

[Coös, December, 1889.]

HEBBARD v. BERLIN.

DOE, C. J. The case falls within the general principle of *Knowlton v. Pittsfield*, 62 N. H. 535.

*Case discharged.*

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

*Twitchell & Goss*, for the plaintiff.*R. N. Chamberlin and Drew & Jordan*, for the defendants.

[Sullivan, June, 1890.]

STATE v. LEWIS.

DOE, C. J. It is not advisable to examine the law of the case until the question whether the defendant in *State v. Cornish* (*ante*, p. 329) acted as the agent or servant of this defendant in bringing the pauper into this state, and until other questions of fact are determined by agreement or trial.

*Case discharged.*

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

*Attorney-General and Solicitor*, for the state.*W. L. Foster and A. S. Wait*, for the defendant.

[Coös, June, 1890.]

HOPKINSON, *Ex r.*, v. BENTON & a.

BILL IN EQUITY, to foreclose a mortgage. Facts found by referees.

*W. & H. Heywood and F. Ladd*, for the plaintiff.*O. Ray*, for Benton.

DOE, C. J. The mortgage was given by the defendant Hodgdon to the defendant Benton in 1876, to secure six notes. In April, 1884, Brown and the plaintiff's testate, Hopkinson, recovered