

in question, and his liability was taken up in the action by his executrix, Mary Sullivan. As to her liability the case is plain, and as to the others, the intervention of the administratrix, who assumed to lease part of the land, is not material, for no caution was registered, and no estate is in her, and while she might collect the rent, it is only for the beneficial use of the heirs. There are no creditors of either estate affected by the garnishment, and I think it should work its full effect. Order appealed from reversed and order of Master in Chambers restored. Costs of all the proceedings to judgment creditor out of rent attached.

MEREDITH, J., gave reasons in writing to the same effect.

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DECEMBER 5TH, 1902.

C. A.

GRAND HOTEL CO. OF CALEDONIA SPRINGS v.  
WILSON.

GRAND HOTEL CO. OF CALEDONIA SPRINGS v.  
TUNE.

*Trade Name—Infringement of—"Caledonia Water"—Geographical Designation.*

Appeal by defendants from judgment of BOYD, C., 2 O. L. R. 322, in favour of plaintiffs in an action to restrain the defendants from infringing the plaintiffs' trade names and for damages.

The appeal was heard by MOSS, C.J.O., OSLER, MACLENNAN, J.J.A.

W. E. Middleton, for appellants.

R. Arnoldi, K.C., for plaintiffs.

MACLENNAN, J.A.—The injunction granted by the Chancellor restrained the defendants (1) from advertising or selling their water in the Province of Ontario under the name of "Caledonia Water;" (2) or as coming from the springs owned or leased by plaintiffs; (3) or enclosed in any bottles, barrels, or packages having any mark or label contrived to represent their water as coming from the plaintiffs' springs; (4) and particularly from using or applying in Ontario to the defendants' water the words "Caledonia Water," "Water from Caledonia Springs," or "Water from the New Springs at Caledonia;" and (5) from so using and applying in the Province of Ontario any name or title of which the word