

TRADERS INS. CO. V. BARTLETT, 1899-NMSC-006, 9 N.M. 559, 58 P. 1119 (S. Ct. 1899)

**THE TRADERS INSURANCE COMPANY, Plaintiff in Error,
vs.
BARTLETT & TYLER, Defendants in Error**

No. 762

SUPREME COURT OF NEW MEXICO

1899-NMSC-006, 9 N.M. 559, 58 P. 1119

August 28, 1899

Error, from a judgment for plaintiffs, to the Second Judicial District Court, Valencia County.

The facts of this case are substantially the same as those in *Alliance Assurance Co. v. Bartlett & Tyler*, decided at this term, p. 554 ante, except as to amount of garnishee's liability, and the cause is affirmed for the reasons there stated.

COUNSEL

Sylvester G. Williams and R. W. D. Bryan for plaintiff in error.

Childers & Dobson for defendants in error.

JUDGES

McFie, Parker, Crumpacker and Leland, JJ., concur.

OPINION

{*559} **{1}** The facts in this case are practically identical with those in the case of *The Alliance Assurance Company v. Bartlett & Tyler*, just decided, except that the answer of the garnishee discloses that its liability for loss on the policy of insurance which it had issued to Mrs. Holmes was the sum of \$ 623.40.

{2} We therefore affirm the judgment of the court below, and order that the plaintiff in error pay to the defendant in error the sum of \$ 623.40, with interest at the rate of six per cent per annum from the twenty-ninth day of November, 1897, and ten per cent on the amount of such judgment as damages, together with costs.