

JENNESS & a., *Ap'ls*, v. HAZELTON, *Ap'ee*.

If a person of sound mind executes a will without undue influence, knowing its contents, it is not invalid because he has not sufficient knowledge of his property; but if he does not know its contents and intend it for his will, it is not.

PROBATE APPEAL. The following issues were directed by the court: 1. Was the will executed according to law? 2. Was the testatrix of sound mind? 3. Was the will executed through fraud or undue influence? 4. Was the will executed by the testatrix without sufficient knowledge of its contents, and of the estate purporting to be disposed of by it? The defendant excepted as to the fourth issue.

*Frink and Barnard*, for the plaintiffs.

*Sargent & Chase, L. D. & H. W. Stevens*, and *C. R. Morrison*, for respondent.

BINGHAM, J. The fourth issue should be modified as follows: Did the testatrix know the contents of the will?

If the testatrix was of sound mind, and executed the will without fraud or undue influence, knowing its contents, and intending it for her last will, it cannot be avoided by showing that she did not know the extent of her property, its location, or the proportions in which it would be distributed by her will. Evidence on this subject may be competent on the other issues, but creates no ground for an independent one. *Barker v. Comins*, 110 Mass. 477, 488.

It would be an objection to the will if the testatrix, when she executed it, did not know its contents, and did not intend it for her will; and the plaintiffs may have an issue on this subject. *Pettes v. Bingham*, 10 N. H. 514, 520; *Barker v. Comins*, before cited; *Shailer v. Bumstead*, 99 Mass. 112; *Swett v. Boardman*, 1 Mass. 258; *Osborn v. Cook*, 11 Cush. 532, 535.

*Exception sustained.*

FOSTER, J., did not sit.

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SCHOOL-DISTRICT v. PILLSBURY & a.

A school-district may sue in a name it has acquired by reputation.

A school-district, organized under Laws of 1845, c. 221, s. 2, and legalized by Gen. St., c. 78, s. 3, could not, in February, 1876, be dissolved by one of the towns forming it.

DEBT, to recover school money, under Gen. St., c. 77, s. 6, in the name of Union School District No. 1 in Bow, and 23 in Concord. The defendants were the mayor and aldermen of Concord, from March, 1875, to March, 1877. The plaintiff district was formed in 1850 of district No. 1 in Bow, and part of No. 18 in Concord, under Laws of 1845, c. 221, s. 2. The Concord record of the proceedings shows that the plaintiff was to be known as District No. 22 in Concord, until otherwise ordered by "said town." The record in Bow is the same, except the word *towns* is used instead of "town." The union district, after it was organized, acted, was recognized by both towns, and became known by reputation by the name in which it brings this suit. February 26, 1876, three citizens of the Concord part of the district petitioned that the union be dissolved, and the mayor and aldermen of Concord voted to dissolve it. After this the plaintiff district kept up its regular meetings, and continued its business as before the action of Concord. The defendants refused to pay the plaintiffs a part of their money for 1875, and all of it for 1876. Two questions were reserved: 1. Is the suit brought in the right name? 2. Did the action of Concord dissolve the district?

*Heath*, for the plaintiffs.

*Sanborn & Clark* and *Mugridge*, for the defendants.

BINGHAM, J. However it might be held as to the power of a corporation to change its name when it is fixed in its charter, it is clear that when a quasi-corporation like a school-district is organized under a general statute that does not require a name to be designated, it may acquire a name by reputation, and sue and be sued by it. Dillon on Municipal Corp., c. 8, s. 120; *School District v. Blakeslee*, 13 Conn. 227.

Gen. St., c. 78, s. 3, provide that all existing districts, however organized, shall continue to be such, subject to be altered or discontinued, according to existing laws. Concord and Bow, in February, 1876, could have restored the parts of which the district was made to their former position, by the action of the school committees and selectmen of both towns. Gen. St., c. 78, ss. 5, 6; Laws of 1868, c. 1, s. 24. The action of Concord alone was unauthorized, and the plaintiffs are entitled to judgment.

*Case discharged.*

FOSTER and ALLEN, JJ., did not sit.