

tors. It was prior to the service of the writ upon the trustees, and was a valid assignment.

Exceptions overruled.

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

LITTLE v. UPHAM.

Whether a verdict is against the evidence is a question of fact to be decided at the trial term.

64a	279
66	142
64a	279
68	27
64a	279
69	177
69	230

TRESPASS, for assault and battery. Plea, the general issue, with a brief statement that the defendant acted in self-defence. Verdict for the defendant, which the plaintiff moved to set aside, and for a new trial, "because upon the uncontradicted evidence the defendant made the first assault, and assaulted the plaintiff anew after the plaintiff had ceased to inflict or threaten violence to him, and had retreated." Motion denied, and the plaintiff excepted.

D. A. Taggart and Sulloway, Topliff & O'Conner, for the plaintiff.

Burnham & Brown, for the defendant.

CLARK, J. The objection that a verdict is against the evidence presents no question of law. It is a question of fact to be determined at the trial term. *Fuller v. Bailey*, 58 N. H. 71; *Lefavor v. Smith*, 58 N. H. 125; *Kelley v. Woodward*, 58 N. H. 153; *Hovey v. Brown*, 59 N. H. 114.

Exceptions overruled.

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

TASKER v. LORD & a.

A bill in equity may be maintained where the same is a reasonably necessary process, and convenient procedure, for speedily and economically establishing the plaintiff's rights.

A declaration in trespass may be filed as an amendment to a bill in equity.

BILL IN EQUITY, alleging that before February 27, 1885, one Slack made several successive mortgages of certain goods to dif-

64b	279
66	23
66	89
64b	279
67	415
64b	279
69	483
64	279
Case 2	
70	270
64	279
Case 2	
72	128
72	136
64	279
Case 2	
74	245