

SMITH, J. We decline to express any opinion on the case as now presented. The facts agreed are so meagre and indefinite that it is apparent a subsequent trial of substantially the whole case must be had. The facts will be found at the trial term.

All concurred.

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[Hillsborough, June, 1884.]

DENNISON MANUFACTURING CO. v. WHITE.

REPLEVIN. Under the defendant's objection, a witness testified what amount of goods the plaintiffs' books showed had been sold by the plaintiffs to one Baker. The books not being duly authenticated, and a verdict being returned for the plaintiffs, a new trial was granted.

*Sulloway, Topliff & O'Connor and W. J. Copeland*, for the plaintiffs.

*H. E. Burnham, N. H. Wilson, and Briggs & Huse*, for the defendant.

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[Coös, June, 1884.]

BENTON v. WRIGHT.

On the report of a referee, the only question was as to the sufficiency of demands made by the defendant upon the plaintiff for a deed of certain land and for a certain promissory note.

STANLEY, J. The referee decided the question of fact in favor of the plaintiff, and no error of law appears in his finding.

SMITH and CARPENTER, JJ., did not sit: the others concurred.

*Ray, Drew, Jordan & Carpenter*, for the plaintiff.

*Bingham, Aldrich & Remick*, for the defendant.

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[Strafford, December, 1884.]

COLBATH v. ANDERSON & a.

BLODGETT, J. A mere naked possession of land is sufficient to maintain trespass against a wrong-doer without title; and so say all the authorities.

*Exceptions overruled.*

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