

*Thomas L. Livermore & a.*, executors, *pro se*.

*Burnham, Brown, Jones & Warren (Robert L. Manning orally)*,  
for Charles B. Manning and others.

BINGHAM, J. The intention of the testatrix, as disclosed in her will, was that the proceeds of the stocks, bonds, coupons, checks, and note in question should go under the second article of the will to the beneficiaries there named, and the executors are so advised.

*Case discharged.*

All concurred.

Rockingham, }  
May 7, 1912. }

PORTSMOUTH v. NEW HAMPSHIRE NATIONAL BANK.

BILL IN EQUITY, filed August 2, 1911. By a resolution adopted December 14, 1911, the city council directed the city solicitor to discontinue the suit and instructed the mayor to arrange for a dismissal of the bill and an entry of judgment for the defendants. December 19, the mayor requested the court to dispose of the litigation in accordance with the resolution. The court thereupon dismissed the bill and ordered judgment for the defendants, and the city solicitor excepted. Transferred from the October term, 1911, of the superior court by *Wallace, C. J.*, on a bill of exceptions.

*Samuel W. Emery, Jr.*, city solicitor, *pro se*.

*Edwin G. Eastman, John W. Kelley, and Calvin Page*, for the defendants.

YOUNG, J. The city solicitor has no standing in this case, for he is not acting for the city, but in defiance of its wishes; that is, he is here, not for the purpose of doing what the city instructed him to do, but to prevent the city from doing it.

*Exception overruled.*

All concurred.