

recover the sum for which it was sold, with interest. *Thompson v. Currier*, 24 N. H. 237, 239; *Leighton v. Shapley*, 8 N. H. 359; *Mathews v. Fish*, 64 Me. 101, 107; *Hutchins v. King*, 1 Wall. 53; *Charter v. Stevens*, 3 Denio 33.

*Judgment for the plaintiff.*

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

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COÖS.

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PAINÉ v. GRAND TRUNK RAILWAY.

CASE, tried by jury in April, 1878. Reserved questions of law were decided at the law term, March, 1879, 58 N. H. 611. Judgment was rendered on the verdict for the plaintiff in April, 1879, and at the same time the defendants moved that the action be brought forward for review.

*Ray, Drew & Jordan*, for the defendants.

*Twitchell and Ladd & Fletcher*, for the plaintiff.

DOE, C. J. For some purposes, a review is a new action. *Haven v. Libbey, Smith* (N. H.) 109; *Barker v. Barker*, 39 N. H. 408, 409; *Cahoon v. Coe*, 57 N. H. 556, 599; *Camp v. Hilliard*, 58 N. H. 42; *Page v. Brewster*, 58 N. H. 126. But it is settled that the right of review in such cases as this is not affected by c. 64 of Laws of 1878. *Rowell v. B. & M. R. R.*, ante, p. 35.

*Motion granted.*

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

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LAUTEN v. ROWAN.

A sale of liquor in another state, valid by the law of that state, may be enforced here, although the vendor was an agent of this state, and knew that the vendee, a resident of this state, was not a town agent for the sale of liquor.

A debtor's application of a payment to a particular item of his debt need not be express, but may be inferred from circumstantial evidence of his intention.