

as a portion of the demand was liquidated, s. 102 had been satisfied, and consequently the whole debt due from the garnishee to the defendant was attached, under the authority of *Yates v. Terry*, 70 L.J.Q.B. 24, and must remain in Court until the trial of the action.

Application granted; garnishee summons and service set aside and money ordered to be paid out of Court to the defendant.

R. W. Hannington, for application. *H. E. Wilson*, for plaintiff.

North-West Territories.

JUDICIAL DISTRICT OF NORTHERN ALBERTA.

SUPREME COURT.

Scott J.]

HAWKEY v. BURLAND.
VANWART v. BURLAND.

[Jan. 1, 1897.

Married Woman—Terms of judgment and execution.

The defendant, a married woman, was sued by different plaintiffs as a feme sole and there was nothing in the pleadings to shew that she was possessed of separate estate. Judgments were entered against her in default of appearance. The judgments were drawn up against her personally, as if unmarried, no mention being made in them of separate estate, and executions were issued. She then applied to set the judgments and executions aside on the grounds that she was a married woman, and that the judgments and executions were against her personally and not limited to her separate estate. Sec. 40 of the North-West Territories Act, R.S.C. c. 55, provides that "any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts, as if she were unmarried."

Held, that a limitation of the judgments and executions to her separate estate was not necessary under the Act, and that therefore they were neither irregular nor void upon the grounds taken by the defendant in her application.

Rouleau, J.]

MONGENAIS BOIVIN v. BEAUPRE.

[Oct. 18, 1898.

Striking out appearance—Rule 103—Time for pleading.

Held, following *Hobson v. Monks*, W.N. (1884), 8, that the time for pleading does not run pending a summons to strike out an appearance.