not by nature floatable at any season of the year. If the Legislature contemplated what was now contended for and intended the enactment to apply to streams non-floatable at all seasons, as there was no pretence for saying that the Legislature had conferred any right on the parties to enter upon private property and make the non-floatable stream floatable, and as they could not be made practically floatable by operation of law, what was the precise legal right conferred on the public by the statute? Was it not obvious that the only effect of the enactment could be in such case to confer upon the public the right to use private property and the improvements thereon without making any compensation therefor? Was it then possible to infer any such intention from this section? Had it been present to the mind of the Legislature, it should have been, and he thought would have been clearly and unequivocally expressed. It was not possible to attribute to the Legislature an intention so unreasonable and unjust unless the language was so unambiguous as to admit of no doubt of the construction. He could not appreciate the force of the parallel drawn by Mr. Justice Patterson in regard to public highways, which appeared to him entirely to beg the question. Dealing with the contention for the right to use the improvements of a proprietor, by which he had made the stream floatable, the Chief Justice said the proprietor of a non-floatable stream who made it floatable for his own use did no more than if he had made a canal through his property. He did not interfere with his neighbor. He took nothing from the public, who could neither use the stream as it was nor improve it except by the permission of the proprietor, and to whom, having no right or property therein, the improvements of the proprietor did no wrong. It had been urged that to allow an individual to shut up a stream 100 miles long because he might own small portions of the stream not floatable in a state of nature, would be unreasonable, but it seemed to him to be forgotten that it was not the individual who shut up the stream. It was closed by natural impediments which prevented such portions being used for floating purposes, and as it was admitted that the public had no right to enter upon such portions and make improvements whereby the stream might in those parts be made navigable or floatable by reason of its being private property, the stream is as effectually shut up by the refusal to permit an entry and improvements to be made as if the proprietor himself made the improvements and prohibited the use thereof by the public. If the use of the non-floatable portions was as necessary for carrying on lumbering operations as had been urged, the obvious means to secure the right to use private improvements would seem to be to obtain on payment of an adequate consideration the proprietor's permission, or if the streams were unimproved, to secure from the proprietor the privilege of making such necessary improvements, or failing the ability to accomplish this, if the development of the public domain, the exigencies of the public, or the business of the country was of such paramount importance in comparison with individual loss or inconvenience as to require that private rights should give way to the public interest, the remedy should be sought at the hands of the Legislature through the instrumentality of expropriation, with suitable and full compensation under and by virtue of the right of eminent domain. There was nothing to justify the conclusion that the Legislature intended in this provision to exercise its right of eminent domain and expropriate the property of owners of streams not by nature navigable or floatable, or any property or improvements the owners might make or place thereon. His Lordship cited the case of *Horrock* v. *Worship*, Best and Smith's Reports, and pointed out that he was strengthened in the conclusion at which he had arrived by the weight of judicial opinion in Ontario, as expressed in the *Boyle* case by Chief Justice Draper, Chief Justice Richards, Justices A. Wilson and J. Wilson, in *Whelan* v. *McLachlin*, and *McLellan* v. *Baker*, by Chief Justice Hagarty and Justices Gwynne and Galt, and in this case by Vice-Chancellor Proudfoot and Mr. Justice Burton, while Chief Justice Spragge and Justices Patterson and Morrison had over-ruled the previous decisions on the point. There were thus three Chief Justices and five Justices in support of the conclusion at which he had arrived, and one Chief Justice and two Justices taking a different view. In 1877, in the Revised Statutes, the Legislature, after all the decisions to which he had referred in previous cases had been given, re-enacted chapter 48 of the Consolidated Statutes of Upper Canada, passed in 1859, in almost the same words as follows:—"All persons may during