

Counties Bank ;¹ Merchant Banking Co. of London v. Merchants' Joint Stock Bank ;² Australian Mortgage Land & Finance Co. v. Australian & New Zealand Mortgage Co.³

It has been held by the Privy Council, in the case of a company which had gone into liquidation, and whose assets were subsequently acquired by a new company, not, however, adopting the same name, but purchasing the good-will, that the new company had no right to restrain an individual from doing business in the name of the old company, even though the two businesses were alike and conducted in the same city.⁴

11. Change or alteration of name.—No statutory alteration of the name of the company as above provided will affect its rights or obligations;⁵ and all proceedings may be continued or commenced by or against the company under its new name that might have been continued or commenced by or against the company under its former name.⁶

12. Word "Limited" in name.—The Dominion and Ontario Acts require that the company shall keep painted or affixed, its name, with the word "Limited" after the same, on the outside of every office or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible, and shall have its name, with the said word after it, engraved in legible characters on its seal, and mentioned in legible characters in all notices, advertisements and other official publications of the company, and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods, purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices and receipts of the company.⁷ The Act also provides penalties for non-observance of the foregoing provi-

¹ Before Jessel, M. R., 1878; see Buckley Comp., 25.

² 9 Ch. Div., 560.

³ W. N. 1880, 6.

⁴ Montreal Lithographing Co. v. Sabiston, P. C. [1899] A. C., 610, affirming Que. Q. B., but for different reasons.

⁵ R. S. C., ch. 119, sec. 11; for Manitoba see R. S. M., ch. 23, secs. 1, 2.

For Ontario see R. S. O. 1897, ch. 215, sec. 1.

⁶ R. S. C., ch. 119, sec. 12; Provinces likewise.

⁷ R. S. C., ch. 119, sec. 79; R. S. O., ch. 191, sec. 23.