

EXCHEQUER COURT OF CANADA.

CASSELS, J.

SEPTEMBER, 14TH, 1909.

DANIEL GILLESPIE, J. WILLIAM GILLESPIE, AND
D. PAUL GILLESPIE v. HIS MAJESTY THE KING.

Expropriation of Land—Foreshore — Title — Special Adaptability of Property for Wharf Purposes,— Value — Compensation.

This was a petition of right tried at Halifax on the 23rd June, 1909.

T. R. Robertson, for suppliants.

H. Mellish, K.C., for respondent.

CASSELS, J.:—The suppliants, Daniel Gillespie, J. William Gillespie and D. Paul Gillespie, claim as against the Crown the sum of \$2,500 damages for the value of certain lands expropriated for the purpose of forming the shore end of a wharf extending out into the harbour of Parrsboro at the upper end of the basin of Minas, in the Province of Nova Scotia.

The area of land taken by the Public Works Department is one rood eight poles, slightly over one-fourth of an acre.

The evidence as to that portion of the basin of Minas where the wharf is constructed, forming a portion of the harbour of Parrsboro, is meagre.

It was asserted by counsel for the Crown that the title to the soil is vested in the Crown as representing the Dominion. This is not contradicted by counsel for the suppliants, and the evidence tends to shew that the water at the point in question formed a part of the harbour prior to Confederation. The only evidence adduced was on the part of the suppliants. Dyas says vessels had always used the beach at the point in question when covered with water for harbourage purposes. Locke, an official of the Department, states he surveyed the harbour, and places the entrance to the harbour at a point further east than the place in question.