

mention whatever is made of the colonies that have legislatures of their own, and are not directly governed by legislation from England. Canada certainly is not expressly mentioned, and having a legislature of its own, it cannot be impliedly included in the general words of the 29th section."

Similarly, on the part of the respondent, at page 106:—

"Then come the words of the 29th section of 5 and 6 Victoria, chapter 45, which declare that that Statute shall extend to 'the United Kingdom and every part of the British Dominions,' which must include Canada. A temporary residence was there declared sufficient for the purposes of conferring on the author copyright."

At page 107: "The only question, therefore, is whether for this purpose publication here by a foreigner, resident in Canada, is not sufficient to secure for him the author's copyright, in the work so published."

It is plain that counsel was only discussing the terms used by the British Legislature. The right of that body to legislate for the colonies, if the Act was construed to so express it, is not put in question in the argument.

The expressions in the judgments are equally brief and equally limited on this point. Thus, Lord Cairns, at page 108:—

"There are three questions arising upon this statute which I will ask you to consider, and the answers to them will, as it seems to me, dispose of the controversy in the present case. First, where, in order to obtain a copyright, must the publication of the work take place? Second, what is the area in and throughout which the protection

of copyright is given? And thirdly, who is the person entitled to that protection?"

Then at page 110:—

"My Lords, the second question is as to the area over and through which protection is granted by the Act, and I cannot doubt that this area is the whole of the British Dominions. The 54th George the Third, chapter 156, extended the protection still further, over the whole of the British Dominions, and the 15th section of the present Act renews in substance the same area for the purpose of protection. My Lords, I think farther, it is obviously with reference to the protection given by the Act, and the area over which that protection is given, that the 29th section provides that the Act shall extend to the United Kingdom and to every part of the British Dominions."

Lord Cranworth states the point equally briefly, at page 113:—

"But, though the Parliament of the United Kingdom must, *prima facie*, be taken to legislate only for the United Kingdom, and not for the colonial dominions of the Crown, it is certainly within the power of Parliament to make laws for every part of Her Majesty's Dominions; and this is done in express terms by the 29th section of the Act now in question. That Her Majesty's colonial subjects are, by the Statute, deprived of rights they would otherwise have enjoyed is plain, for the 15th section prohibits them from printing or publishing in the colony, whatever may be their own colonial law, any work on which there is copyright in the United Kingdom. It is reasonable to infer that the per-