

Held, reversing the order of the Master in Chambers that the claim was sufficient.

R. Mackay, for claimants. *Jennings*, for plaintiff. *Payne*, for defendants.

Province of Nova Scotia.

SUPREME COURT.

Meagher, J., Chambers.]

[July 18.]

HALL v. THE QUEEN INSURANCE CO.

Collection Act—Assignment and re-assignment—Effect of—Rights of subsequent assignees.

The plaintiff H. made assignments under the Collection Act to the Canadian Bank of Commerce and other creditors of which notice was given to the defendant company, in the order in which the different assignments were made.

Subsequently the bank re-assigned its claim to the plaintiff subject to an undertaking on the part of plaintiff and his solicitor that the bank's claim amounting to \$792.00 would be paid in the first place out of the moneys to be recovered in the action.

Held, 1. That the assignment to the bank in the first place and the notice to defendant vested in the bank the exclusive right to sue for and recover the loss and that the parties to whom the subsequent assignments were made merely stood in the shoes of the plaintiff and possessed no greater right than he did to compel an accounting by the bank.

2. That the re-assignment to plaintiff by the bank merely vested in him the title and rights that the bank then held. And that the rights acquired by them against the fund in the hands of the bank before the re-assignment could not be affected by any subsequent act or transfer by the plaintiff and could not be extinguished or prejudiced by any subsequent legal proceeding.

3. That the re-assignment by the bank to the insured gave him no power or control over the fund that would enable him to give priority to anyone else over those who obtained assignments