plaintiff filed a bill to restrain defendants from the use of that designation, but the bill was dismissed. The Court said: "Plaintiffs insist that the house is not a palace nor the observatory a tower. But while this is true, we are compelled to speak with entire accuracy, and although the plaintiff has proved by an architect that the 'tower' is not a tower, but has been called a 'chicken-coop,' yet I think it is too much to expect of men that in naming a conspicuous building they shall not be allowed to use the language of compliment. And it seems to me that a fine house may be called a palace, and that the ornament on a high building like this may be called a 'tower;' and that 'tower-palace' is not in the language of compliment a too exaggerated name for this particular structure. The newspaper, in describing the plaintiff's opening, called particular attention to this tower, setting forth its command of all the territory adjacent to Louisville. It is to be observed that the sign on the tower was simply 'Tower Palace,' and not Tower Palace Clothing House, and it is further proved that the iron slab at the front door has the words 'Tower Palace' cast in it. I think this name was suggested and adopted as appropriate to this particular building, and was given to the building itself, and that it does not matter who first called it 'Tower Palace.' What is true of the name of an article must be equally true of the name of a building. It would be unjust to its owner to limit him as to his tenants, or to prevent him from taking a proper advantage of its notoriety. No new tenant has any right to deceive the public into thinking the building is still occupied by a former tenant. But in so far as the public are deceived by the fact that the name of the building continues to be used, such misleading cannot be avoided, any more than a belief that the first firm that manufactured 'Paraffine Oil' or 'Essence of Anchovies' will continue to exclusively supply the market with these articles. To make this even plainer, suppose a house built of red granite called by its first tenant Red-Granite House, or of brown stone so named Brown-Stone Palace, could such a tenant move away his business and sign to a brick house or a frame house and prevent all other tenants from calling the houses by their appropriate names? I am not willing to put this case solely on the ground that the name 'Tower Palace' was appropriate or descriptive of this building. I am inclined to think that whatever name had been given must adhere to it." See "Antiquarian Book-Store" case, *Choynski* v. *Cohen*, 39 Cal. 501; 2 Am. Rep. 476; "No. 10 South Water street" case, *Glen & Hall Manufacturing Co.* v. *Hall*, 61 N. Y. 226; 19 Am. Rep. 278.—*Albany Law Journal.*

NOTES OF CASES

IN THE ONTARIO COURTS, PUBLISHED IN ADVANCE, BY ORDER OF THE LAW SOCIETY.

COURT OF APPEAL CHAMBERS.

Moss, C. J.] [Sept. 25.

Grant v. Van Norman.

County Court appeal—Jurisdiction—Chamber order.

Holman moved for leave to set down this case by way of appeal to the Court of Appeal from the County Court of the County of Brant, notwithstanding that the time for damages, as limited by Rule 40 of the General Orders of the Court of Appeal, had expired. The appeal was sought to be had from an order made in Chambers by the Judge of the County Court, discharging a summons to set aside an attaching order previously made by himself, it being objected that no appeal lay from an order such as has been made in this case.

Counsel for appellant cited the judgment of Proudfoot, V.C., in *Van Norman* v. *Grant*, 27 Grant, 500, and R. S. O. c. 50, s. 200, as authority to show that the matter was appealable.

Aylesworth, in opposition to the application, pointed out that nothing said by the learned Vice-Chancellor in *Van Norman* v. *Grant* went the length of holding that an appeal to the Court of Appeal could be entertained, and that a reference to section 200 of the C. L. P. Act at once showed that it had no application whatever to a case like the present, but had reference solely to