



Str. 809. And 70 ounces of cloves, mace, and nutmegs, without showing the number of ounces of each, has been held good. *Hartfort v. Jones*, 1 Ld. Raym. 588. This may be intended to have been a parcel of bank and treasury notes, amounting to \$3,000, which, upon these authorities, is amply good after verdict.

The plaintiff moves for a close-jail certificate, under section 1502, Rev. Laws Vt., which provides for such a certificate when the court <sup>522</sup> adjudges that the cause of action arose from the willful and malicious act or neglect of the defendant, and that he ought to be confined in close jail. The plaintiff attached this money on mesne process, as United States marshal, and the defendant receipted it, and let it go back into the possession of the defendant in the attachment. This is what he was expected to do. There was no willful invasion of the rights of the plaintiff, or wanton destruction of his property. The defendant was then of good responsibility, and the plaintiff was willing to take his obligation, and give up the money. It was not expected that the money would be kept for the plaintiff, to answer the judgment. Had that been the intention, he would probably have kept it himself. There was nothing willful or malicious in the conduct of the defendant, and there is no just ground to say that for it he ought to be confined in close jail. This accords with the opinion of the highest court of the state. *Soule v. Austin*, 35 Vt. 515.

Motion in arrest overruled. Motion for certificate denied.

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