

in that he knew or should have known that the dog would roam and be potentially dangerous. The defendant filed a motion to dismiss, which the court granted. The plaintiff excepted to this ruling. All questions of law were transferred by *Flynn, J.*

Although RSA 466:19 makes liable for damages one "who owns or keeps [a] . . . dog, or has it in possession" if it causes injury to another, we find no duty in this case breached by the lessor and therefore no cause of action lies. See *Libbey v. Hampton Water Works Company, Inc.*, 118 N.H. 500, 389 A.2d 434 (1978).

Exceptions overruled.

Original
No. 78-234

WESLEY POWELL

v.

WILLIAM M. GARDNER, SECRETARY OF STATE

October 2, 1978

Brown & Nixon, of Manchester (*Stanley M. Brown* orally), for the plaintiff.

Thomas D. Rath, attorney general (*Anne Cagwin* orally), for the defendant.

PER CURIAM. Petition for writ of mandamus to compel the secretary of state to place some designation other than "Independent" above the name of the plaintiff on the November 1978 biennial general election ballot.

Plaintiff has become a candidate for the office of Governor at this election by filing the required number of petitions. RSA 56:67. Such petitions must contain, among other information, "the political party or principle" the proposed candidate represents. RSA 56:65.

The petitions filed by the plaintiff stated that Powell was "Independent." The secretary of state intends to have the plaintiff's name printed on the official ballot for the election with the designation "INDEPENDENT"

Nom. Papers

On the record before us, we find no justification for the issuance of the extraordinary remedy of a writ of mandamus. *Guarracino v. Beaudry*, 118 N.H. 435, 387 A.2d 1163 (1978).

Petition dismissed.

BROCK, J., did not sit.

Belknap
No. 78-094

NORMAN S. COOK & a.

v.

TOWN OF SANBORNTON

October 4, 1978

[REDACTED]