

Eng. Rep.]

ROUTLEDGE ET AL. V. LOW ET AL.—REG. V. GLYDE.

[Eng. Rep.]

property which it declares shall be deemed personal property, and does not exclude the alien, why is he to be deprived of his ordinary right of possessing such property, or being entitled to such protection? It is said that the statute is intended for the benefit of British subjects; and that is given as the reason for the decision which involves this consequence, viz., that a British subject who has bought an unpublished work from a foreign author residing abroad, and then publishes it in conformity with the statute, shall have no property in that which he has bought and paid for, unless the foreign author happens on the day of publication to be bodily present for a few hours within some part of the British dominions. Surely this construction is injurious to the interest of the English subject? For these reasons, and not on the narrow ground that the foreign authorless of this work crossed the English border and stayed for a few hours on British ground during the day of first publication, in order that her assigns might escape from the limited views expressed in *Jefferys v. Boosey*, I am of opinion that this decree ought to be affirmed, and the appeal dismissed with costs.

Lord COLONSAY.—My Lords, I concur with all your Lordships in thinking that this appeal ought to be dismissed. I have no doubt at all that in order to obtain the protection of copyright, the first publication must be within the United Kingdom. I have also no doubt that the area of protection extends over the whole British dominions; and, thirdly, I have no doubt that an author residing at the time of publication within any portion of the British dominions, although that author may be a foreigner, is entitled to the benefit of the protection. A more liberal view of the statute has been suggested, and it is an important one; but after the difference of opinion that I have heard expressed with regard to it, not having considered, in my deliberation upon this case, that a judgment upon that point was necessary to the solution of the question now before the House, I respectfully beg to abstain from expressing any opinion upon it, although I can easily see that there is very little benefit to be gained to British authors by refusing to extend the protection of copyright in the manner suggested, because nothing can be more shadowy than a distinction depending upon the circumstance of a few hours' or a few days' residence within some part of the widely-extended dominions of Her Majesty. But it is not upon considerations of that kind that we must decide this case, it is upon the ground that the right only exists by statute, and as I have not directed my attention to that matter, feeling it to be unnecessary to the decision of this case, I rather abstain from expressing any opinion one way or the other.

Decree affirmed, and appeal dismissed with costs.

CROWN CASES RESERVED.

REG. V. GLYDE.

Larceny—Finding lost property—Belief that owner will come forward.

Where a man found a sovereign on the highway, and, with a knowledge that he was doing wrong, at once determined to appropriate it, whether the owner came forward or not, and did so; but, also, at the time of finding,

believed the sovereign to have been accidentally lost, and had no reason to suppose or believe that the owner would become known to him, it was held, on the authority of *R. v. Thurborn*, 1 Den. 387, that he was not guilty of larceny.

[16 W. R. May 30, 1174.]

Case reserved by Cockburn, C. J. :

William Glyde was convicted before me at the last assizes for the county of Sussex on an indictment for larceny, in which he was charged with having stolen a sovereign, the property of Jane Austin.

It appeared that, on the evening of the 16th January last, the prosecutrix, being on her way home from Robertsbridge, where she had been to pay some bills, to her home at Brightling, and having some money loose in her hand, had occasion, owing to the dirty state of a part of the road, to hold up her dress, and in doing so let fall a sovereign. It being then dark, she did not stop to look for the sovereign, but on the following morning she started to go to the spot in the hope of finding the lost coin. In the meantime the prisoner, coming from Robertsbridge towards Brightling, in company with a man named Hilder and his son, and seeing, at the spot where the prosecutrix had dropped her sovereign, a sovereign lying in the road, picked it up and put it in his pocket, observing that it was a good sovereign and would just make his week up.

Proceeding onwards the men soon afterwards met the prosecutrix, then on her way to the spot where the sovereign had been dropped. According to her statement, on meeting the men, she addressed Hilder, whom she knew, and asked in the hearing of the prisoner, "if he had stumbled on a sovereign," stating that she had lost one and was going to look for it, to which inquiry Hilder answered in the negative. She was however, contradicted by Hilder, and his son, who were called as witnesses for the prosecution, as to any such conversation having taken place. But it was clear that the fact of the sovereign thus picked up by the prisoner being one which had been lost by the prosecutrix was speedily brought to the prisoner's knowledge. The fact of the prosecutrix having lost a sovereign and of the prisoner having found one having come to his master's ears—the master asked him if he had found a sovereign, to which he answered that he "was not bound to say." The master further asked if he had not heard that Mrs. Austin had lost one, to which the prisoner made the same reply. On the master asking whether it would not be more honest to give the sovereign up to her, he answered that "he could just manage to live without honesty."

Being asked by a police constable whether he remembered going up the Brightling road, and picking up a sovereign, he answered, "I do not know that I did." On the officer saying "I have been informed by witnesses that you did so, and if you did it did not belong to you—more particularly as you know to whom it belonged," the prisoner said he did not want to have anything more to say to the officer, and went into his house. On a subsequent occasion, however, he admitted to the same witness that he had picked up the sovereign.

The witness Hilder also stated that the prisoner afterwards came to him and asked him if he could say that he (prisoner) had picked up a