

1917

*May 22.

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NICHOLS v. McNEIL.

ON APPEAL FROM THE SUPREME COURT OF NOVA
SCOTIA.*Title to land—Married woman—Separate property—Evidence.*

APPEAL from a decision of the Supreme Court of Nova Scotia (1), reversing the judgment at the trial in favour of the plaintiff.

The plaintiff, Nichols, received from one Mrs. Churchill a deed of a hotel property in Digby, N.S., and a bill of sale of the contents. The defendant, McNeil, obtained judgment against Mr. Churchill and seized the personal property in the hotel in execution thereof. In the plaintiff's action claiming damages for trespass by such seizure the Supreme Court of Nova Scotia held that Mrs. Churchill never had title to the personal property nor possession thereof other than her husband's possession and dismissed the action.

The Supreme Court of Canada after argument reserved judgment and on a later day dismissed the appeal with costs.

*Appeal dismissed with costs.**Rogers K.C.* for the appellant.*Mellish K.C.* for the respondent.

*PRESENT:—Sir Charles Fitzpatrick C.J. and Davies, Idington, Duff and Anglin JJ.