

was wider than was necessary for the protection of the covantee and they found that it was. On subsequent consideration he came to the conclusion that the question of the reasonableness of the restraint was one for the judge and not for the jury, and he held that the restraint in question was reasonable, and gave the plaintiff an injunction as prayed. The defendant then moved for judgment in his favour, or for a new trial, contending that the judge had erred in his ruling of reasonableness, but the Court of Appeal (Collins, M.R. and Mathew and Cozens-Hardy, L.JJ.) affirmed his decision that the question was for the Court and not for the jury. As Cozens-Hardy, L.J., neatly puts it, "The question is really one of public policy, which is not a question of fact for a jury, but of law for a judge." The restraint in question, however, prohibited the defendant from carrying on business in any part of the world. The business in respect of which the covenant was given being a cider business carried on mainly in the particular locality in which the defendant was employed to act as manager. Under these circumstances the Court of Appeal held that the restraint was too wide, and on that ground reversed the decision of Grantham, J., and gave judgment for the defendant.

MUNICIPAL ELECTION—ELECTION—NOMINATION AND ELECTION OF DISQUALIFIED PERSON—NOTICE OF DISQUALIFICATION—RIGHT TO SEAT.

In *Hobbs v. Morey* (1904) 2 K.B. 74, the Divisional Court (Kennedy and Darling, JJ.) have laid down a reasonable rule on a point of municipal election law. At the election in question two candidates were nominated. One of them who was disqualified by reason of being interested in a contract with the corporation, was elected. The fact that he was disqualified was unknown to the electors. The other candidate claimed the seat: but the Divisional Court held that although where a candidate is nominated who is known to be disqualified, his opponent who receives the fewer votes is nevertheless entitled to the seat; yet where the disqualification of the candidate is not known to the electors the case is different, and in the latter case there must be a new election.

HUSBAND AND WIFE—MARRIAGE SETTLEMENT—COVENANT TO SETTLE AFTER ACQUIRED PROPERTY—SPES SUCCESSIONIS—AMOUNT OF INDEMNITY.

In *re Simpson, Simpson v. Simpson* (1904) 1 Ch. 1, was an application by originating summons to determine whether certain property to which a wife had become entitled on the death of her