

corporation by Act of Parliament, that it cannot be restrained from doing business under its corporate name, that the names of the two companies are dissimilar and that the courts have no power to override, vary or modify an Act of Parliament, Parliament being supreme.

The Superior Court (Lafontaine J.) dismissed the petition by the following judgment:

“Considering that a corporation, like an individual, must have a name which for individuals, is derived from filiation and for corporations is granted by decree of the Sovereign or State;

“Considering that the Parliament of Canada is omnipotent in the exercise of its right to create corporations and is likewise omnipotent in the choice of a name by which a corporation should be known and will transact business;

“Considering that an individual, or a corporation, cannot have a name other than the one properly belonging to it nor can it change it and that, by preventing the Respondent from using the name which was given to him by a Parliament, the Court would prevent Respondent from carrying on the business for which was passed the statute creating the corporation Respondent and would, by so doing, deny to the Respondent the right to exist;

“Considering that the inconveniences which might result from the similarity of the name employed by the Parliament of Canada to designate the Respondent with the name of an already existing corporation are a consideration for Parliament only, when choosing a name for the corporation put in existence, but cannot be reasons, after the name is given and the law creating a corporation is in force, for Tribunals to intervene and forbid a corporation to use its name and that the most that could be done to