

eral building and loan associations are organized (End. Bldg. Ass., ss. 7-12), and the statute governing their conduct in this state (P. S., c. 166, ss. 8, 11), it is expected that the value of the shares will be increased by two increments or payments: (1) The monthly dues paid by the shareholders, and (2) the net profits obtained by the association from premiums, fines, and the investment of the sums so paid in, equitably distributed among the shares. The plaintiffs have \$19,655 net profits. Assuming that they have complied with the statute under which they are organized, substantially the whole of that sum has been distributed and added to the several shares. P. S., c. 166, s. 11. By force of this addition, so much more is paid upon each share, and each share is so much nearer its paid-up or maximum value of two hundred dollars. The whole amount paid on the shares is made up in part from the payment of dues by the shareholders and in part from payments made by the association in the distribution of profits. It is immaterial whether the whole or a part of the net profits were or were not in fact apportioned to and formally applied on the shares. The profits belong to the shareholders, and at the moment of their reception by the plaintiffs constitute in legal effect a payment upon the shares within the meaning of the statute, although their formal application is not required oftener than once a year. They are held by the plaintiffs for the sole purpose of the distribution which the statute requires to be made. As against the association and for the purpose of taxation, the law treats that as done which the statute requires the association to do.

*Petition dismissed.*

All concurred.

Belknap, }  
June, 1897. }

NEW HAMPSHIRE ASYLUM FOR THE INSANE v. BELKNAP COUNTY.

The state is chargeable with the support of an insane person transferred from the state prison to the asylum by order of the governor and council, until he is discharged therefrom according to law.

The state prison is not a "hospital" or "other charitable institution," within the meaning of c. 54, Laws 1895.

ASSUMPSIT, for the support of John Dugan. Facts agreed. October 2, 1891, Dugan, then and for some time before commorant in Belknap county, was committed to the state prison for

the term of three years, to which he was sentenced by the supreme court for that county, and since that time has been a pauper. April 25, 1894, by order of the governor and council, he was transferred from the prison to the asylum as an insane person. The governor and council notified the plaintiffs that the state would not be responsible for his support in the asylum after April 30, 1896, and the plaintiffs notified the defendants that after that time his support would devolve upon them. The action is for the expense of his support after April 30, 1896. He is not chargeable on any other county, or on any town or person.

*E. A. & C. B. Hibbard*, for the plaintiffs.

*William B. Fellows*, solicitor, for the defendants.

CARPENTER, C. J. "The governor and council . . . may transfer any prisoner who is insane to the asylum for the insane, to be there kept at the expense of the state, whenever they are satisfied that such . . . transfer will be conducive to the health and comfort of the person and the welfare of the public." P. S., c. 255, s. 4. There is nothing in the statute indicating that the liability of the state for the support of a prisoner transferred to the asylum is to terminate at the end of the term for which he is sentenced. He is to be kept in the asylum at the state's expense until he is discharged according to law. The place of his residence or settlement is immaterial. The state prison is not a "hospital" or "other charitable institution" within the meaning of the act of March 21, 1895, which provides that "Any person who shall become a pauper or public charge while at any orphans' home, hospital, home for the aged, or other charitable institution, or within three months after leaving such institution, shall be chargeable for support to the county in which he last resided before entering such institution, unless such person has a settlement in some town, or some other county is liable for his support." Laws 1895, c. 54. The act has no application to the present question.

*Judgment for the defendants.*

All concurred.