

*Waldron*, 64 N. H. 150. The words "by the curtesy" cannot be stricken out and "any" substituted for "her," as the defendant in substance contends, making the act read "the husband . . . shall not be entitled to any estate in any lands," etc. To do so would be not construing but making the statute.

*Judgment for the plaintiff.*

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

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OSSIPEE v. CARROLL COUNTY.

A settlement acquired by a woman through marriage is not lost by a divorce in favor of her husband.

CLAIM for aid furnished Berthana Wallace, a pauper. Facts agreed.

In 1858 Berthana Wallace, then seventeen years of age, was married to Samuel Wallace, who was then nineteen years of age. Each had a settlement in Ossipee at the time of their marriage. In 1880 they were divorced, upon a libel filed by the husband. Their settlement remained in Ossipee up to the time of the divorce, and the settlement of Samuel W. remained in Ossipee up to the time of his death, September, 1888. Mrs. Wallace acquired no new settlement after the divorce, and it has remained in Ossipee to the present time, unless it was lost by the divorce.

*The Selectmen*, for the plaintiffs.

*The County Commissioners*, for the defendants.

BINGHAM, J. The settlement of the husband became that of the wife from the date of the marriage to that of the divorce. G. L., c. 81, s. 1, cl. 1. The statute especially gave her the settlement of her husband, and by implication she lost the one she acquired prior to her marriage. *Madbury, ex parte*, 17 N. H. 569. Mrs. Wallace had the settlement of her husband in Ossipee when the decree of divorce was granted. If he had died instead of obtaining the divorce, she would have retained the settlement acquired through the marriage till she gained a new one. G. L., c. 81, s. 7. This section provides that "every settlement shall continue until a new settlement is gained in this state." *Peterborough v. Lancaster*, 14 N. H. 382, 392; *Landaff v. Atkinson*, 8 N. H. 532, 535. Mrs. Wallace has not gained a new settlement, and the statute gives her the one she acquired by the marriage.

*Case discharged.*

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