

Lawrence Hartshorne conveyed his moiety of interest in this property, and also of the mill stream and adjacent property which he owned with Jonathan Tremaine to 30 Richard Tremaine, and Jonathan Tremaine conveyed his moiety thereof to James Tremaine. The conveyances by which the titles thus became vested in Richard Tremaine and James Tremaine do not appear in the evidence, but the facts above stated appear from the mortgage Richard Tremaine and wife to Lawrence Hartshorne of 11th Oct., 1815, and the release of mortgage Phœbe Tremaine and others to James Tremaine of 17th March, 1831.

Richard Tremaine and James Tremaine conveyed all this property—including the Mill stream and adjacent lands to the Shubenacadie Canal Company by Deed of 12th April, 1831. (See third description it contains—see also deed Richard Tremaine to the same company, dated 19th May, 1831.) 40

This Company was formed in Nova Scotia in the year 1826, for the construction of a Canal between the waters of Halifax harbor and the waters of the Bay of Fundy in that Province. A statute passed in 1824, authorized the Governor of the Province to issue Letters Patent under the Great Seal of the Province to such Company when formed, and conferred great powers and facilities. The Letters Patent were issued in 1826, and the company commenced operations. The Line of Canal was to be “through the Dartmouth Lakes, the lakes and channels or course of the River Shubenacadie, or by or along the sides or banks of such lakes and river to such part of the River Shubenacadie, between its place of discharge into the Basin of Minas and the Great Lake.” (sec 5—act of 1824.) The company had power under this act to do all things neces- 50 sary for making a Canal through these waters, including the right of diverting and damming the same. Also to make towing paths along the line of water communication. By sec. 8. “The course and channel of such Canal or water communication” and the works to be erected thereon, “and the waters and streams of the said river and lakes so far as the same were or should be required or necessary to be used,” &c., for such Canal, “and all lands or real estate purchased or obtained for such Canal, and through which it should be made, and the towing or tracking paths or roads” were made “the sole and exclusive property of the company” for ninety-nine years, and the title was made perpetual by the act—chap. 17 of 1827.

The Letters Patent also provided that their provisions should be “taken, construed 60 and adjudged in the most favorable and beneficial sense for the best advantage of the company” The most valuable part of the water communication was that comprised within the first and second sections of the projected Canal—being the parts near Dartmouth and including the first and second Dartmouth Lakes and the stream running therefrom into Halifax harbor, being the stream to which the set of conveyances hereinbefore recapitulated referred.

31st May, 1831, the Company executed a Mortgage to the Hon S. S. Blowers and Sir Rupert D. George, Trustees for the British Government (Commissioners of the