

of money for his business, but this could be proved of most business men. His credit was always good, and he left a good estate, while it may well be inferred that Woodward's need of the money was much more pressing than Bailey's, inasmuch as he has twice been *en etat de faillite*. The following was the judgment appealed against, rendered by the Honorable Edward Short, J. S. C., at Sherbrooke, 30th June, 1858 :

"The Court having heard the parties by their respective Counsel, and examined the pleadings, evidence and proceedings of record in this cause, and on the whole deliberated, considering that the Plaintiff hath established that the said Defendant, in her said quality was indebted to him in twenty-six pounds one shilling, the balance of Plaintiff's account for goods, wares and merchandize sold and delivered by the Plaintiff to the the said late Joseph Bailey, and to the said Defendant, and that the same was and is compensated by the sum of eighty-six pounds one shilling and four pence received by the said Plaintiff, of Nelson & Butters of and for the use of the said Joseph Bailey, as pleaded by the said Defendant, doth adjudge and declare the sum of twenty-six pounds one shilling to have been before the institution of this action fully paid, and compensated, and doth dismiss the Plaintiff's action, with costs, distraction of which is awarded to Messrs. Sanborn & Brooks, the Defendant's Attorneys."

SANBORN & BROOKS,
Attorneys for Respondent.