

**WARREN and others, plaintiffs-appellants v. LA  
CORPORATION DU VILLAGE DE LA MALBAIE.  
defendant-respondent.**

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**Sale—Water works—Use of water—Responsibility—  
Injunction—Municipal Law—Ordinances—C. C.,  
art. 406—C. P., art 957.**

1. The sale of a branch of a water-work to a municipality, with related franchise, and with the obligation to provide in perpetuity a flow of water to supply that plant *d'une façon suffisante et convenable*, does not vest in the vendor any title to or interest in the use to which the water is to be put after it has flowed into the branch pipe. Therefore, the municipality may use the water and distribute it in any of its streets, old or new, to the householders or factories, or use it for fire-extinction, or let the water to be wasted, without the vendor having the right to sue the municipality for additional supply of water, or to obtain an injunction against it to prevent it from using the water for the above purposes, although the vendor may have an action in damages against the municipality for the excessive taking of water to the detriment of his water-works.

2. A municipal corporation is not responsible in damages for neglect to prosecute persons who violate its ordinances, particularly where the right to initiate prosecution is left open to any person who may choose to lay a complaint.

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Sir Horace Archambeault, Chief Justice, and Trenholme, Lavergne, Cross, and Roy, *ad hoc*, JJ.—Court of King's Bench.—No. 969.—Quebec, November 12, 1914.—Pierre d'Auteuil, K. C., attorney for appellants.—Robert Bergeron, attorney for respondent.