

[Strafford, December, 1889.]

CLAY'S PETITION.

PETITION, presented to the selectmen of Strafford, under G. L., c. 88, s. 14, for building a school-house. The selectmen, in writing, informed a justice of this court that they were disqualified to act, by G. L., c. 43, s. 7, and the case was adjourned into the law term. No party appeared, and the facts in relation to the alleged disqualification were not found. No appointment was made, no question of law was decided, and the case was marked

*Not to be brought forward.*

[Belknap, December, 1889.]

WINNIPISOGEE LAKE COTTON AND WOOLLEN MFG.  
CO. v. GILFORD.

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Case 2	
70	435
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71	408

APPEAL, from the refusal of selectmen to abate a tax.

*E. A. & C. B. Hibbard* and *D. Barnard*, for the plaintiffs.

*Jewell & Stone* and *S. C. Clark*, for the defendants.

DOE, C. J. It is not deemed advisable to consider the reserved question of evidence before a trial of the case.

*Case discharged.*

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

[Hillsborough, December, 1889.]

HOLMES & a. v. GREGG & a.

ASSUMPSIT, for lumber sold and delivered. Pleas, the general issue and a tender. Trial by the court, and a general finding that the sum tendered was sufficient. The plaintiffs are lumber dealers in Chicago, and the defendants are manufacturers of doors, sash, blinds, etc., in Nashua. One of the plaintiffs, being in Nashua soliciting orders, received from the defendants an order for five lots of lumber of different dimensions and prices, all amounting to about \$1,000. The lumber sent by the plaintiffs came to the defendants' yard in box-cars, in which it could not be examined. When unloaded and examined, three of the five lots were accepted