

Hillsborough, }
 June 1, 1909. }

CONCORD IRON & METAL CO. v. COUCH, *Trustee, & a.*

REPLEVIN, against a trustee in bankruptcy. Transferred from the September term, 1908, of the superior court by *Wallace, C. J.*

Martin & Howe, for the plaintiffs.

Albin & Sawyer and *Edward G. Leach*, for the defendants.

Per Curiam. The state courts have no jurisdiction of an action of replevin against a trustee in bankruptcy. *Weeks v. Fowler*, 71 N. H. 221.

Action dismissed.

Rockingham, }
 June 26, 1909. }

GEORGE, *Adm'r*, v. NEWMARKET MANUFACTURING CO.

CASE, for negligently causing the death of the plaintiff's intestate. Trial by jury and verdict for the plaintiff. Transferred from the October term, 1908, of the superior court by *Pike, J.*, on the defendants' exception to the denial of their motion for a nonsuit.

Henry C. George and *Eastman, Scammon & Gardner*, for the plaintiff.

Kivel & Hughes and *Edward C. Stone* (of Massachusetts), for the defendants.

YOUNG, J. It cannot be said that the danger incident to the condition of the defendants' premises, of which the plaintiff complains, was an obvious risk, or one of the ordinary risks of business. Consequently it cannot be held that they were not in fault.

Exception overruled.

All concurred.