

Hillsborough,
No. 4759.

JOHN BENSON, JR. *v.* BRATTLEBORO RETREAT.

Argued February 2, 1960.

Decided February 29, 1960.

James M. Winston for the motion.

McLane, Carleton, Graf, Greene & Brown and *David L. Nixon*,
(*Mr. Nixon* orally), opposed.

PER CURIAM. The plaintiff's motion seeking leave from this court to apply to the Superior Court to reopen the hearing upon the motion to dismiss is granted. The order is made without prejudice to the rights of the parties respectively, to support or resist the motion to reopen before the Superior Court; and no inference or implication with respect to the issues presented by the motion to be filed in the Trial Court are to be drawn from the entry of this order.

Motion granted.