

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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