

were, (1) that it was ultra vires, (2) that it was in restraint of trade, and (3) that it tended to establish a monopoly in the weighing of coal.

*Held*, that the council had power to pass the by-law under the authority of sub-s. (i) of s. 632 and sub-s. (f) of s. 654 of "The Municipal Act," R.S.M. 1902, c. 116, the language of the latter sub-section being "(f) For regulating the mode of measuring or weighing . . . cordwood, coal or other fuel and for imposing a reasonable fee therefor, and for regulating the sale of said articles," and that the by-law was not open to any of the objections urged against it. *Dillon*, s. 390, *Cooley*, p. 286, *Tiedman*, par. 127, and *Stokes v. New York*, 14 Wend. 87, followed.

Sec. 368 of the Municipal Act cannot be construed as prohibiting such a by-law.

*Agnew*, K.C., for applicant. *I. Campbell*, K.C., for Town of Virden.

Macdonald, J.]

RE CODVILLE.

[Jan. 11.

*Conveyance of land—Reservation of claim for compensation.*

*Held*, that an owner of property which will be depreciated in value by the contemplated closing of a street may sell and convey the property in fee simple reserving the right to collect afterwards from the municipality the amount of damage to the property that will accrue when the street is actually closed. Under such circumstances it is no answer to his claim for such damages that he has ceased to have any estate or interest in the land.

*Wilson*, for claimant. *Aikins*, K.C., for C.P.R. *I. Campbell*, K.C., and *Hunt*, for City of Winnipeg.