

18 May, 1896.

North West Territories.]

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) s. 92, ss. 3, 10 and 16—Rev. Ord. N. W. T. (1888) ch. 23—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.

Semle, 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."

The appellants and other defendants formed a "club" or partnership calling themselves "The Edmonton Ferry Company," for the purpose of building, establishing and operating a ferry