

As respects citizens of the United States of America, it should be noted that in 1891 there came into force, as part of the law of that country, an enactment known as the Chace Act, under which it is possible for authors not citizens of or resident in that country to obtain copyright therein for their literary or artistic works. . . .

[Reference to Copinger, p. 96.]

Mr. Scrutton, at p. 231, states that the English law officers gave an opinion that the judgments of Lord Cairns and Lord Westbury in *Routledge v. Low* represent the present law of England.

As indicating the tendency of modern judicial decisions to extend the operation of Imperial statutes to aliens, reference may be had to *Davidson v. Hill*, [1901] 2 K. B. 606. . . . This decision overruled . . . *Adam v. British and Foreign Steamship Co.*, [1898] 2 Q. B. 430, which adopted the reasoning in *Jefferys v. Boosey* and other cases in support of the restricted interpretation.

(4) I am also of opinion that, by the documents put in, the title to the British copyright is vested in plaintiffs. It was argued that, in the absence of an assignment of the agreements referred to from James Henderson to James Henderson & Sons, the copyright in the 8 drawings was not vested in James Henderson & Sons when they purported to assign it to plaintiffs.

This objection was not expressly taken by defendants either in their statement of defence or in the notice required to be given in writing under sec. 16 of the Act; consequently I am of the opinion that it is not available to defendants against the prima facie title established under sec. 11 of the Act by the certified copies which were put in of the registrations of copyright and assignments on 8th December, 1905.

[Reference to *Black v. Imperial Book Co.*, 5 O. L. R. 187, 2 O. W. R. 117, 8 O. L. R. 9, 3 O. W. R. 467, 35 S. C. R. 488.]

It was admitted that all payments under the agreements had been made, and I think, in view of this and the fact that in 1900, after the last agreement with plaintiffs and Gibson, James Henderson registered an assignment of copyright in