

rather than administration of the statute. See *Stone v. Cray*, 89 N. H. 483. If like variances are not to be extended to others, injustice is done as between individuals. Since the action of the Trial Court exceeded the discretion conferred by statute, the action of the board of adjustment denying the variance should be sustained.

Hillsborough, }  
Jan. 5, 1949. } No. 3767.

ALICE E. McQUEENEY, *Ex'x v.* A. A. MOONEY FURNITURE COMPANY.

*Sheehan, Phinney & Bass* (Mr. Phinney orally), for the plaintiff.

*Warren, Wilson, Wiggin & Sundeen* (Mr. Wiggin orally), for the defendant.

PER CURIAM. The Trial Judge found that the deceased suffered a ruptured blood vessel upon May 11. There is no evidence to sustain this finding, and it is impossible to determine how far other findings of the Trial Court were influenced by this conclusion. Accordingly there must be a

*New trial.*