

The last clear chance doctrine as developed in this State is not applicable to the facts in the case at bar.

*In the Nancy Cleveland case, judgment on the verdict;
in the Walter Cleveland case, new trial on issue of damages.*

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

Hillsborough, }
Oct. 6, 1942. } No. 3345.

ATTORNEY-GENERAL (*ex. rel.* George A. Wingate)

v.

RODOLPHE LEMELIN & a.

Devine & Tobin, by brief, for the relator.

Emile Lemelin, by brief, for the defendant Lemelin.

McLane, Davis & Carleton (*Mr. Carleton orally*), for the mayor.

BURQUE, J. Although this is a case of an appointment instead of an election to office, the principle of law governing the case is the same as enunciated in *Attorney General v. Hunter, ante*, 206 and the result reached is the same.

Information granted.

All concurred.