legislating on matters of this kind (copyright)" (*p*). The spirit that animated Parliament in the passage of the Colonial Laws Validity Act is that which breathes through all its actions in connection with the B.N.A. Act. The 28th and 29th Victoria was passed but a year or two before the British North America Act, and its avowed object is to limit the powers of colonial parliaments. Such glaring inconsistency on the part of the British Parliament could scarcely be imagined as that in one year it would restrict colonial powers, and in the next sweep away all limitations. Continuity of purpose must be presumed (*q*) more particularly when, in the absence of restriction, the colonial legislatures might be placed in a position so to legislate as to injuriously affect the welfare of the whole Empire (*r*).

But even conceding that Canada has the power to repeal or alter pre-Confederation imperial enactments relating to Canada, the position taken by the home authorities is, that the B.N.A. Act is an Imperial Act, and that, in the omnipotence of the power that passed it, amendment may be made to it at any time. It requires no citation of authority for the statement that one parliament cannot bind its successors (*s*), and if the Imperial Parliament of 1867 assumed to speak for its successors to the effect that the B.N.A. Act would never be touched, it may well be urged that it exceeded its powers.

The late Sir John S. D. Thompson was disposed to confine his contention to supporting the right of the Canadian Parliament to amend or repeal Imperial enactments passed prior to the B.N.A. Act and relating to Canada, his view, apparently, being that the Imperial Parliament might control Canadian legislation by Imperial legislation subsequent to the B.N.A. Act and applicable to Canada (*t*). But he was careful to guard himself all though the corres-

(*p*) Proudfoot, V.-C., in *Smiles* v. *Belford*, 1 Cart. 589. Lefroy 229.

(*q*) Crooks, Q.C., arguendo in *Reg.* v. *Col. Phy. & Sur.*, supra.

(*r*) *Routledge* v. *Low* (1868) I R. 3 H.L. 100, is cited as authority for the proposition that British copyright, when once it exists, extends, under the 20th section of 5 & 6 Vict., c. 45, over every part of the British Dominions. That decision, however, was, practically (though the final decision was rendered in May, 1868), pronounced before the passage of the B.N.A. Act, the effect of which was not considered, as it had no bearing on the point involved in the case. Mellish, Q.C. (at p. 106), said: "It is not necessary to argue whether the English statute supersedes a Canadian Act." And see per Lord Chelmsford at p. 116.

(*s*) Dicey, p. 83.

(*t*) See his report of August 3rd, 1889.