

*Held*, also, that there was no estoppel against the plaintiffs by reason of their failure to notify the defendants of their assignment.

*Troughton v. Gittley*, Amb. 630, and subsequent cases in which it was followed, distinguished.

*Galt*, K.C., and *C. S. Tupper*, for plaintiffs. *Hoskin*, K.C., and *Montague*, for defendants.

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### Bench and Bar.

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The retirement of the Hon. Mr. Justice Osler from the Court of Appeal on April 18th called forth a fitting and well-deserved tribute from the Bar of the province to the splendid services, extending over a period of thirty-one years, rendered to his country by that eminent judge.

On the assembling of the court, in presence of a large and representative gathering of members of the Bar, Sir Æmilius Irving, the venerable dean of the profession, representing the Benchers of the Law Society, the York County Law Association and the Ontario Bar Association, voiced the sentiments of the Bar.

"We are met," he said in part, "to do honour to an illustrious member of the Bench, who is about to retire. The importance of the occasion and the depth of feeling evoked are attested by the large attendance of members of the Bar who are desirous of shewing their loyalty to, and esteem, not only for a judge, but, if I may use so familiar a term, for a friend. Although we are sensible of the loss which the Bench and Bar sustain through the retirement of Mr. Justice Osler, we are rejoiced to know that we shall not lose him as our friend, that his retirement comes while he is still possessed of his brilliant powers, while he is still enjoying robust health and the honour, love and affection of his family and of troops of friends. While terms of encomium would be out of place at this tribunal—we esteem all the judges, the great body I am addressing, and the High Court as well—we may be allowed to say that Mr. Justice Osler has steadfastly upheld and splendidly exemplified the purity and learning of the Bench which lie so near the foundations of public liberty."

Chief Justice Moss, speaking for himself and his colleagues on the Bench fully concurred in the remarks of Sir Æmilius and