

Province of Nova Scotia.

SUPREME COURT.

Full Court.]

BAULD v. REID.

[April 11.

*Married Womans Property Act—Liability of husband for debts contracted before marriage—Evidence—Burden of proof.*

The Married Womans Property Act. R.S. (1900) c. 112, s. 25, makes a husband liable for the debts of his wife contracted by her before marriage "to the extent of all property whatsoever belonging to the wife which he has acquired or become entitled to from or through his wife after deducting therefrom any payments made by him" in respect to any such debts etc. In an action against the defendant R. for goods supplied to his wife before marriage evidence was given by the plaintiff's solicitor to shew that on the examination of the wife before a commissioner the defendant R. was present and stated among other things that he had received from his wife three promissory note for amounts and due at dates which he mentioned.

*Held*, 1. The evidence was not admissible, the best evidence being that taken down by the Commissioner and which he was required to return to the Court.

2. There was nothing in the evidence to bring the notes referred to within the language "property belonging to the wife" which the defendant had "acquired or become entitled to" through the wife, or to discharge the burden resting upon plaintiff to shew acquisition or title by or in the husband.

*Semole*, where money was received and payments made by the husband that plaintiff would have to shew a balance remaining in his hands and that he could not put in one side of the transaction without the other.

*O'Connor* for appeal. *Milner* contra.

Full Court.]

SELIG v. NOWE.

[April 11.

*Costs—Discretion of trial judge refusing not reviewed.*

In an action claiming damages for an alleged interference with a fishing berth judgment was given in favour of defendant but he is deprived of costs on the ground that both defendant and plaintiff acted throughout as if they thought the fishing berth in controversy was in Lunenburg County; that it had up to the time of action been under the charge and control of Lunenburg officers; that defendant attempted to take it up according to the custom of fishermen followed in that County; that he attended before the fishery officers of that County when they attempted to settle the dispute