

Y.T., over 2,000 miles from the mining recorder's office. The bill of sale was not recorded until May 22, 1903.

Held, that as the time for recording mining claims, fixed by s. 19 of the Mining Act is dependent upon the distance of the claim (not of the locator) from the recorder's office, therefore by s. 49 of the Act the bill of sale was of no effect as against the intervening execution.

J. A. Macdonald and A. C. Galt, for claimant. *C. R. Hamilton*, for defendant.

Full Court]. *LASHER v. TRETHEWAY.* [April 26.
Practice—Parties—Action to set aside tax sale deed and for damages against the municipality.

Plaintiff sued to set aside a tax sale deed obtained by the defendant Tretheway, issued in pursuance of a tax sale held by the defendant municipality. The sale was impeached on the grounds, amongst others, that there were no taxes due, that there was no proper assessment roll or collector's roll, and that the provisions of the Municipal Clauses Act respecting tax sales had not been observed. The relief sought was a declaration that the deed and the sale were both void, an account from the municipality of taxes unpaid and damages.

Held, affirming an order of IRVING, J., who dismissed an application to have the municipality struck out as being wrongly joined, that the municipality was properly joined as a party defendant.

McPhillips, K.C., for appellant. *McCaul*, K.C., for respondent.

Duff, J.] *RUSSELL v. BLACK.* [May 26.
Costs on County Court scale—Jurisdiction of judge to order.

Judgment for \$227.00. Counsel for defendant asked that costs be allowed on the County Court scale as the action could have been brought in the County Court. By Supreme Court Act, 1903-4, s. 100, the costs of trial follow the event.

Held, that there was no jurisdiction to order costs on the County Court scale.

F. R. Russell, for plaintiff. *F. Higgins*, for defendant.

UNITED STATES DECISIONS.

RESTRAINT OF TRADE:—A combination to fix prices in restraint of trade is held, in *State ex rel. Crow v. Armour Packing Co.* (Mo.) 61 L.R.A. 464, to be properly shewn by acts on the part of several competing dealers in the same line of trade, such as selling at a fixed price, from which rebates are given in goods or weights, giving notice of coming advances in price, which always follow as announced, securing concessions from competitors of the right to sell shop-worn goods, gathering evidence of sales under price, and abandoning such conduct as soon as legal proceedings are instituted to punish them.