

more time for the examination of witnesses after their arrival and before the resumption of the trial, a motion for more time should have been made, according to the usual practice in such cases. It frequently happens that at the time fixed by an order for beginning or resuming a trial more time is needed for preparation than was supposed to be necessary when the order was made. The failure of the plaintiff to make the usual motion is no cause for reversing the judgment. It is not alleged that the plaintiff's case would have been strengthened if more time had been obtained for a previous examination of his witnesses. It is only said that his counsel "is convinced" that one of them "did not testify as fully as he should have done." To make this a ground for a new trial would greatly impair the just value of a verdict. It does not appear how the plaintiff was affected by the 50th rule. The defence being an agreed boundary, all the testimony of the plaintiff's witnesses was rebutting.

Exceptions overruled.

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

[Grafton, December, 1886.]

CHASE v. BARNARD.

ISSUE, for the determination of a right of homestead.

BINGHAM, J. The wife is entitled to a homestead. The legal question in the case was decided in *Nichols v. Nichols*, 62 N. H. which is affirmed.

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

G. B. French, for the plaintiff.

D. Barnard, for the defendant.

[Hillsborough, June, 1887.]

ABBOTT v. SMITH & Trs., SAWYER & a., claimants.

BINGHAM, J. The sum due the defendant for his labor at the date of the service of the writ was less than twenty dollars. It does not appear that the claim on which the suit is founded is

for necessaries. The trustees are not chargeable, regardless of the question of the validity of the assignment. G. L., c. 249, s. 40.

Exceptions overruled.

DOE, C. J., was absent; SMITH, J., did not sit: the others concurred.

Osgood & Prescott, for the plaintiff.

J. H. Andrews, for the claimants.

[Strafford, December, 1887.]

RAFFERTY *v.* DREW.

CASE. The cause of action set forth in the declaration was substantially the same as in *Merrill v. Perkins*, 59 N. H. 343. The defendant's demurrer was overruled, and he excepted. The plaintiff excepted to the ruling that she was entitled to damages for no injury to her health caused by her negligently remaining in the defendant's house after it became uninhabitable.

DOE, C. J. No attempt is made to sustain either of the exceptions, and no error appears.

Case discharged.

Dodge & Caverly, for the plaintiff.

J. Kivel, for the defendant.

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

[Sullivan, December, 1887.]

LOVERIN & *a.* *v.* SCHOOL-DISTRICT.

IN EQUITY. Reported 64 N. H. 102.

A. S. Wait, for the plaintiffs.

DOE, C. J. The school-house lot having been conveyed to District No. 3, and the district having paid for it and built a school-house upon it, an injunction against building a house there at the district's expense would not accomplish the plaintiffs' purpose. There is a prayer for a decree requiring the selectmen to assess a tax on District No. 3 for building a house on another lot which

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