

[Carroll, June, 1892.]

ROBERTS v. LORD & a.

BILL IN EQUITY, for specific performance. Facts found by the court. The defendant Lord is the administrator of the estate of Charles L. Perkins, who died in 1886. In 1877, Perkins, being the owner of a large quantity of timber in Ossipee, offered to give the plaintiff land sufficient for the purposes of a saw-mill, and to assist him with labor and materials, if he would build a mill on his land. The plaintiff accepted the proposition, and at once built a permanent saw-mill, costing about \$4,000, on Perkins's land. Also during the lifetime of Perkins he built three dwelling-houses, a store, and a stable upon the land used in connection with the mill, and has been in the possession and occupation of the land ever since as the owner thereof. In 1887, Lord, as administrator, sold the land in question to William H. Lord, and gave him a deed of it. In 1889 the defendant Lord acquired this title, and claims to own the land. Both the purchaser at the sale and the administrator knew that the plaintiff had occupied the mill since it was built, and that he claimed to own the property and objected to the sale. The court found that the plaintiff is entitled to a decree, and the defendant Lord excepted.

John B. Nash, for the defendants.

Frank Weeks, for the plaintiff.

Per Curiam.* There was sufficient evidence to sustain the finding for the plaintiff.

Exception overruled.

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

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BOSTON & MAINE RAILROAD v. CHAMBERLAIN.

BLODGETT, J. No question of law is presented by the case. Whether the plaintiffs are entitled to recover the additional charge of \$26.34, by reason of the corn "having been taken from the car, ground into meal, and reloaded," is a question of fact.

Case discharged.

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

Arthur L. Foote, for the plaintiffs.

Frank Weeks, for the defendant.

* See foot-note on page 80.