

Strafford, }  
Feb. 4, 1902. }

WILBUR v. BERRY.

71 619  
Case 1  
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74 600

TRESPASS, for assault and battery. The plaintiff is a minor who prosecutes the suit by his next friend. Trial by jury and verdict for the defendant. Transferred from the September term, 1901, of the superior court by *Wallace, C. J.*

There was evidence tending to show that the plaintiff was a pupil in a school kept by the defendant, that he disobeyed the reasonable regulations of the school, and that on that account the defendant inflicted upon him reasonable corporal punishment. The plaintiff excepted to a denial of his motion to set aside the verdict as against the law and the evidence.

*Frank F. Fernald*, for the plaintiff.

*John Kivel* and *George T. Hughes*, for the defendant.

WALKER, J. The denial of the motion to set aside the verdict on the ground that it was against the evidence presents no question of law (*Pitman v. Mauran*, 69 N. H. 230), while the evidence was competent as a matter of law to support the verdict. *Heritage v. Dodge*, 64 N. H. 297.

*Exception overruled: judgment on the verdict.*

All concurred.

Rockingham, }  
March 7, 1902. }

DRISCOLL v. PORTSMOUTH, KITTEERY & YORK STREET RAILWAY.

CASE, for personal injuries. Transferred from the superior court by *Young, J.*

The writ describes the defendants as "a corporation organized under the laws of the state of Maine and doing business in York county in said state, but also having a place of business at Portsmouth," New Hampshire. The returns upon it show that a ferry-boat valued at \$9,000 was attached, that a Portsmouth bank was summoned as trustee, and that service was made upon the defendants by giving in hand to F., "agent in charge of affairs of said P., K. & Y. St. R'y Co., at the office of said company in the city of Portsmouth," a true and attested copy of the writ.