

[Grafton, December, 1891.]

KNIGHT v. WHITCHER.

The plaintiff's motion to recommit the report of the referee for further findings was denied, subject to exception.

Smith & Sloane, for the plaintiff.

Samuel B. Page, for the defendant.

CHASE, J. The denial may have been based on the ground that a request for special findings was not seasonably made, or on some other ground of fact. No question of law appears in the case.

Exception overruled.

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

[Rockingham, June, 1892.]

LEVY v. ORDER OF THE IRON HALL.

ASSUMPSIT. Facts agreed. The plaintiff is a member of the defendant corporation, and as such he is entitled to certain "sick benefits." Among other things, he agreed that he would not institute legal proceedings for benefits until he had exhausted all remedies therefor provided by the order. Having been sick for several weeks, he presented his claim for a sick benefit, as required by the by-laws, but it was rejected by an officer of the order whose duty it was to pass upon such claims in the first instance. From his decision several appeals were provided for by the by-laws. The plaintiff did not claim an appeal, but brought this action.

William H. Paine and *Calvin Page*, for the plaintiff.

Edwin G. Eastman and *Thomas Leavitt*, for the defendants.

Per Curiam.* As the plaintiff did not resort to the remedy of appeal provided by his contract, he cannot maintain this action. However unreasonable the multiplicity of appeals within the order may seem, he had a right to make an unreasonable contract, and cannot enforce it without complying with its express conditions.

Judgment for the defendants.

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

* See foot-note on page 80.