

ness under the name of "John Cash & Sons," which business has been bought, and was now owned by the plaintiffs. Harwood Cash had been an employee of John Cash & Sons, and on leaving that firm had promoted and registered the defendant company to carry on the same kind of business as that of John Cash & Sons. Joyce, J., held that although he had the right to carry on business in his own name, yet that the defendant company had no right to take a name which might have the effect of deceiving or misleading the public into the belief that there was some connection between the defendants' and the plaintiffs' business and that it was quite immaterial that John Harwood Cash was a promoter or member of the defendant company.

VENDOR AND PURCHASER—TITLE—DEFECT IN TITLE—AGREEMENT BY VENDOR NOT TO INTERFERE WITH LIGHT TO ADJOINING PREMISES—DRAIN.

*Pemsel v. Tucker* (1907) 2 Ch. 191 was an application in the nature of an appeal from the certificate of a master on a reference as to title. The premises in question were sold under an open contract, and on a reference as to title the vendor produced an agreement made with an adjoining proprietor by which, in effect, the vendor had agreed not to interfere with the lights of the adjoining premises, and it also appeared that beneath the premises a drain ran which served two adjoining houses. Warrington, J., held that both these facts constituted objections to the title: the agreement operating as a restriction on the enjoyment of the premises sold, and the common drain being by statute vested in a municipal authority, so as to prevent the vendor from conveying all that he had contracted to sell.

STAYING ACTION—CAUSE OF ACTION ARISING OUT OF THE JURISDICTION—DEFENDANT TEMPORARILY WITHIN JURISDICTION—ABUSE OF PROCESS OF COURT.

In *Egbert v. Short* (1907) 2 Ch. 205 the defendant applied to stay, or dismiss, the action as being an abuse of the process of the Court. The defendant was a solicitor practising in Madras, and was trustee of a deed of separation made between the plaintiff and her husband who was an American domiciled in India. The action was brought for negligence on the part