

of water out of the St. Mary's River, granted May 8, 1906, applied, under s. 27 of the Water Clauses Consolidation Act, 1897, to the Assistant Commissioner at Cranbrook to change the point of diversion. This was opposed by the plaintiff company, who held a record, granted Oct. 20, 1906, for 5,000 inches of water out of the St. Mary's River at the new point of diversion applied for by the defendant company. The Commissioner decided that he had jurisdiction under s. 27, but upon it appearing that the defendant company had taken certain proceedings under s. 84, etc., to have their undertaking approved by the Lieutenant-Governor in Council, the Commissioner ruled that his jurisdiction was voided by these proceedings. They appealed under s. 36 and afterwards withdrew, and they also withdrew their application to the Lieutenant-Governor in Council and secured an appointment from the Gold Commissioner to proceed again with the application for a change of point of diversion. On motion by the plaintiff company for prohibition.

*Held*, that the Commissioner had jurisdiction to entertain the application.

*S. S. Taylor*, K.C., for plaintiff company. *Smith*, for defendant company.

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Clement, J.]

[Jan. 8.

HUGGARD v. NORTH AMERICAN LAND AND LUMBER CO.

*Practice—Fixing of venue—Application for after order made in regular way—Case necessary to be made out.*

In order to invoke the inherent jurisdiction of the Court to grant an order for change of venue, after the venue has been fixed, the applicant must set up a case shewing circumstances justifying the change.

*W. A. Macdonald*, K.C., for the application. *S. S. Taylor*, K.C., contra.

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Clement, J.]

RE W. P. ELLIS & Co.

[Jan. 14.

*Bills of sale—Registration, extension of—Intervening rights.*

A company, domiciled in Toronto, Ontario, took a bill of sale on goods in Grand Forks, B.C. It was not possible to send the instrument to Toronto and have it returned for filing with the