law and proprietary rights which partnerships, firms and corporations have to the exclusive use of their own names.

Hon. Mr. BUCHANAN: Has the Privy Council's decision in the Pepsi-Cola and Coca-Cola case any relation to this matter?

Hon. Mr. COTE: It has a very distant relation. That was a trade-mark case. The Privy Council decided that cola, being the name of a substance, could not be trade-marked by any person.

Hon. Mr. LITTLE: Fidelity is the name of an attribute.

Hon. Mr. COTE: We are dealing now, not with trade-marks, but with names. If we were to apply the principle of trade-marks to companies' names, I am afraid we should destroy a good part of the body of our law which regulates the exclusive rights of companies to their names.

I do not wish to take too much time in discussing this matter. I can say this about yesterday's proceedings in the committee, that the promoters' solicitor, a very able solicitor, was allowed ample time to say everything that he could say in favour of the Bill. He acquitted himself thoroughly. The Superintendent of Insurance supported the Bill. As was stated yesterday by the honourable senator from Saltcoats (Hon. Mr. Calder), he is a man for whose administrative ability we have a great deal of respect. But I do not know whether we should always abdicate our own opinions on matters of law to even such an able official. He did say that he had no objection to the Bill, and for the following reason. A year ago the Saskatchewan Life Insurance Company had applied to him for his opinion as to the propriety of using the name Fidelity, and at the time, without having made any reference or given any consideration to the fact that there was in existence a company called the Fidelity Insurance Company of Canada, he stated he had no objection to the name being used; whereupon the Saskatchewan Life Insurance Company put through the usual by-laws and took the usual steps in order to secure the consent of its shareholders and directors to the making of this application. And Mr. Finlayson, having once given his opinion, just stayed put. I do not know what he thought after he listened to the pros and cons in the committee yesterday. I know what I thought. I thought that the committee had come to a proper finding when they reported:

1. Your Committee find that the preamble of the said Bill has not been proven to their satisfaction.

2. Your Committee have arrived at this decision on the ground that the passage of the said Bill would not be in the public interest.

That is quite true. Similarity in the names of two companies may lead to public confusion, and the committee said, "It is not in the public interest to allow two important companies to do business under names which bear so much resemblance to each other."

The mover of this motion might have said: "If the report is adopted, that is the end of the Bill. The promoters having gone to considerable expense, I would suggest that in order to make the Bill acceptable to the committee another name be submitted, and for that purpose I move to have the Bill recommitted." There could be no possible objection to that proposal. However, such is not the case and I do submit that we should not recommit the Bill for the sole reason that the committee was not numerous. If we do that, we shall adopt a bad precedent and cast discredit upon the work of the committee. If the committee had studied this Bill hurriedly, or declined to listen to all the evidence, or to further evidence that might be adduced, the situation would be different. But the committee did nothing of the kind. It listened to the pros and cons with great patience and keen interest; and there were lawyers on the committee who know something about the law regulating the right to names. It is true the committee divided, but its conclusions as contained in the report are sound.

Personally, I am not going to support the motion as made. If it were limited to recommitting the Bill for the purpose of striking out the word "Fidelity" from the fourth line of clause one thereof, and substituting such other word as the committee and the promoters might deem fit and expedient, I do not think anyone would object. It may be that the honourable senator who moved the amendment has something like that in mind. If he has and will say so, I shall be able to support his motion. If not, I am afraid I must vote against it.

Hon. Mr. McGUIRE: Honourable members, I was glad to hear the honourable senator (Hon. Mr. Coté) give so many good reasons why this Bill should be reconsidered. It is true this company has gone to great expense over a long period; it is true the Superintendent of Insurance is a remarkably capable official, and it is true that he agrees to the name as proposed. Knowing Mr. Finlayson as I do, I am certain he did not act in any haphazard way, nor was he taken unawares. In short, I am confident he did not do anything which he had not considered deliberately.

No interests will be adversely affected if this matter is deferred, and there is no rule to prevent a standing committee of the Senate