Supreme Court of Canada

The Insurance Company of North America v*.* McLeod And The Western Assurance Company *v.* McLeod And The Nova Scotia Marine Insurance Company v*.* McLeod (1899) 29 SCR 449

Date: 1899-11-21

The Insurance Company of North America v*.* McLeod.

The Western Assurance Company *v.* McLeod.

The Nova Scotia Marine Insurance Company v*.* McLeod.

1898: May 5, 6, 7; 1899: Nov. 21.

Present:—Taschereau, Gwynne, Sedgewick, King and Girouard JJ.

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]](#footnote-2)*, 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. Tapper Q.C. and Borden Q.C. for the respondents.

1. 30 N. S. Rep. 480. [↑](#footnote-ref-2)