

His title is subject to no condition, restriction, or trust. There is no restraint of his right of alienation. He can apply this rent to the payment of his debts, or to any other purpose. It is his in the fullest sense in which any property can be his. The donor retained no right of forfeiture or reverter, and has no legal or equitable interest in the rent; and the plaintiff is entitled to judgment against him. Whatever questions might have been raised by the defendant's sons, if any part of the attached rent were needed for the payment of taxes or other charges, or if the defendant had relinquished the possession of the store to them, they have no legal or equitable interest in this fund, and the plaintiff is entitled to judgment against them. The plaintiff's attachment is contested by nobody but the claimants, and they have no interest in the attached property.

The defendant does not resist the attachment, nor raise the question whether, under our statutes (Gen. Laws, c. 209, ss. 5-10; c. 224, ss. 1, 2; cc. 236, 237, 238; c. 249, s. 22; *Johnson v. Cushing*, 15 N. H. 298; *Upham v. Varney*, 15 N. H., 462, 465), a donor, transferring the unlimited legal and equitable title and use of property to the donee, can impose a disability upon the donee's creditors by exempting the property from the payment of the donee's debts. *Nichols v. Eaton*, 91 U. S. 716, 725-729.

Trustees charged.

STANLEY, J., did not sit.

LAMPREY v. DONACOUR.

Evidence that after a sale the property sold was taxed to the vendor, with his knowledge and without objection, is admissible to show that the sale was fraudulent.

An inventory of property made by municipal assessors of taxes for the purpose of taxation is a public record, which may be proved by a duly verified copy.

TROVER, for a lot of wood. The plaintiff claimed title by purchase from John S. Lamprey. The defendant justified under an attachment against J. S. Lamprey, claiming that the sale to the plaintiff was fraudulent as to creditors. There was no change of possession at or subsequent to the sale. Verdict for the defendant.

Evidence that the wood was taxed to John S. Lamprey, after the alleged sale, with his knowledge and without objection, was admitted subject to the plaintiff's exception.

A copy (duly certified by the town-clerk) of the inventory of the property of John S. Lamprey, made for the purposes of taxation after

the date of the alleged sale, was received in evidence, the plaintiff objecting to the form and substance of the testimony.

Marston and Lamprey, for the plaintiff.

Wiggin & Fernald, for the defendant.

FOSTER, J. Evidence of the taxation of the wood to the vendor, with his knowledge and consent, after the pretended sale, was relevant and admissible, as bearing upon the probability of the honesty and validity of that transaction. When the inquiry is whether a sale was made in good faith or not, the whole conduct of the party whose acts are assailed, before and after, as well as at the time the contract was made, may be inquired into. *Reels v. Knight*, 8 Mar. (La.) N. S. 267. "The word 'relevant' means, that any two facts to which it is applied are so related to each other, that, according to the common course of events, one, either taken by itself or in connection with other facts, proves or renders probable the past, present, or future existence or non-existence of the other." Step. Dig. of Evid. (May's Amer. ed.) 36; *Darling v. Westmoreland*, 52 N. H. 401, 405, 406. When the issue is fraud, great latitude is allowed in the proof of circumstances. The sale is not void for fraud unless the vendee knew of the vendor's fraudulent intent; but the vendor's intent may be proved by evidence which has no tendency to show the vendee had knowledge of it. The vendor's intent, and the vendee's knowledge of it, may be shown by different evidence. *Blake v. White*, 13 N. H. 267, 271, 272.

An inventory of property made by municipal assessors of taxes for purposes of taxation is a public record, the contents of which may be proved by a duly verified copy. *Forsaith v. Clark*, 21 N. H. 409, 419; 1 Gr. Ev., s. 91.

Judgment on the verdict.

STANLEY, J., did not sit.

STATE v. HAVEY.

In a prosecution for keeping spirituous liquors for sale, evidence is admissible to show that the defendant committed the offence on some other day (within the time prescribed by the statute of limitations) than that alleged in the indictment, and he may be convicted on such evidence.

Whether the state's evidence should be confined to a part of the time prescribed by the statute of limitations, is a question of fact to be determined at the trial term.

INDICTMENT, for keeping spirituous liquors for sale on the 5th day of

58	377
70	332
58	377
72	398
58	377
74	77