

STANLEY, J. The plaintiff has no title, and the referee might find that the defendant had possession.

*Judgment on the report.*

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

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[Merrimack, June, 1883.]

SMART v. GALE.

SAME v. SAME.

DOE, C. J. Since the decision (62 N. H. 62) that the plaintiff could not recover on the count for money had and received, he has been allowed to amend the declaration by adding a count in case for deceit, and a referee has found for the plaintiff; and in an action of debt, the referee has found a breach of the bond declared on.

*Judgment for the plaintiff in both suits.*

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

*J. Y. Mugridge and Gould & Martin*, for the plaintiff.

*Leach & Stevens and Barnard & Barnard*, for the defendant.

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[Merrimack, June, 1883.]

SEAVEY v. DRAKE & a., Ex'rs.

IN EQUITY. Reported 62 N. H. 393. Facts found by the court.

*C. P. Sanborn and J. Y. Mugridge*, for the plaintiff.

*W. L. Foster and S. Dana*, for the defendants.

STANLEY, J. The facts found at the trial are such as were held sufficient (in 62 N. H. 393) to maintain the action.

*Decree for the plaintiff.*

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