

Novelty Manufacturing Co. before 25th March, 1884, at Toronto, by defendant George R. Davis, or any business, under the representation that any such business was the same or a continuation of the same business so carried on before 25th March, 1884, and from use by defendant George R. Davis, his executors or administrators, of the name "Novelty Manufacturing Co." as a trade name in competition with plaintiff.

Plaintiff is also entitled to damages for past acts of defendant George R. Davis in carrying on business or using the trade name in manner which plaintiff is so entitled to have restrained, and also damages for the alleged misrepresentation, and may have a reference to assess damages if desired.

The names "Specialty Co." and "Davis Specialty Co." cannot be said so to resemble the name "Novelty Manufacturing Co." that the use of those names, apart from representations in relation to the business being the same as or a continuation of that sold to plaintiff, and apart from competition under those names, would be a cause for damages or relief.

Judgment accordingly. Costs to plaintiff, including costs of interim injunction.