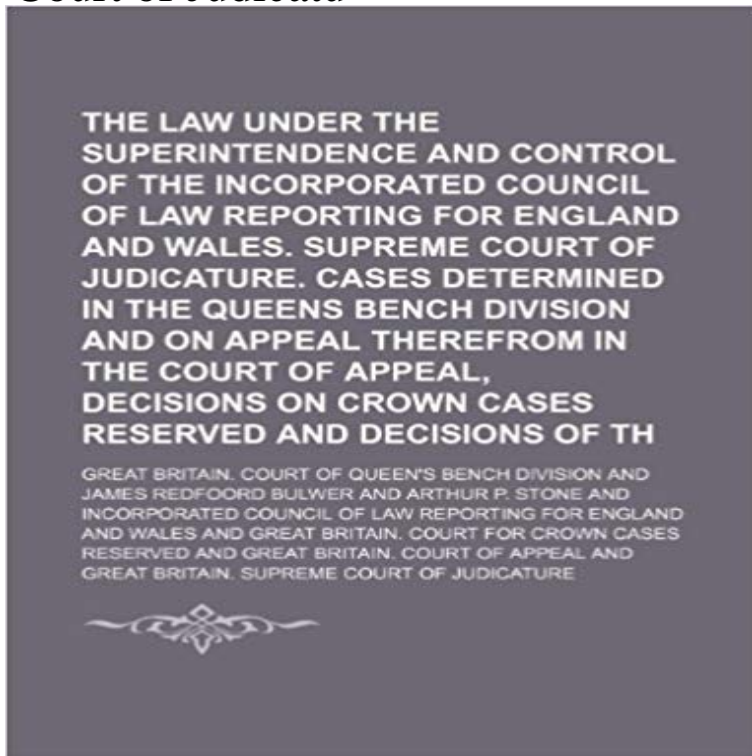


The Law Reports, . Under the Superintendence and Control of the Incorporated Council of Law Reporting for England and Wales. Supreme Court of Judicatu



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1885. Excerpt: ... to conceive why the one kind of judgment creditors should be favoured at the expense of the others. This motion, therefore, must be refused with costs. Order accordingly. Solicitors for execution creditor: Walker & Metcurn-Walker. Solicitor for trustee: W. W. Aldrige. H. L. F. IN THE COURT OF APPEAL. April 17. MEAGER v. PELLEW. Husband and Wife--Judgment Summons--Order for Payment--Separate Estate--Restraint on Anticipation--Debtors Act, 1869 (32 & 33 Vict. c. 62), s. 5. Upon a judgment summons issued under s. 5 of the Debtors Act, 1869, against a married woman who has only separate estate which she is restrained from anticipating, an order for payment cannot be made unless it is shewn that, since the date of the judgment, she has received some of her separate income. If in the judgment execution is limited to separate estate which she is not restrained from anticipating, quxre, whether s. 5 of the Debtors Act, 1869, applies at all. Dillon v. Cunningham (Law Rep. 8 Ex. 23) distinguished. Appeal from the dismissal of a judgment summons by Field, J. On the 30th of October, 1884, A. G. S. Meager commenced an action in the Queens Bench Division against G. H. L. Pellew and his wife, to recover the sum of 4001., with interest thereon, due to the plaintiff on a joint and several promissory note of the defendants dated the 7th of June, 1884. On the 12th of December, 1884, the plaintiff recovered judgment against the defendants for 469Z., principal and interest, and 81. Is. taxed costs. The judgment provided that execution against the female defendant was to be limited to such separate estate as she was not restrained from anticipating, unless such

restraint should be under settlement of her own property made by herself. On the 18th of December the plaintiff iss...

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