

from jail for inability to pay a fine and costs imposed by the police court of Nashua. The petitioner is not entitled to a discharge upon *c.* 96, Laws 1883.

DOE, C. J. Chapter 96, Laws 1883, limits certain terms of imprisonment, and does not restrict the power of discharge given by Gen. Laws, *c.* 268, *s.* 9.

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HAZEN *v.* CONCORD RAILROAD.

A hypothetical case may be discharged without a decision.

CASE, for injuries to the plaintiff's wife. The plaintiff claims to recover for a loss of service and society, caused by injuries received by her through the negligence of the defendants. In an action brought by her against them, she has recovered damages for her injuries. The parties desired the opinion of the court on the question whether the plaintiff can recover for loss of her service, or for loss of her society.

*Wadleigh & Wallace*, for the plaintiff.

*J. W. Fellows* and *C. H. Burns*, for the defendants.

DOE, C. J. It is not deemed advisable to investigate the questions of law mooted in this hypothetical case. The plaintiff and his wife may have so exercised their equal rights as to give neither any ground of fact for a claim of loss of either service or society.

*Case discharged.*

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STEVENS *v.* MANCHESTER & *a.*

Under Gen. Laws, *c.* 49, *s.* 2, a public cemetery cannot be laid out within twenty rods of a dwelling-house without consent of the owner, although the land to be so used had been procured by voluntary purchase.

BILL IN EQUITY, for an injunction to restrain the city of Manchester, and the other defendants, who are trustees of the Amoskeag cemetery under a city ordinance, from using land for the burial of the dead, within twenty rods from the plaintiff's dwelling-house. The bill showed that the land in question was bought of one Hanscom by the city in 1883, and run out into burial lots, and that it