

1939, a "draft of a new proposed partnership agreement" was submitted by Aimé to Leonce but "was never executed owing to Aimé's death."

We find in this evidence nothing to indicate the existence of a trusteeship. On the contrary, the fact that Aimé and Leonce were contemplating new articles of partnership definitely confirms the presumption that they were continuing business under the old articles until a new agreement could be reached.

*Motion denied.*

All concurred.

Cheshire, }  
Dec. 6, 1938. } No. 3026.

STATE *v.* JOHN PROCTOR.

*Thomas P. Cheney*, Attorney-General, *Frank R. Kenison*, Assistant Attorney-General, and *Walter A. Calderwood* (by brief), for the State.

*Faulkner & Bell*, for the defendant, furnished no brief.

*Per Curiam.* The case is governed by *Hazen v. Corporation*, 89 N. H., 522. In the case at bar as in the case cited the challenges are not for principal cause but are to the favor (*State v. Howard*, 17 N. H. 171, 190 *et seq.*), and as such present no question of law for this court, but one of fact for the court below as to whether or not, in any particular instance, a juror objected to is indifferent.

*Case discharged.*