

not otherwise liable, there is no jurisdiction in the High Court to make a declaratory judgment that the applicant is entitled to recover his claim in such court of summary jurisdiction.

TRADE NAME—NAME INDICATING MANUFACTURER—IMITATION OF RIVAL TRADER'S GOODS—FRAUD—INJUNCTION.

In *The Birmingham Vinegar Co. v. Powell*, (1897) A.C. 710, the House of Lords (Lords Halsbury, L.C., Watson, Herschell, Shand and Davey) unanimously affirmed the judgment of the Court of Appeal (1896) 2 Ch. 54, (noted ante vol. 32 p. 613) and holding that the plaintiff who had for many years manufactured a sauce according to a secret recipe, which he called and sold by the name of "Yorkshire Relish," was entitled to an injunction restraining the defendants from selling a sauce manufactured by them under that name, or using the words "Yorkshire Relish" in connection with their sauce, without clearly distinguishing it from that made by the plaintiff.

APPEAL TO HER MAJESTY IN COUNCIL IN CRIMINAL CASE, WHEN GRANTED.

In re Caren, (1897) A.C. 719, was an application for leave to appeal to the Judicial Committee of the Privy Council from a conviction in a Consular Court in a criminal case in which their Lordships reiterate the rule laid down in such cases, *In re Dillet*, (1887) 12 App. Cas. 459, viz., that "Her Majesty will not review or interfere with the course of criminal proceedings unless it is shown that by a disregard of the forms of legal process, or by some violation of the principles of natural justice, or otherwise, substantial and grave injustice has been done." No such case having been made out, the leave was refused. We may observe that the principal point relied on by the applicant was that she had been tried by a jury of five instead of twelve pursuant to the order in Council establishing the consular Court, which the applicant claimed to be invalid, but their Lordships were of the opinion that the Crown had power so to constitute the Court and to provide for the trial of criminal cases therein by juries of less than twelve.