

from making, printing, publishing, selling or exposing to view any copies, prints, reproductions or representations of a certain picture known as "What we have we'll hold," in breach of the plaintiff's copyright therein. An entry was proved in the register of proprietors of copyright in paintings, drawings and photographs kept at the Hall of the Stationers' Company pursuant to 25 & 26 Vict., c. 68 (Imp.), shewing the plaintiffs to be holders of the Imperial copyright, the date of such entry being November 30th, 1896; and the material shewed that the plaintiffs had granted no rights of reproduction of the picture, but that the defendants had nevertheless distributed and sold in Canada large numbers of printed copies of it.

There is a remarkable dearth of Canadian case law in the arguments of the counsel in this case; tending to prove, it seems to me, the correctness of the already quoted remark of Mr. S. E. Dawson that the publishers of engravings and prints were so well satisfied with the state of the (Canadian) law as it was that they declined any interest in the Imperial legislation, and never invoked its aid to prevent admittedly frequent republication here.

Mr. Justice Rose, in his judgment, quotes the words of Lord Cranworth (c) to the effect that the present Parliament must be taken, *prima facie* to legislate only for the United Kingdom; and the following words of Vankoughnet, C., (d) seem to have strongly impressed Mr. Justice Rose: "While I admit the power of the Imperial Legislature to apply by express words their enactments to this country, I will never admit that without express words they do apply or are intended to so apply." After considering the language of the Act of 1862, his Lordship concludes (e): "Looking at the Act itself and comparing it with 5 & 6 Vict., c. 45 (Imp.) I have come to the conclusion that there is nothing on its face to indicate that the copyright thereby conferred extended beyond the United Kingdom."

But it was further urged by counsel for the plaintiffs that the effect of the International Copyright Act of 1886 was to extend the provisions of the Act of 1862 to all parts of the British

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(c) *Routledge v. Low*, L.R. 3 H.L. p. 113.

(d) *Penley v. Beacon Assurance Co.*, 10 Gr. p. 428.

(e) Page 2,0.