

[Sullivan, December, 1882.]

DAVIS v. PARTRIDGE.

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ASSUMPSIT, for labor. Facts found by a referee, who reports in substance that both parties understood that the defendant's husband was to pay the plaintiff's claim.

*Judgment for the defendant.*

BLODGETT, J., did not sit: the others concurred.

*H. W. Parker*, for the plaintiff.

*H. Holt*, for the defendant.

[Grafton, December, 1882.]

STATE v. CASHMAN.

INDICTMENT for embezzlement. Facts agreed. Counsel disagreeing as to the question intended to be raised, no decision was rendered, and the case was discharged.

ALLEN, J., did not sit: the others concurred.

*A. S. Batchellor*, solicitor, for the state.

*Drew, Jordan & Carpenter, Bingham, Aldrich & Remick, and Bingham & Mitchell*, for the respondent.

[Rockingham, June, 1883.]

AYER, *A'pt.* v. HOW, *Ex'r.*

APPEAL from the refusal of the probate court to vacate a decree settling the account of the defendant as executor of David Messer, the plaintiff's grandfather. Facts found by the court.

*G. C. & G. K. Bartlett* and *Wiggin & Fuller*, for the plaintiff.

*J. S. H. Frink*, for the defendant.

STANLEY, J. The decree of settlement was made in pursuance of a written agreement of the plaintiff and all other parties in