the spring, summer and autumn freshets float saw-logs and other timber, rafts and crafts down all streams, and no person shall, by felling trees or placing any obstruction in or across any such stream, prevent the passage thereof. In case there is a convenient apron, slide, gate, lock or opening in any such dam or other structure made for the passage of saw-logs and other timber, rafts and crafts authorized to be floated down such streams as aforesaid, no person using any such stream in manner and for the purpose aforesaid, shall alter, ignore or destroy any such dam or other useful erection in or upon the bed of or across the stream, or do any unnecessary damage thereto, or on the banks thereof." Considering, then, that up to the time of the passing of this Act all the decisions of all the judges with no dissenting voice from 1863 to 1876 placed upon this enactment the construction now contended for by the plaintiff, if such construction was so clearly contrary to the intention of the Legislature, so opposed to the development of the Crown domain, so antagonistic to the interest of the public, and so disastrous to the lumbering business of the country, as had been so strongly urged before this Court, could it be supposed that the Legislature, in revising the statutes after such a series of decisions, and only one year after the latest decision, would not have corrected the judiciary either by a declaratory Act or by new legislation, and have indicated in unmistakable language that private improvements of non-floatable streams should be subject to public user, and more particularly so if such user was to be without compensation? As they had not done so, did not this case come with great force within the canon of construction, that where a clause of an Act of Parliament which had received a judicial interpretation in a court of competent jurisdiction was re-enacted in the same terms, the Legislature was to be deemed to have adopted that interpretation? In this case he thought there was unusual cause for treating a re-enactment of this nature as a legislative approval of the judicial interpretation, and for holding that such interpretation should not be shaken when it was considered that the Legislature from such judicial proceedings must have known that property was purchased and held, and investments made, based on the claim that by such judicial proceedings private rights and property had been established and secured. As was said by Lord Ellenborough a long time ago, it was no new thing for a Court to hold itself precluded in matters respecting real property by former decisions upon questions in respect of which, if it were *res integra* they would probably have come to a different conclusion, and if an adherence to such determination was likely to be attended by inconvenience, it was a matter to be remedied by the Legislature, which was able to prevent mischief in future and obviate all inconvenient consequences which were likely to result from it as to the purchases already made. For all these reasons he was of opinion that the contention of the plaintiff should be sustained, and that the decision of the Court of Appeal of Ontario was not correct, and the judgment of Vice-Chancellor Proudfoot should be affirmed. His Lordship further held that the Vice-Chancellor was right in rejecting evidence to prove that all streams in Upper Canada were non-floatable at the time of the passing of the various Acts; he could find nothing to justify him in saying that the Vice-Chancellor arrived at a wrong conclusion from the evidence, and declared, in reference to the contention that the Attorney-General should have been made a party to the suit, that if this was private property the Attorney-General had no more right to do with the question than any other member of the community, and there was no more reason why he should be made a party than in any other controversy between private individuals as to the rights of private property.

The other Judges (Strong, Gwynne, Henry, Fournier and Taschereau) concurred.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

MONTREAL, Nov. 20, 1882.

DORION, C. J., MONK, RAMSAY, TESSIER & CROSS, JJ.

MACKINNON (deft. below), Appellant, and THOMPSON (plff. below), Respondent.

Trade-mark—Use of name.

The business of a biscuit maker was sold, "with the goodwill and all advantages pertaining to the name and business" of the vendor. Held, that