

THE INSURANCE COMPANY OF NORTH
AMERICA *v.* McLEOD.

1898

*May 5, 6, 7.

*Nov. 21.

THE WESTERN ASSURANCE COMPANY *v.*
McLEOD.

THE NOVA SCOTIA MARINE INSURANCE
COMPANY *v.* McLEOD.

*Marine insurance—Abandonment—Repairs—“Boston clause”—Findings
of jury—Setting aside verdict.*

APPEAL from the judgment of the Supreme Court of Nova Scotia *en banc* (1), affirming the judgment of the trial court in favour of the plaintiff in the three cases tried together by consent.

After hearing counsel for both parties the court reserved judgment, and on a subsequent day allowed the appeal with costs in the Supreme Court of Canada and in the Supreme Court of Nova Scotia, and ordered that a new trial should be granted on payment of the costs of the former trial by the appellants within thirty days after taxation, otherwise that the appeal should stand dismissed with costs.

Appeal allowed with costs.

Newcombe Q.C. and *Harris Q.C.* for the appellants.

Sir C. H. Tupper Q.C. and *Borden Q.C.* for the respondents.

*PRESENT :—Taschereau, Gwynne, Sedgewick, King and Girouard JJ.

(1) 30 N. S. Rep. 480.