

that, a loss occurring, the insurance company, on being sued for the amount of insurance, obtained a verdict on the ground that the goods had been insured at an over-value, the declaration alleged the value to be \$3,000, to which the defendant, amongst other pleas, pleaded that plaintiff had not, at the time of making application to insure, nor at any time thereafter, goods in his store to the value of \$3,000, and the jury found for the defendant on these pleas. *Held*, reversing the judgment of the court below, that the traverse of value in the declaration was an immaterial traverse, and that plaintiff was entitled to judgment *non obstante veredicto*.

McGuffin v. Ryall, 415.

PRACTICE.

1. The right of appeal from Chancery is confined to orders or decrees made in a cause pending between parties; where, therefore, an appeal was made to this court from an order directing the taxation of a solicitor's bill against his client in a particular mode, the court dismissed the appeal with costs.

In re Freeman, Craigie and Proudfoot, 109.

2. The respondent, although he may, is not bound in such a case to move at an earlier stage to quash the proceedings. *Id.*

3. The plaintiffs demurred to one plea pleaded, and took issue on another; and the demurrer, on argument, having been overruled, the plaintiffs entered judgment against the demurrer, and before the issue in fact was tried brought error, which was quashed, on the ground that until the issue in fact was disposed of, error could not be sustained.

Dickson v. Ward, 275.

4. *Held*, affirming the judgment of the court below, that in proceeding to arrest and imprison a party for the insufficiency of his answers on an examination as to his estate and effects, conducted before any other functionary than the judge who orders the arrest, it is necessary that a summons to shew cause should, in the first instance, be issued. *Also*, affirming the same judgment, that the fact of the judge who made the order to commit having authority to make such order, and that the same appeared to be regular on the face of it, was not a sufficient justification for the attorney of the party suing out such order in an action brought against the attorney and his clients for assault and false imprisonment.

Ponton v. Bullen, 379.

5. Where defendants appealed jointly, and the court thought that all of them except one were entitled to be relieved from the decree which had been pronounced in the court below, the court reversed the decree, notwithstanding that as to one of the appellants the evidence was sufficient to establish the will under which the plaintiff claimed to be entitled to the estate in question.

Black v. Black, 419.