

ness of clothiers, had agreed that he would not, within three years after leaving their employ, be engaged in or carry on a similar business to the plaintiffs within twenty-five miles of London or within twenty-five miles of any place where the defendant should have been employed by the plaintiffs at any time during the continuance of the agreement. The County Court, in which the action was commenced, granted an injunction, which was reversed by a Divisional Court (Pickford and Avory, JJ.), which decision in turn was reversed by the Court of Appeal (Williams, Kennedy and Buckley, L.J.J.). The House of Lords (Lord Haldane, L.C., and Lords Dunedin, Shaw and Moulton) have now reversed the judgment of the Court of Appeal, and restored the judgment of the Divisional Court, setting aside the injunction granted by the County Court. The Divisional Court had, however, decided the question on the ground that the agreement was too vague, because "London," as a place of description, was too indefinite, and because in an earlier part of the agreement it was described as being in the County of Middlesex, whereas London is now itself a county, and is not in Middlesex. The House of Lords, however, disposed of the case on the broader ground that the restriction was unreasonably wide. As Lord Moulton remarks, it is sad to think that in this case the appellant has to go through four courts before he could free himself from the unreasonable restraint which he had imposed on himself by his covenant. According to the report he arrived at the court of last resort in forma pauperis as might be naturally expected.

EXECUTION—*FIERI FACIAS*—UNPATENTED MINING CLAIM IN ONTARIO—SEIZURE AND SALE—MINING ACT OF ONTARIO (8 EDW. VII. c. 21) ss. 35, 59, 72-74, 77, 78—EXECUTION ACT (9 EDW. VII. c. 47 (ONT.)).

*Clarkson v. Wishart* (1913) A.C. 828 is an appeal from the High Court of Justice of Ontario. The simple point being whether a judgment debtor's interest in an unpatented mining claim is exigible under a *fieri facias* against the goods and lands of the debtor. The sale was made by the Sheriff of the interest under a *fi. fa.* as of a chattel, and not as land. The mining recorder refused to register the purchaser as owner of the debtor's interest, and on appeal to the Mining Commissioner he held that the interest of the debtor in the claim was merely that of a tenant at will and was not exigible. The Divisional Court