

will always be exercised with full regard to constitutional principles and in the best interests of the empire when exercised at all (*m*).

Another Minister of Justice has been equally strong in his contention. Hon. Edward Blake argued strongly that the definition of colonies given in sec. 1 of the Colonial Laws Validity Act would not comprise the Provinces united into the Dominion of Canada by the B. N. A. Act, 1867, and that the effect of the B. N. A. Act is to repeal the Colonial Laws Validity Act, so far as the Provinces are concerned (*n*). Chief Justice Harrison, in the same case (*o*), says that "the specific provisions of the B.N.A. Act displace the application of that section" (referring to a section of the Colonial Laws Validity Act).

In addition to these opinions, it appears from the statements made on February 7th, 1895, by Sir Mackenzie Bowell, the Premier, and Sir C. H. Tupper, the Minister of Justice, to a deputation of members of the Copyright Association of Canada, that their Government was fully resolved to adhere to the contention as to the powers of the Dominion Parliament raised by the late Sir John S. D. Thompson (*p*).

That there is a consensus of opinion in Canada on all these matters appears from the proceedings in the Canadian House of Commons in the month of June, 1900: Hon. Mr. Fisher, Minister of Agriculture, addressing the House on June 1st, on moving the 2nd reading of Bill No. 167, a Bill to amend the Copyright law said: "I do not wish to dwell upon the disputed question of our constitutional right to pass legislation of this kind. I think there is no single public man in Canada who is prepared for a moment to question or doubt our constitutional right to legislate upon copyright questions. I make this motion to amend our copyright law with the full intention of asserting the right of Parliament to pass this legislation, a right inherent in us under the British North America Act; and there is nothing in this Bill, and there is no intention in proposing this Bill, to derogate from that contention of our constitutional right or in any way to minimize that right" (*q*).

(*m*) Hodgins, p. 35.

(*n*) *Fielding v. Thomas*, 5 Cart. 403.

(*o*) At p. 425.

(*p*) See Daily Mail and Empire, February 8, 1895.

(*q*) Debates H. of C. 1900, vol. 52, p. 6506.