

validity of her assignment, and the equitable rights, if any, of the assignee, to control the enforcement of the judgment or to receive the fine when collected, are matters which afford no exemption to the defendants, and do not concern the court in the present condition of the case.

Exception overruled.

SMITH, J., did not sit.

ROCKINGHAM, MARCH, 1879.

BROWN v. BARTLETT & a.

58	511
66	447
58	511
67	71
67	73
67	560
68	156
68	585
58	511
70	495

The interpretation of a will is the ascertainment of the testator's intention; and the question of intention is ordinarily determined as a question of fact, by the natural weight of competent evidence, and not by artificial rules of interpretation.

BILL IN EQUITY, against trustees appointed under the will of the plaintiff's father. By the will, the testator gave the plaintiff for life the use and income of all his real estate in Derry and Windham, that the testator held by several deeds from M. P. and certain other persons, "about 230 acres." Before the date of the will, the testator had given J. M. P. a bond to convey to him, upon payment of a certain sum, a tract of land in Derry, which had been conveyed to the testator by M. P. Since the testator's death, J. M. P. has paid the defendants the sum required by his bond, and received from them a conveyance of the land. The question whether the plaintiff is entitled to the income of that sum for life was reserved.

Stickney, for the plaintiff.

Bartlett, for the defendants.

DOE, C. J. The interpretation of the will is the ascertainment of the testator's intention; and the question of intention is ordinarily determined as a question of fact, by the natural weight of competent evidence, and not by artificial rules of interpretation. *Rice v. Society*, 56 N. H. 191, 197, 198, 203; *Houghton v. Pattee*, 58 N. H. 326; *Morse v. Morse*, 58 N. H. 391. Upon all the competent evidence (which it is not necessary to state), the question, whether the testator intended the real estate of which he gave the plaintiff the income for life should include the testator's interest in the land bonded to J. M. P., is a very doubtful one: but we are inclined to think it should be answered in the affirmative.

Case discharged.

STANLEY and SMITH, JJ., did not sit.