

claims to recover the balance of his loss, \$200 damages." In the second action the insurance company claimed \$125 damages, the amount paid by them. The defendant pleaded "not guilty by statute" in both actions, and also, in the second, a special plea that the insurance company were not entitled to sue the defendants, either in their own name or in the name of Pratt. At the trial, the defendants objected that the plaintiff had split his cause of action, and should have sued in the High Court for the full amount, \$335. The trial, however, was proceeded with, and it was agreed that the evidence taken in the first action should apply to both. The defendants moved for a nonsuit, contending that there was no evidence of negligence and no jurisdiction. The plaintiff relied on the *bona fides* and effectiveness of the assignment; that the record in neither case showed a claim beyond the jurisdiction of the court; and referred to Rule 417; *Doan v. Michigan Central*, 26 C.L.J. 154; and to Rule 20, s-s. 7, and others as to non-joinder of parties; also to Addison on "Contracts," American series, vol. ii., p. 196; Porter on "Insurance," last edition, p. 229.

BOYS, J.J., held that there was evidence of negligence to go to the jury, but that the insured, Pratt, could not assign any portion of his cause of action to the insurers; that he had split his demand or cause of action, and that the court had therefore no jurisdiction to try either action, but the whole amount should have been sued for in the High Court, and ordered a nonsuit in each case.

Plaxton for the plaintiffs.

H. S. Osler and Foster (Belleville) for the defendants.

Appointments to Office.

SUPREME COURT JUDGES.

Robert Sedgewick, Esquire, of Osgoode Hall, and of the Bar of Nova Scotia, Barrister-at-Law, Q.C., heretofore the Deputy of the Minister of Justice of Canada, to be a Puisne Judge of the Supreme Court of Canada.

NOVA SCOTIA SUPREME COURT JUDGES.

Hugh McDonald Henry, of the City of Halifax, in the Province of Nova Scotia, to be a Puisne Judge of the Supreme Court of Nova Scotia, *vice* the Honourable Hugh McDonald, resigned.

COUNTY COURT JUDGES.

District of Algoma.

Edward O'Connor, of the City of Guelph, in the Province of Ontario, Esquire, and of Osgoode Hall, Barrister-at-Law, to be Junior Judge of the District Court of the Provisional Judicial District of Algoma, in the said Province of Ontario.

Edward O'Connor, Esquire, Junior Judge of the District Court of the Provisional Judicial District of Algoma, in the Province of Ontario, to be a Local Judge of the High Court of Justice for Ontario.