

The option to tranship must be exercised within a reasonable time, and if repairs are decided upon they must be effected with reasonable despatch, or otherwise the owner of the cargo becomes entitled to his goods.

*Quære.* Is the ship owner obliged to tranship?

If the goods are such as would perish before repairs could be made, the ship owner should either tranship or deliver them up or sell if the cargo owner does not object, and his duty is the same if a portion of the cargo, severable from the rest, is perishable. And if in such a case the goods are sold without the consent of their owner, the latter is entitled to recover from the ship owner the amount they would have been worth to him if he had received them either at the port of shipment or at their destination at the time of the breach of duty.

Appeal dismissed with costs.

*Davies*, Q.C., for appellant.

*Peters*, Q.C., Att'y-Gen. P.E.I., for respondent.

North West Territories.]

[May 18.

DINNER v. HUMBERSTONE.

*Constitutional law—Municipal corporation—Powers of legislature—Monopoly—License—Highways and ferries—Navigable streams—By-laws and resolutions—Inter-municipal ferry—Tolls—Disturbance of licensee—Damages—North-west Territories Act, R.S.C., ch. 50, secs. 13 and 24—B.N.A. Act (1867), sec. 92, s-s. 8, 10 and 16—Rev. Ord. N.W.T. (1888), ch. 28—N.W. Ter. Ord. No. 7 of 1891-92, sec. 4.*

The Legislative Assembly of the North-west Territories has power to legislate upon the subject of ferries within its territorial jurisdiction, by authority of the "North-west Territories Act," R.S.C., ch. 50, and the Orders-in-Council passed under the provisions of the said Act respecting the jurisdiction of the Legislative Assembly as to municipal institutions and matters of a local and private nature within the North-west Territories, and can properly delegate such power to a municipality incorporated by special ordinance.

*Semble*, that such powers may also result from the authority thereby granted in respect to the issuing of licenses for raising revenues for territorial or municipal purposes.

The Municipality of the Town of Edmonton has under the fourth section of its charter of incorporation (N. W. Ter. Ord. No. 7 of 1891-92), and of The Ferries Ordinance (Rev. Ord. N. W. Ter., ch. 28), which is incorporated with the town charter, power to grant licenses of exclusive rights to ferry across the Saskatchewan river, a navigable stream within the North-west Territories, having a terminal point upon the boundary of the municipality, and may exercise such powers, prescribe the limits of the ferry and establish tolls thereon, subject to the conditions imposed upon the Lieutenant-Governor-in-Council by The Ferries Ordinance, by the issuing of a license to such effect, and without the necessity of passing a by-law in the same manner as might have been done by the Lieutenant-Governor-in-Council under The Ferries Ordinance.