

her marriage to Higson being void; and it was held that, the testator having recognized her as the wife of Higson, he must be deemed to have intended to benefit the child born in the testator's lifetime, notwithstanding its illegitimacy, and that, therefore, this child was entitled to the whole of the fund. The children born subsequently to the death of the testator, he held, could not take, because the lady might, at some future time, have married and had legitimate children, and illegitimate children who are not strictly within the description given by the testator could not be admitted to share.

GOOD WILL.—TRADE NAME, ASSIGNMENT IN GROSS.—INJUNCTION.

*Thornloe v. Hill*, (1894) 1 Ch. 569, was an action to restrain the defendant from marking watches made by him with the name of "John Forrest." It appeared that one John Forrest, a watchmaker, used to mark "John Forrest, London," on watches made by him. After his death, in 1871, his business and good will was sold by his administratrix to Carley & Co., watchmakers, in London. In 1874, Carley & Co. granted to a firm of Stuart & Co., watchmakers, of Liverpool, the sole right, for seven years, to put the words "John Forrest, London," on watches made by them. After the expiration of the seven years Carley & Co. rarely, if ever, inscribed watches made by them with the words "John Forrest, London." In 1890 they made an assignment for the benefit of their creditors, and the assignee sold their business to one Clemence, who still carried it on, and the same day he assigned to the plaintiff, who carried on business in Coventry, the right to use the name, title, and good will of the business of John Forrest, trading under the style or title of "John Forrest, Chronometer-Maker to the Admiralty, London, E.C." As a matter of fact, John Forrest had never been chronometer-maker to the Admiralty. The defendant, who was also a watchmaker in Coventry, was making and selling watches with the name of John Forrest inscribed thereon, and it was to restrain him from so doing that the action was brought. Romer, J., refused the injunction on several grounds—among others because, if the name "John Forrest, London," was originally justifiably used by Carley & Co., as indicating themselves as successors in business to John Forrest, yet, by their granting a license to use the name to persons who lived in Liverpool and were in no way successors