

[Strafford, December, 1891.]

McTYE v. McTYE.

LIBEL, for divorce. An order of notice by publication, "the last publication to be at least one week prior to" the return day, was issued and complied with. The last day of publication was ten days before the return day. The defendant did not appear. If the notice was sufficient, a divorce is to be granted.

ALLEN, J. In the absence of a finding to the contrary, it must be presumed that the notice was ordered by the court under the authority conferred by the statute. P. S., c. 222, s. 3; c. 2, s. 32.

*Divorce decreed.*

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

*David R. Pierce*, for the plaintiff.

[Strafford, December, 1891.]

SAWTELLE v. THE STATE.

CLARK, J. In the matter of the petition of Sawtelle for a new trial on the ground of newly discovered evidence, the petition is dismissed. There is no newly discovered evidence to warrant a new trial.

*Attorney-General* and *Solicitor*, for the State.

*James A. Edgerly*, *Joseph H. Worcester* (with whom was *G. F. Haley*, of Maine), for Sawtelle.

[Merrimack, December, 1891.]

HOSMER & a. v. FARLEY & Tr.

CHASE, J. The case is not distinguishable from *Kenefick v. Perry*, 61 N. H. 362.

*Trustee discharged.*

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

*Leach & Stevens*, for the plaintiffs.

*Jesse B. Pattee*, for the trustee.