

promoters, who were the trustees of the company. L. sold 30,000 of his shares to defendants and had them issued direct from the company, with the statement on the face of the certificates that the shares were "fully paid and non-assessable." The company became embarrassed, and the shareholders passed a resolution making all promoters' shares assessable, and on a call of two cents a share being made, the defendants refused payment.

Held, in an action by the company, that the defendants were not liable.

Nelson, for plaintiff. *Galt*, for defendants.

Obituary.

HON. MR. JUSTICE ROSE.

John Edward Rose, whose death we have already referred to, was a son of the late Rev. Samuel Rose, D.D., a well-known Methodist minister in this province, and was born at Willowdale, October 4th, 1844. He received his education at the Dundas Grammar School, and subsequently at Victoria University, Cobourg, taking from time to time the degrees of B.A., M.A., LL.B., and LL.D. He was called to the Bar in 1867, commencing the practice of his profession in the city of Toronto. He subsequently became head of the firm of Rose, Macdonald, Merritt & Blackstock. He was not so well known at nisi prius and in term as he was in connection with important counsel work in his own chambers. In 1881 he was made a Q.C., and on December 4th, 1883, was appointed to take the place of Mr. Justice Osler, on the transfer of that eminent Judge from the Common Pleas Division to the Court of Appeal. Mr. Justice Rose was one of the Commissioners for the Revision of the Ontario Statutes in 1886 and again in 1896, and also devoted much attention to the revision and consideration of the rules of practice under the Judicature Act of Ontario. It fell to his lot as Judge to try a number of very important cases, and his quickness of apprehension, sound judgment and knowledge of law gave entire satisfaction to the Bar, in whose favour he was growing until his death. We have in another place (ante page 49) referred more at length to his judicial career.

MR. BRITTON BATH OSLER, K.C.

Mr. Britton Bath Osler, K.C., of Osgoode Hall, Toronto, whose sudden death at Atlantic City, New Jersey, U.S., on the 5th inst., is referred to elsewhere (ante page 90), was born in the County of Simcoe on June 19th, 1839, being the second son of the late Rev. F. L. Osler, of the Church of England. He had been in failing health for some time past,