

pass a by-law to issue debentures for the purpose of a school site and erection of a school house.

*Held*, that as the first order had been made in Chambers, and as the applicants were the respondents in the Divisional Court, and would have been entitled to appeal as of course if the motion had been heard in the first instance by a judge sitting in court, and as there were reasons of a substantial kind for questioning the judgment complained of and affecting the discretion to be exercised; and as there were questions as to the construction of a statute and the matter was of public interest, leave should be granted. Order made.

*Aylesworth*, K.C., for township. *Riddell*, K.C., for school trustees.

Osler, J.A.]

[Sept. 5.

IN RE EQUITABLE SAVINGS L. & B. ASSOCIATION.

*Companies—Ontario Winding up Act—Appeal to Court of Appeal—Practice on appeal—Final order.*

Ontario Joint Stock Companies Winding Up Act, R.S.O. 1897, c. 222, s. 27, contains the Code of proceedings on an appeal from any order or decision of the Court under that Act, no provision being made in the consolidated rules or elsewhere. There is no provision that reasons pro and con the appeal are required, or any delivery or settlement of the proposed case. The practice when the case has come before a single judge has been to send up the original papers and hear the appeal upon them.

*Semble*, an order of a County Judge rescinding an order previously made by him under s. 41 of the above Act for the dissolution of a company is a final order, and therefore an appealable one.

*C. D. Scott*, for the respondent. *Aylesworth*, K.C., for the appellant.

From Meredith, C.J.]

[Sept. 9.

PROVIDENT CHEMICAL WORKS v. CANADA CHEMICAL MANUFACTURING CO.

*Trade mark—Fancy name—Descriptive letters—Forum—Exchequer Court.*

The letters C.A.P., standing for the words "cream acid phosphates," a fancy name for acid phosphates manufactured by the plaintiffs, were held to constitute a valid trade mark, and an injunction was granted against the use thereof by the defendants, who had used these letters in the sale of goods of the same class, but ostensibly as standing for the words "calcium acid phosphates."

Judgment of MEREDITH, C.J., 2 O.L.R. 182; 37 C.L.J. 668, reversed.

The amendments to the Exchequer Court Act since the decision in *Partlo v. Todd* (1877), 14 A.R. 444 (1888), 17 S.C.R. 196, have not had