

has over \$3,000,000 invested in Canada, and that it is commonly referred to as "The Travelers."

"It is alleged, and, in fact not seriously disputed, that the carrying on of business by the respondent under a name so like that of the appellant must result in confusion and serious damage to the latter. It is also set forth in the petition that by adopting and using the word "travellers" in its name, the respondent seeks to profit by the appellant's good name and to procure an undue advantage at the expense of the latter. It is also claimed, for the appellant, that its long use of the word "travelers" has given it an exclusive right to use of that in the business of life and accident insurance.

"It is, in particular, shown that post letters, intended for the appellant, have commenced to find their way into respondent possession.

"These consequences are what nine out of ten persons would expect to follow. The respondent's proceeding is like one which was described in a recent English case as manifesting "the fraudulent intention of annexing the benefit of the plaintiff's name." (1901), 2, *Ch. p.* 516.

"Apart from an objection to the effect that a Court of Appeal ought not to interfere with a judgment of refusal of an interlocutory injunction, the whole case for the respondent is made to rest upon a defence of charter right to do all that it has set out to do. At the hearing, the authority of this Court to deprive the respondent of the benefit of a single word or syllable of it special act, was challenge with somewhat unnecessary emphasis.

"The substantial question, accordingly, is whether or not the special act does give to the respondent such a statutory right and power in doing what it has set out to do, as shown by the proof to the undoubted injury of the