

the United States of America and were offering them for sale in Canada:—

*Held*, 1. Section 17 of the Imperial Act to Amend the Copyright Act, 5 & 6 Vict., c. 45, prohibiting the importation of foreign reprints by any person, not being the proprietor of the copyright or some person authorized by him, is in force in Canada; and the plaintiffs were therefore entitled to prohibit the importation of foreign reprints into Canada.

2. But the plaintiffs had no right to maintain this action or proceeding, for, although they were the assignees of the proprietorship and ownership of the books they had not complied with s. 24 of 5 & 6 Vict., c. 45 by causing an entry of their proprietorship to be made in the book of registry of the Stationers' Company, the word "proprietor" in s. 24 meaning the person who is the present owner of the work.

Dictum of COCKBURN, C.J., in *Wood v. Boosey*, L.R. 2 Q.B. 340, not followed.

*Weldon v. Dicks*, 10 Ch. D. 253, and *Liverpool General Brokers' Association v. Commercial Press Telegram Association* (1897) 2 Q.B. 1, followed.

*Walter Barwick*, Q.C., and *J. H. Moss*, for plaintiffs. *J. L. Ross* and *A. W. Holmsted*, for defendants.

Master in Chambers.]

[Dec. 31, 1900.

McIVER v. CROWN POINT MINING CO.

*Mechanics' liens—Writ of summons—Service out of jurisdiction—Statement of claim—Time for delivering defence—Trial—Appointment in writing—Notice of trial.*

An order permitting service out of the jurisdiction of the writ of summons should also authorize service of the statement of claim at the same time and fix a time for delivery of the statement of defence. *Young v. Brassey*, 1 Ch. D. 277 followed.

Where the order makes no provision as to the statement of claim or defence, the defendant should have eight days from the last day for appearance within which to deliver his statement of defence, and the pleadings cannot be noted closed before the expiry of such eight days.

Under sec. 35 (1) of Mechanics' Lien Act, R.S.O. c. 153, the Judge or officer fixing a day for the trial of an action brought under that Act, is to do so in writing; and a notice of trial under that section given by a party who has not obtained a signed appointment from the Judge or officer is not effective. The notice of trial must be served at least eight clear days before the day fixed, as provided by sec. 36.

*Levesconte*, for defendant Barton. *W. N. Ferguson*, for plaintiffs.