ment of Canada, and was a renunciation by the Parliament of Great Britain of powers over the internal affairs of the new Dominion. In Smiles v. Belford, decided by the Ontario Court of Appeal in 1877, even this view was remarked upon. Moss, Justice, at page 147, Ontario Appeal Reports, Volume I., reverts to the old assumption: "It must be taken to be beyond all doubt," says the learned Judge, "that our legislature had no authority to pass any laws opposed to Statutes which the Imperial Parliament had made applicable to the whole Empire. Now, it was settled by the highest authority that a copyright when secured in England extended to every part of Her Majesty's Dominions, including Canada." Citing Rutledge *v* Lowe, L.R., 3 H.L. 100. Judging from the report of this case, the argument before the court was not upon these constitutional principles, but assuming them as existing solely upon the terms and construction of the various Acts passed by the Imperial Parliament, including the British North America Act, 1867. The question of the inherent right of the Imperial Parliament to so legislate seems to have gone by default. The case did not reach a higher court. In no case since the Confederation Act has the Privy Council been asked to pronounce on this broad constitutional ground.

The case of Rutledge v. Lowe, Law Reports, 3 House of Lords, page 100, was referred to in the Canadian Court of Appeal case as authority for the general assumption and the particular proposition that the Imperial Copyright Acts had operation in Canada.

In the case itself the fundamental question seems not to have been argued, or any reason given or authority quoted for the conclusion cited by the Ontario Court of Appeals. The whole question for determination in the case before the House of Lords was the rights *in England* of an alien author *under the English Statute*, the Imperial Copyright Act, 5 and 6 Victoria. It was decided that under the terms of that statute, an alien friend who, during his temporary residence in a British colony, published in the United Kingdom a book of which he is the author, is entitled to the benefit of English copyright. The reason given was the express intent of the British statute, which undoubtedly was that British copyright should extend over every part of the British dominions; although it was not argued, and was, perhaps, unnecessary, yet the court certainly expressed the opinion that the English Act was operative to the extent of its terms in that respect, not only in Great Britain, but in every colony. The whole reference to this latter point is merely incidental, and in the briefest terms. There was not, in fact, any argument upon the question of the existence of British legislative jurisdiction over the colonies. The argument on the part of both appellant and respondent assumes the jurisdiction, if exercised, and the whole argument is one of construction. Thus the appellant, at page 102:

"The 25th section makes copyright personal property, and the 29th section extends the Act to every part of the British dominions. Now, referring the 29th section back to the second section, it is remarkable that no