

STATE v. TAYLOR.

An unmarried man having sexual intercourse with a married woman is not guilty of fornication, but of adultery.

INDICTMENT, for fornication. The defendant was a single man, and the other party to the act a married woman. A motion to quash was refused, and the defendant excepted.

Greene, solicitor, for the state.

Barnard & Leach, for the defendant.

FOSTER, J. An unmarried man having sexual intercourse with a married woman is guilty of adultery. Gen. St., c. 256, s. 2. Adultery is committed whenever there is an intercourse from which spurious issue may arise. *State v. Wallace*, 9 N. H. 515, 517; Bishop on St. Crimes, s. 657; Bouv. Law Dic., Fornication. Upon the case stated, the defendant cannot be convicted of the offence charged.

Exception sustained.

ALLEN, J., did not sit.

 BUZZELL v. HARDY.

As between the officer and the debtor, an attachment is not dissolved by taking a receipt and allowing the property to pass back into the possession of the debtor.

When a debtor is the owner of two pieces of property, either of which may be claimed by him as exempt from attachment, he is bound, when an attachment is made, if he has knowledge of it, to make his claim of exemption; otherwise it will be waived.

TRESPASS, for taking a pair of oxen and a cow. The defendant justified as an officer under process against the plaintiff, who claimed that the property was exempt from attachment or seizure on execution. Facts found by the court. May 23, 1872, one Colby, a deputy sheriff, attached the oxen and cow, on a writ against the plaintiff, who made no claim that they were exempt from attachment, and who procured a receptor, and they went back into his possession. The plaintiff was a farmer; and when the attachment was made he owned two cows, a pair of oxen, and a horse. He used the oxen and horse on his farm.

58b	331
67	167

58	331
Case 2	
70	155

58	331
71	252