

The defendant's contention that it was an abuse of discretion to order him to reconvey without providing for the repayment of what he gave for the farm is equally without merit. There is no finding that he paid anything for the farm; and that he did is not the only conclusion of which the evidence is fairly capable.

Exception overruled.

All concurred.

Hillsborough, }
May 2, 1916. }

ELMER E. AVERY, *Adm'r*, v. JEREMIAH J. DOYLE, *Adm'r*.

ASSUMPSIT. Transferred by *Sawyer, J.*, from the September term, 1915, of the superior court.

Charles J. Hamblett and Marshall D. Cobleigh, for the plaintiff.

Doyle & Lucier and Henri A. Burque, for the defendant.

WALKER, J. The question presented in this case having been decided in *Brewster v. Brewster*, 52 N. H. 52 (see also *Cummings v. Farnham*, 75 N. H. 135), further discussion is unnecessary.

Exception overruled.

All concurred.

Hillsborough, }
May 2, 1916. }

HANCOCK v. THOMAS F. SHEA.

BILL IN EQUITY, to restrain the defendant from obstructing a highway. Trial by court and decree for the plaintiff. Transferred from the January term, 1915, of the superior court by *Branch, J.*

Jones, Warren, Wilson & Manning, for the plaintiff.

Doyle & Lucier, for the defendant.