

within the limits assigned to the plaintiff in the license to him by the municipality granting him exclusive rights to ferry across the river in question, the conditions being that any person could become a member of the Club by signing the list of membership and taking at least one share of \$5 therein, which share entitled the signer to 100 tickets that were to be received in payment of ferry service according to a prescribed tariff, and when expended could be renewed by another subscription for a second share, getting by it 100 more tickets to be used in the same manner, and so on *ad infinitum*, the number of shares that might thus be taken being unlimited. The Club supplied their ferryman with a list of membership, and established and operated their ferry without any license, within a short distance of one of the plaintiff's licensed ferries, thereby as he claimed, disturbing him in his exclusive rights.

Held, that the establishment of the defendants' ferry and the use thereof by members and others under their club regulations, was an infringement of the plaintiff's rights under his license, and that he was entitled to recover damages sustained by reason of such infringement.

Appeal dismissed with costs.

Armour, Q. C., for appellants.

Taylor, Q. C., for respondent.

18 May, 1896.

North West Territories.]

JELLETT V. WILKIE.

Real property Act—Registration—Execution—Unregistered transfers—Equitable rights—Sales under execution—R. S. C. ch. 51; 51 Vict. (D) ch. 20.

Notwithstanding the provisions of sec. 94 of the Territories Real Property Act as amended by 51 Vict. (D) ch. 20, an execution creditor can only affect or sell the real estate of his debtor subject to the charges, liens and equities which affected it in the hands of the execution debtor.

Purchasers holding lands subject to the Territories Real Property Act under unregistered transfers are entitled to be protected in their title as equitable owners and chargees.

The provisions in the Territories Real Property Act respecting the registration of executions against lands do not give the