

4. The South Shore Railway Company not being in a position to enforce payment of the subsidy in dispute, the suppliants as assignees of the said company are equally disentitled to recover.

5. In disposing of public moneys under statutory authority, the Crown must adhere strictly to the terms of the statute, and neither by order-in-council nor by contract can the terms of the statute be enlarged or altered. *Hereford Ry. Co. v. The King*, 24 S.C.R. 15, followed.

Béique, K.C., for suppliants. *Lafferty*, K.C., for respondent.

Bench and Bar

OBITUARY

LT.-COL. WILLIAM EDWARD O'BRIEN, LL.B.,

BARRISTER-AT-LAW.

A notable Canadian passed from the scene when William Edward O'Brien died at his residence "The Woods," Shanty Bay, Lake Simcoe, on December 22nd, 1914, in his 84th year. By his death the country lost an able statesman, the profession of law a keen legal writer, the militia an active upholder and efficient soldier, and the Empire an ardent Imperialist and a devoted citizen.

Mr. O'Brien was the eldest son of a retired naval and military officer, Col. E. G. O'Brien; his mother being a daughter of Rev. Edmund Gapper, Rector of Charlton, Somersetshire, England. He was born near Thornhill on March 10th, 1831. About that time his father was placed in charge of a settlement of half-pay officers and others on the shores of Lake Simcoe; afterwards being Chairman of the Quarter Sessions, and Colonel of the Simcoe militia, leading them to Toronto at the time of the Rebellion of 1836-7.

In the winter of 1831 Colonel E. G. O'Brien, with his wife and child, one year old, took up his grant of land on the north shore of Lake Simcoe, crossing the lake on the ice with a party of axemen, who, before night, cleared a sufficient space for and erected three shanties to house the party. This gave the name to the settlement. Under such stern and unusual circumstances W. E. O'Brien began his career. The other members of the family consisted of his brothers, Lucius Richard O'Brien, first