

DOE, C. J. The alteration of the writ being material (*Benson v. Ela*, 35 N. H. 402, 417, *Clough v. Curtis*, 62 N. H. 409, 410, *Moody v. Lucier*, 62 N. H. 584, 587), and made after service, the action was rightly dismissed.

*Exceptions overruled.*

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

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[Hillsborough, June, 1883.]

EGAN & a. v. DIVISION NO. 1, ANCIENT ORDER OF HIBERNIANS.

PETITION for a mandamus to restore the plaintiffs to membership in the Ancient Order of Hibernians. Facts found by a referee.

*J. P. Bartlett*, for the plaintiffs.

*Sulloway, Topliff & O'Connor*, for the defendants.

STANLEY, J. As the plaintiffs were expelled without the trial to which they were entitled under the defendants' constitution, the case is continued to await the result of such a trial.

All concurred.

Upon trial before the tribunal of the association, the plaintiffs were reinstated, and this action was discontinued.

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[Cheshire, June, 1883.]

JEWETT, *Adm'r*, v. KEENE.

CASE for injuries from an obstructed highway, resulting in the death of the plaintiff's intestate, under c. 35, Laws of 1879. No statement of the time and place of the injury and of the amount of damages claimed was filed with the city clerk, according to G. L., c. 75, ss. 7, 8, 9. The defendants demurred.

ALLEN, J. The sworn statement of the time, place, and character of the injury, and of the amount of damages claimed, required by G. L., c. 75, ss. 7, 8, and 9, before suit is brought for