

Belknap, }
Dec., 1896. }

EVANS v. MEREDITH SHOOK & LUMBER Co.

CASE, for injuries sustained by the plaintiff while serving the defendants as a fireman. Subject to the plaintiff's exception, the court ordered a nonsuit. The exceptions were overruled, upon the ground that there was no evidence tending to show that the plaintiff was ignorant of any fact material to his safety.

PARSONS, J., did not sit.

Jewell, Stone, Owen & Martin, for the plaintiff.

Jewett & Plummer, E. A. & C. B. Hibbard, Samuel W. Rollins,
and *Edward B. S. Sanborn*, for the defendants.

Rockingham, }
June, 1897. }

PAGE, *Ex'r*, v. BILBRUCK, *Ap't*.

APPEAL, from the decree of the judge of probate, allowing a codicil to the will of George Bilbruck. Verdict for the defendant. The plaintiff excepted to the denial of his motion that a verdict be directed in his favor.

Calvin Page and *Frink & Marvin*, for the plaintiff.

Samuel W. Emery and *Edwin G. Eastman*, for the defendant.

CHASE, J. There was no evidence on which the jury could properly find for the defendant, and the plaintiff's motion should have been granted.

Verdict set aside: judgment for the plaintiff.

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