

Province of New Brunswick.

SUPREME COURT.

EN BANC]

[Feb. 7.

MCLEOD v. THE UNIVERSAL MARINE INSURANCE COMPANY.

Marine insurance—Valued policy.

The female plaintiff sued on a valued policy to recover \$2,201.25. The ship was valued in the policy at \$22,000. The plaintiff was the registered owner of the 64 shares which were subject to a mortgage. Outside of the policy in suit, plaintiff had \$16,000 on another policy; the mortgagee had \$5,000, and the ship's husband had \$5,000, on the hull, in which he had no interest, but swore the policy was really a disbursement policy. All the insurance except that involved in this suit had been paid, and defendants claimed that as the amount of insurance already paid was greater than the value of the vessel stated in the policy in suit, the plaintiff was precluded from recovering. There was evidence to show that the real value of the ship was greater than \$22,000. The judge below gave judgment for the plaintiff.

On appeal the judgment was sustained.

Currey, Q.C., for plaintiff.

Armstrong, Q.C., and Blair, Attorney-General, contra.

There was an interesting point with reference to practice decided in this case also. During the progress of the trial the defendants wished to have the plaintiff's books brought into Court, but had not subpoenaed plaintiff. They asked for an adjournment to permit of their doing so, which was refused by the trial Judge on objection being taken, and this decision of the trial Judge was also upheld by the full Court.

EN BANC]

[Feb. 7.

LEE v. WALLACE.

Practice—Equity court—Married woman liable in equity under Col. Stat., c. 72

The defendant who is a married woman, employed plaintiff to make certain repairs to a building, which plaintiff did. Being unable to get payment of a balance, which he alleged was due under the contract, he filed a bill in equity to compel payment. The defendant demurred to the bill on the ground that a married woman could not be proceeded against under c. 72, Col. Stat. TUCK, J., upheld the demurrer and ordered the bill to be dismissed. The plaintiff appealed to Supreme Court of New Brunswick.

Held, per BARKER, LANDRY and VANWART, JJ. (HANINGTON, J., dissenting) that a married woman is liable in equity for her contracts during coverture, and may be sued in the Equity Court.

TUCK, J.)
In Chambers. }

[Feb. 11.

BUSSING v. McLAUCHLAN

Col. Stat., c. 38—Imprisonment on judgment—Means to pay.

Plaintiff held a city court judgment against defendant, whom he brought before FORBES, Co. J., for examination under Col. Stat., c. 38. The defendant