
 ENGLISH CASES.

 EDITORIAL REVIEW OF CURRENT ENGLISH
DECISIONS.

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COMPENSATION FOR INJURY TO PROPERTY—ASSIGNMENT OF CHOSE IN ACTION ARISING FROM TORT—RIGHT OF ASSIGNEE OF CHOSE OF ACTION TO SUE IN HIS OWN NAME—JUD. ACT 1873 (36 & 37 VICT. C. 66) S. 25—(ONT. JUD. ACT, S. 58 (5)).

In *Dawson v. Great Northern Ry. Co.* (1904) 1 K.B. 277, the plaintiff was assignee of a claim for compensation, which the owners of certain houses were entitled to recover from the defendant company, owing to a subsidence caused by the company having erected a tunnel under their statutory powers. After the damage had been incurred the claim, together with the houses which had been injured, had been assigned to the plaintiff, who had, pursuant to the provisions of a statute, got the damages assessed before Ridley, J., and a jury, and the present action was brought to recover the damages so assessed. The defendants contended that this was not a chose in action which could be assigned so as to enable the assignee to sue in his own name. Wright, J., so held, and dismissed the action. In *King v. Victoria Ins. Co.* (1896) A.C. 250, the Judicial Committee of the Privy Council held that a right to recover damages for negligence was a chose in action within the Act, to recover which an assignee might sue in his own name. This seems to be another instance in which there is a difference of opinion between our final Court of Appeal and the ordinary English Courts as to what is the law of England.

HUSBAND AND WIFE—PRACTICE—ACTION AGAINST HUSBAND AND WIFE FOR WIFE'S TORT—PLEADING—PAYMENT INTO COURT—DENIAL OF LIABILITY—RULE 255—(ONT. RULES 419, 420).

Beaumont v. Kaye (1904) 1 K.B. 292, was an action against husband and wife to recover damages in respect of an alleged libel by the wife. The husband paid money into Court in satisfaction of the claim, and the wife put in a defence denying the alleged libel. The plaintiff moved to strike out the wife's defence. Under the English Rule 255 payment into Court together with a defence denying liability is not permitted in an action of libel. Bucknill, J., therefore struck out the wife's defence, and the Court of Appeal