

that if persons meet to fight intending to continue till they give in from injury or exhaustion, the fight is unlawful whether gloves are or are not used.

An exhibition of fighting with fists or hands, to witness which an admission fee is charged to the public and at which it is announced that the stake money will go to the contestant who knocks out his opponent in a stipulated number of rounds is a "prize fight" within the Criminal Code: *Steele v. Maber*, 6 Can. Cr. Cas. 446.

But a sparring match with gloves under Queensbury or similar rules given merely as an exhibition of skill and without any intention to fight until one is incapacitated by injury or exhaustion, is not a "prize fight": *The King v. Littlejohn*, 8 Can. Cr. Cas. 212.

A sparring or boxing match for a given number of rounds which would not ordinarily exhaust either participant, is not a "prize fight," although the boxers were paid fixed sums, not depending upon the result, for giving the exhibition: *The King v. Fitzgerald*, 19 Can. Cr. Cas. 145.

Beck, J.] RE BAYLIS INFANTS. [13 D.L.R. 150.

Infants—Parents' right to custody—Welfare of child to govern.

In determining whether the father or mother, who are living apart, shall have the custody of a minor child, the wishes of the mother are to be considered, as well as the wishes of the father, but the primary consideration is the welfare of the child.

In awarding the custody of infants to their mother as against the father, the order should provide that the latter shall have reasonable access to them.

H. A. Mackie, for applicant. *A. F. Ewing*, for mother.

Province of Saskatchewan.

SUPREME COURT.

Haultain, C.J., Johnstone, Lamont,
and Brown, J.J.] [13 D.L.R. 182.

RURAL MUNICIPALITY OF VERMILLION HILLS *v.* SMITH (No. 2).

Taxes—Action for collection—Who may maintain—Rural municipality—Taxes assessed by local improvement district.

A rural municipality that succeeds a local improvement district, may, in the name of its council, recover unpaid land taxes