

TRADE MARK—USER OF TRADE MARK—"MAIZENA"—PUBLICI JURIS.

National Starch Company v. Munns Patent Maizena and Starch Company, (1894) A.C. 275; 6 R. July 36, is the only remaining case necessary to be referred to here. The action was brought to restrain an alleged infringement of a trade mark. The appellants had registered in 1889 in New South Wales the word "Maizena," which they had invented in 1856, and registered and enforced in other countries, but had for a quarter of a century allowed the word to be used in New South Wales as a term descriptive of the article, and not of their manufacture thereof. The Judicial Committee of the Privy Council (Lords Watson, Ashbourne, Macnaghten, and Morris, and Sir R. Crouch), affirmed the decision of the Colonial Court that the word "Maizena" had, by user in New South Wales, become *publici juris*, and was, therefore, not registrable there as a trade mark in 1889; and though the respondents had applied the word to their goods, yet as it did not appear that either by their labels or packages they had in any way attempted to pass off their goods as those manufactured by the plaintiffs, but, on the contrary, stated the name of the maker and place of manufacture, and other necessary particulars, it was held that they could not be restrained on that ground from using the word "Maizena."

The Law Reports for August comprise (1894) 2 Q.B., pp. 385-555; (1894) P., pp. 225-256; and (1894) 2 Ch., pp. 377-477.

CRIMINAL LAW—EXTRADITION—ANARCHIST OUTRAGES—POLITICAL OFFENCE—ACCOMPLICE—EVIDENCE—ONE COMMITTAL FOR TWO OFFENCES.

In re Mennier, (1894) 2 Q.B. 415; 10 R. Oct. 255, a person who had been committed for extradition to France, on the charge of having committed anarchist outrages there by causing explosions at a café, and also at certain military barracks, applied for a *habeas corpus*, with a view to procuring his discharge, on the ground of want of evidence of identity of the prisoner with the person who had committed the outrages, and that the only evidence against the prisoner was the uncontradicted evidence of an accomplice; also because the two offences were included in the same committal; and also because the offence at the barracks was of a political character within the meaning of the Extradition Act, 1870 (33 & 34 Vict., c. 52), s. 3, s-s. 1, and the prisoner was,