

twenty-one. The will directed the income to be applied for the maintenance of all the legatees indiscriminately, and Eady, J. therefore held that the share of the deceased was not vested though *semble*, it would have been vested, if the direction had been to apply the income of the respective shares of each legatee for his or her maintenance.

RESTRAINT OF TRADE—COVENANT—"INTERESTED" IN SIMILAR BUSINESS—SERVANT.

Gophir Diamond Co. v. Wood (1902) 1 Ch. 950, was an action to restrain the defendant from committing a breach of covenant whereby he bound himself not to be interested directly or indirectly in a similar business to that of the plaintiffs within twenty miles of Regent Street. The alleged breach consisted in the defendant having accepted employment as a servant at a fixed salary in a similar business. Eady, J. held that this was not being "interested" within the meaning of the covenant, and he refused an injunction.

FRAUDULENT CONVEYANCE—ASSIGNMENT FOR BENEFIT OF CERTAIN CREDITORS—13 ELIZ. C. 5—(R.S.O. C. 334, S. 4).

Maskelyne v. Smith (1902) 2 K.B. 158, was an appeal by a claimant in interpleader proceedings from the deputy judge of a County Court. The defendant Smith had made an assignment for the benefit of such of his creditors as executed the schedule thereto. The plaintiffs were execution creditors who had not executed the schedule, and they seized under their execution goods assigned which were claimed by the assignee. The question was whether the deed was void as against the execution creditor under 13 Eliz. c. 5 (R.S.O. c. 334). The deputy judge held that it was, owing to the plaintiffs being omitted from the schedule, but the Divisional Court (Lord Alverstone, C.J., and Darling and Channell, J.J.) overruled his decision and held that the assignment was not void under the statute of Elizabeth.

ASSIGNMENT OF CHOSE IN ACTION—"ABSOLUTE ASSIGNMENT (NOT PURPORTING TO BE BY WAY OF CHARGE ONLY)"—SECURITY FOR DEBT—INSTRUMENT PASSING WHOLE RIGHT OF ASSIGNOR—JUDICATURE ACT, 1873 (36 & 37 VICT. C. 66) S. 2, SUB-S. 6 (R.S.O. C. 51 S. 58, SUB-S. 5).

In *Hughes v. Pump House Hotel Co.* (1902) 2 K.B. 190, the defendants appealed from the decision of Wright, J., on a preliminary point of law as to the plaintiffs' right to sue in their own