

Hillsborough, }  
 June, 1899. }

WHITE v. DEARBORN & a.

BILL OF EXCEPTIONS, to an order of the court denying the plaintiff's motion for a continuance.

*Henry B. Atherton and Bertis A. Pease*, for the plaintiff.

*Charles J. Hamblett*, for the defendants.

YOUNG, J. No question of law is raised by the plaintiff's bill of exceptions. The motion for a continuance raised a question of fact, and all such questions are for the trial term. *Clark v. Clough*, 62 N. H. 693.

*Exception overruled.*

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

Grafton, }  
 June, 1899. }

CARR v. ADAMS.

BILL IN EQUITY, for the determination of confused and uncertain boundaries between the parties. At the May trial term, 1899, the defendant moved that the plaintiff be required, under the 26th rule of court, to file a deposition taken by him of a witness, not a party, residing in Massachusetts. The court granted the motion and ordered the deposition to be filed by June 10 of that year. The plaintiff excepted, and duly filed a bill of exceptions, upon the ground that the deposition was his private property and subject to his own exclusive use and custody until he elected to use it, and not subject to be ordered on file or put in custody of the court.

*Bingham, Mitchell & Batchellor, Dearborn & Chase, and Drew, Jordan & Buckley*, for the plaintiff.

*Lewis W. Fling and Burleigh & Adams*, for the defendant.

BLODGETT, C. J. "Upon motion to the court, the depositions which either party proposes to use on the trial are to be filed with