

Hillsborough, }
June, 1899. }

STATE (*ex rel.* BORTHWICK & a.) v. HARRINGTON & a.

69 670
Case 1
70 298

PETITION, under P. S., c. 205, ss. 4, 5. This is the same case reported *ante*, p. 496. After that decision, the plaintiffs moved at the trial term for an injunction against all the defendants, but introduced no evidence except the record. The motion was granted as to the tenant, and an order made dismissing the bill as to the landlords, to which the plaintiffs excepted.

Martin & Howe, Matthews & Sawyer, and Sherman E. Burroughs, for the plaintiffs.

David A. Taggart, Elijah M. Topliff, John P. Bartlett, and Drury & Hurd, for the defendants.

WALLACE, J. No question of law is presented by the case. It was a question for the trial term whether there was occasion for the injunction to issue or not.

Exceptions overruled.

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

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60 670
Case 2
74 597

DUBE, *Adm'x*, v. GAY.

CASE, to recover for injuries resulting in the death of the plaintiff's intestate, Joseph Dube, while employed by the defendant in laying a sewer. The defendant's motion to direct a verdict for him was denied, subject to exception.

Charles J. Hamblett, Charles W. Hoitt, Charles H. Burns, and John H. Riedell, for the plaintiff.

Jeremiah J. Doyle, George B. French, and Isaac W. Smith, for the defendant.

PARSONS, J. The motion should have been granted. There was no evidence that the defendant's knowledge of the danger