occupation. The plaintiff was a shoemaker by trade, and owned ten dollars' worth of shoemakers' tools, and also worked at farming. About two years previous he exchanged some tillage-land for a fifteen-acre lot of wood and timber, with a view of cutting and taking the wood and timber to market and for his own use, when not employed at his trade; and for this purpose he obtained the sled and used it in that business a good part of the winter of 1874-5, and some of 1875-6, and owned the land at the date of the attachment. The wagon was his only one-horse buggy, and he used it with his horse, riding, and for the purposes for which such wagons are ordinarily used. The plaintiff had not, at the date of the attachment, tools of the value of one hundred dollars, calling the sled and wagon tools.

A. F. L. Norris, for the plaintiff.