

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH
DECISIONS.

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TRADE NAME—"CALEDONIA WATERS"—WORD DESIGNATING LOCAL SOURCE
OF GOODS.

Grand Hotel Co. v. Wilson (1904) A.C. 103, was an appeal by the plaintiff from the Court of Appeal of Ontario reversing a judgment of the Chancellor and dismissing the action. The action was brought to restrain the use by the defendants of the word 'Caledonia' as applied to mineral waters sold by them. The plaintiffs derived mineral waters from various springs in the Township of Caledonia, where they carried on business, and it was known in the market by that name. The defendants had discovered other springs in the same township and sold the product thereof as water "from new springs in Caledonia." The plaintiffs claimed that the word Caledonia in reference to the water sold by them, the word had lost its geographical sense and had acquired a secondary meaning by which the waters from the plaintiffs' springs were designated, and that therefore the defendants could not now use that name as a designation of mineral water sold by them. The Judicial Committee of the Privy Council (Lords Davey and Robertson, and Sir Arthur Wilson) while conceding that the defendants could not use the word "Caledonia" in such a manner as to pass off their goods for those of the plaintiffs, were nevertheless of the opinion that the plaintiffs had not an exclusive right to the use of the word; and they thought that the defendants by describing their water as from "the new springs at Caledonia" sufficiently distinguished their water from that of the plaintiffs, and that the use of the word "Caledonia" by the defendants as a designation of the locality from which the water came could not be interfered with. The appeal was therefore dismissed.

MARTIAL LAW—JURISDICTION.

Attorney General v. Van Reenen (1904) A.C. 114. This was an appeal by the Attorney General of the Cape of Good Hope from a decision of the Supreme Court of that colony purporting