

they held the property in trust for the Lake and River Navigation Company, to which Company they conveyed, on 1st May, 1867. This Company was formed under a statute of the Province called "An Act for the Incorporation and winding up of Joint Stock Companies," the declaration of the Shareholders and other documents pertaining to the organization forming part of the case.

The Lake and River Navigation Company conveyed all the property to Lewis P. Fairbanks by Deed of April 1st, 1870.

On 31st May, 1876, Lewis P. Fairbanks assigned, under the Insolvent Act of 1875, to the Plaintiff and Respondent, who afterwards became creditors' assignee of his estate and effects.

This concludes the principal chain of title, and it is claimed that thereby the waters of the First and Second Dartmouth Lakes and the lands covered with the waters thereof, and the margins of these lakes became vested in the Plaintiff. 10

In addition to this chain of title, however, there is another chain by which the rights or alleged rights of other persons in these lands and waters (including the persons under whom the Defendant's claim) became, at an early period, vested in the Plaintiff's grantors, and formed part of the property embraced in the later conveyances above enumerated. Thus:

By conveyance of 4th April, 1791, James Creighton conveyed to Lawrence Hartshorne and Jonathan Tremain, the right to enter upon, etc., his lands through and contiguous to which a brook ran, which brook issued from the First Dartmouth Lake, for the purpose of lowering the bank or margin of the lake where said brook issued, and to clear out the bed thereof, and to erect dams on the brook, and to overflow the land of the grantor around the First Lake in order to get a head of water for their mill. This agreement created easements such as may have induced the Sheriff's Jury to treat the owners of that portion of the margin of the lake as "divers persons unknown." 20

On 20th Feby., 1815, the executors of said James Creighton conveyed to Lawrence Hartshorne, one of the above parties, a tract of land on the south eastern side of the First Lake as per plan marked A A., including the principal part of the locus trespassed on.

On 12th October, 1815, Lawrence Hartshorne conveyed to Richard Tremain one half this and other property, describing it as "that certain lot, etc., lying between the two roads leading from the main road through Dartmouth to the lake as purchased lately at auction, at the sale of James Creighton's estate." 30

By Deed of 14th June, 1816, Jonathan Tremain conveyed his moiety of the same tract to James Tremain. Jonathan had at that time no title to this moiety, but had an equitable right thereto as partner with Lawrence Hartshorne. (See next recited Deed.)

On 25th October, 1828, the Executrix and Executor of Lawrence Hartshorne, made a deed to James Tremain. It recites that said Hartshorne and Jonathan Tremain were jointly interested in these lands, although the title was held by Hartshorne. Also, that Hartshorne, in his life-time, had conveyed a moiety to Richard Tremain as agreed on between them. Also, that Jonathan Tremain had conveyed a moiety to James Tremain, although no deed had been given to Jonathan Tremain. Also, that James Tremain, had applied to the Executrix and Executor for a deed of the moiety so conveyed to him by Jonathan Tremain. Then the deed conveys a moiety of the property so held by Hartshorne, the other moiety of which he had already conveyed to Richard Tremain. 40