

certificates issued to him and on which alone his vote at the shareholders' meeting would be based.

Kilmer, K.C., for the liquidator. *McBrayne*, for R. W. Thomas.

Master in Chambers.]

[March 28.

TAYLOR *v.* TORONTO CONSTRUCTION CO.

Venue—Change—Failure to serve notice of trial.

While there may be jurisdiction to change the place of trial, after notice of trial, a plaintiff may not correct his own mistake in failing to give notice of trial by a motion to change the venue.

F. Morison, for plaintiff. *Chisholm*, K.C., for defendants.

Province of Quebec.

KING'S BENCH—APPEAL SIDE.

Archambault, C.J., Trenholme,
Lavergne, Cross and Carroll, JJ.]

[March 15.

VILLAGE OF MARBLETON *v.* RUEL.

Waters—Building dam—Lower riparian owners—Injunction.

Held, 1. A municipal corporation may not place a dam at the outlet of a lake for the purpose of raising the level thereof when such action diminishes the enjoyment of the mill owners having rights to the waters flowing from such lake by depriving them of their usual quantity of water at certain seasons.

2. Riparian owners have a right of action to compel the removal of a dam which seriously interferes with their riparian rights and to compel the restoration of the former status in quo so that the waters may escape from the lake at their natural level and this without prejudice to their claim for damages.

C. Walter Cate, K.C., for appellant. *J. A. Leblanc*, K.C., for respondent.