

such a case are, whether the guardian proceeded in good faith, and exercised a sound discretion. *Palmer v. Palmer*, 38 N. H. 418, 420; *Mathes v. Bennett*, 21 N. H. 204; *Smith v. Bean*, 8 N. H. 15, 18.

Such expenditures as are not made in good faith and in the exercise of a sound discretion are not "reasonable," within the meaning of that word as used in section seven, chapter one hundred and eighty-four of the General Laws. In the case as amended it appears that the defendant, in good faith, under the advice of counsel, and on request of the overseers of the poor, upon whose petition he was appointed, defended against the charges made against him, and he should be allowed the sums found in the case, amounting to \$237.69.

Case discharged.

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

64	570
68	273
64	570
69	491
64	570
70	46

KELSEA v. MANCHESTER.

Ignorance of the law by counsel furnishes ground for granting leave to file a claim for damages against a town, under Gen. Laws, c. 75, s. 9.

PETITION, upon Gen. Laws, c. 75, s. 9, for leave to file with the defendants' aldermen a claim for damage caused by a defective highway. The plaintiff's counsel seasonably filed a claim with the city clerk, but omitted to file a claim with the aldermen because he did not know that the law (c. 65, Laws 1885) required a claim to be filed with any other person than the city clerk. The court granted the petition, and the defendants excepted.

A. C. Osgood, for the plaintiff.

E. F. Jones, for the defendants.

BINGHAM, J. The petitioner was not learned in the law, and employed counsel to manage his cause who omitted to file a claim for damages with the aldermen because he did not know that c. 65, Laws, 1885, required such claim to be filed with any other person than the city clerk. The plaintiff's ignorance of the law was due to no neglect or fault of his, but, being unlearned, he used ordinary care and prudence in employing counsel to file the claim. The case comes within the rule in *Bolles v. Dalton*, 59 N. H. 479.

Exception overruled.

DOE, C. J., did not sit: the others concurred.

64	570
74	213