

cause the accident. The evidence warranted a submission of both issues to the jury, and the order is

Exception sustained.

Rockingham, }
Jan. 4, 1916. }

PASSACONAWAY COUNCIL v. GEORGIANA DOW & a.

BILL OF INTERPLEADER, to determine the right to a funeral benefit payable upon a certificate of membership issued to Frank L. Knowles.

The by-laws provided that funeral benefits are payable only to legal dependents of a deceased member and that such dependent must be the wife, children, parents, sisters or brothers, grandparents, or grandchildren or other blood relative or other person who is dependent upon the member.

Before his death Knowles notified the council to make his insurance payable to the defendant, Mrs. Dow, his aunt, who was a blood relative but not dependent upon him and at his death he had not recalled this notice. The court ordered payment to the defendant widow, Mrs. Knowles, and the defendant Dow excepted. Transferred by Young, J., from the April term, 1915, of the superior court.

Ernest L. Guptill, for Mrs. Dow.

Eastman, Scammon & Gardner, for Mrs. Knowles.

PARSONS, C. J. Counsel for Mrs. Dow has not attempted to sustain her exception by argument or brief and no ground occurs to us upon which to question the validity of the order to which the exception was taken.

Exception overruled.

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