sons thus restrained were intended to have the same privileges, as to works they might publish in the United Kingdom, as authors actually resident therein."

Lord Chelmsford, at page 115, shows still more clearly, if possible, that the question before the court is of the intent of the draughtsman, not the validity of the enactment:—

"By the 29th section it is enacted that this Act shall extend to the United Kingdom of Great Britain and Ireland, and to every part of the British Dominions. This section of the Act requires for its full effect that the area over which copyrights prevail should be limited only by the extent of the British Dominions, but then it will follow that the term author must have a similar extension."

Lord Westbury, at page 118:—

"But, although for the creation of copyright it is necessary that the work be first published within the United Kingdom, yet, by the express words of the Statute, the copyright, when created, extends to every part of the British Dominions. This is the benefit which, by the words of the Act is offered to authors who shall first publish their works within the United Kingdom. The question then arises, who are included in the term 'authors'?"

Fortunately the case in which such sweeping dicta were uttered, is not an authority on the constitutional rights of Canada. The controversy was not one to which either the Dominion Government, a Canadian subject, or any one in a correlative position, was a party. The House of Lords is not competent to declare the constitutional law of the empire, as it affects the colonies. The judgment is *res inter alios acta*. As regards any case hereafter arising in a manner to raise the constitutional question on behalf of Canada or Her Majesty's Canadian subjects, the expressions of the House of Lords Judges are mere dicta, worthy of respect, as proceeding from a Court of equally high rank, but not a precedent, conclusive upon the Privy Council.

Now, what is the authority for their sweeping conclusions so commonly accepted, yet so contradictory to the logical consequences of essential primary doctrines, as to the inherent constitutional rights of Englishmen? It will be found that the authorities are of three kinds: first, Acts by the Imperial Parliament at various dates in its history, applied to various portions of the Dominions of the Crown, in which such authority is assumed, sometimes effectually, sometimes as a dead letter, and, in one historic instance at least, pressed unsuccessfully upon a portion of the then subjects of Her Majesty, with the most disastrous consequences to her realm. Secondly, there are apparent admissions in various constitutional statutes accepted and acted by the Canadian people, and also in the terms embodied in Acts and Resolutions of Canadian Parliaments and Governments themselves. Thirdly, there are statements in English and foreign law writers, and dicta contained in judgments. These, on examination, will prove to have been either not given in actions between the proper parties to form authorities on such a question, or matters not necessary to the deci-