

Strafford
No. 7277

FREDERICK J. BARRY, ADM'R W.W.A. OF
THE ESTATE OF ELSIE M. COURSER

v.

BANK OF NEW HAMPSHIRE, NATIONAL ASSOCIATION

November 28, 1975

Frederick J. Barry, by brief and orally, pro se for the plaintiff.

Devine, Millimet, Stahl & Branch, Luke S. O'Neill, Jr., and Silas Little III (Mr. Little orally) for the defendant.

MEMORANDUM OPINION

After the decisions in this case reported at 112 N.H. 226, 293 A.2d 755 (1972) and 113 N.H. 158, 304 A.2d 879 (1973), a jury returned a verdict for the defendant in December 1974 following a trial at which the plaintiff was represented by counsel. Thereafter counsel withdrew, and the plaintiff, acting pro se, on December 18, 1974, filed a motion to set the verdict aside. The motion was denied by *Mullavey, J.*, who presided at the trial.

The plaintiff submitted a proposed reserved case on February 18, 1975, which was after expiration of the time limited by superior court rule 69. RSA 491:App. R. 69 (Supp. 1973). The defendant's motion for judgment was granted on February 28, 1975, after a hearing at which the plaintiff sought relief from his failure to comply with rule 69, on the grounds of accident, mistake, or misfortune as provided by the introduction to the superior court rules. RSA 491:App. (Supp. 1973, at 100). On March 3, 1975 his proposed reserved case was denied by the pre-

