a transfer free from the caveat of Latzke for which the defendant was in no way responsible.

The defendant was deprived of the costs of the action although he succeeded, because, in his statement of defence, he said that he did not admit the alleged assignment to the plaintiffs, which was equivalent to a denial of such assignment, although he was well aware of it.

Macneill, for plaintiffs. *Hugg,* and *A. M. S. Ross,* for defendant.

Mathers, C.J.] CROMPTON *v.* ALLWARD. [Jan. 8.

Bailment—Possession as evidence of title as against a wrong-doer—Chose in action—Assignability of cause of action for a personal injury—Negligence.

Held, 1. One who, on a dark night, is driving on the wrong side of a road 24 feet wide and collides with a vehicle going in the opposite direction on the right side of the road, though not proved to have been driving recklessly or furiously, is prima facie guilty of negligence, and liable to the person having charge at the time of the other vehicle, for any injuries to him or the horse he was driving or to the vehicle and harness.

2. The plaintiff may recover the full amount of the damages caused by the collision, although he is not the owner, but only the bailee on a hiring from a livery stable, as possession of the property is sufficient evidence of title as against a wrong-doer. The bailee in such a case must account to the bailor for what he collects above his own interest as money received to the use of the bailor, and the wrong-doer, having once paid full damages to the bailee, has a good answer to any action by the bailor.

In re The Winkfield, [1902] P. at p. 60; *Glenwood* v. *Phillips,* [1904] A.C. 405, and *Turner* v. *Snider,* 16 M.R. 79, followed.

3. A cause of action for a personal injury occasioned by negligence, is not assignable and an assignee cannot recover upon it. *McGregor* v. *Campbell,* 19 M.R. 38, and *McCormack* v. *Toronto Ry. Co.,* 13 O.L.R. 656, followed.

Macneill, and B. L. Deacon, for plaintiff. *Thornburn,* for defendant.