

cause of action can only arise in a particular place or county, it is local. *Worster v. Lake Co.*, 25 N. H. 525, 530; *White v. Sanborn*, 6 N. H. 220. The title to the land is involved in this case as essentially as it is in an action of trespass *quare clausum* or a writ of entry, and the courts of the state have jurisdiction of the real property within the state, the title to which is regulated and determined by the laws of the state. The court having jurisdiction of the cause of action, the service was sufficient. "In any case brought in any court, process may be served and notice given by duly attested copy. When notice is given otherwise than by publishing or posting it, fourteen days' notice shall be sufficient." Laws 1883, c. 22.

Exceptions overruled.

BLODGETT and CARPENTER, JJ., did not sit: the others concurred.

SIMONDS v. HAYDEN AND LUCAS.

A motion to dismiss on the ground that the writ commands the officer to arrest the body of the defendant, and also to attach his goods, is properly denied when it appears that a motion to quash the writ for the same cause was made at the return term, and no bill of exceptions to the denial of that motion was filed within the time limited therefor.

TROVER, for eighty-five cords of wood. Facts found by the court, which need not be stated.

The writ commanded the officer to arrest the bodies of the defendants, or to attach their goods or estate; also to attach the money, &c., of Lucas in the hands and possession of Cyrus Taylor. Hayden was arrested, and gave bail. The funds of Lucas in the hands of Taylor were attached. At the return term of the writ the defendants appeared specially, and moved to quash the writ. The motion was denied, and an order made that the defendants' bill of exceptions be filed in ten days. It did not appear that they complied with the order. At this term, and before the trial, the defendants moved to dismiss because the writ was served by arrest and by attachment of property. The motion was denied, and the defendants excepted.

Fling & Chase, for the plaintiff.

Daniel Barnard and K. E. Dearborn, for the defendants.

BINGHAM, J. No exception was taken to the denial of the

motion to dismiss made at the return term of the writ. The renewal of the motion at the term of the trial was properly denied.

On the facts found in the case no other question of law arises.

Judgment for the plaintiff.

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

COÖS.

SPAULDING v. NORTHUMBERLAND.

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The plaintiff agreed to indemnify the town against loss if they would release certain goods attached in a suit upon a collector's bond and permit him to satisfy an execution, which he held against one of the defendants in that suit, by levy upon the goods so released. The town having obtained judgment, levied their execution, by advice of counsel, on the homestead place of one of the defendants, disregarding a demand that a homestead be set out therein, whereby the whole levy failed. After this levy, the selectmen, against the plaintiff's objection, gave up to the collector the tax-lists and warrants, which they had before held as security for the default of the collector (upon which there were sufficient collectible taxes due to satisfy the remainder of their execution), to be collected for the benefit of his sureties. *Held*, that the plaintiff was not entitled to an injunction to restrain the town from proceeding with a suit at law to enforce performance of the indemnity agreement.

BILL IN EQUITY, for an injunction to restrain the further prosecution of an action at law upon the plaintiff's agreement to indemnify the town of Northumberland against loss on account of releasing an attachment. Facts found by the court.

About the first of April, 1877, Charles Cobleigh, collector of taxes of Northumberland for the years 1870, 1871, 1872, and 1874, being in default in the performance of his duties as collector, went away out of the state with no definite intention as to returning, leaving his tax-lists and warrants with directions that they should be delivered to the selectmen if they called for them. The selectmen, understanding that Cobleigh was in default and that his return was uncertain, called for and took possession of the tax-lists and warrants April 2, 1877, and April 7, 1877, caused two suits to be commenced upon the collector's official bonds,—one against Charles Cobleigh, Wayne Cobleigh, and W. A. Little, and the