

to say, in reply to this contention, that it has long been regarded as a reproach to the United States that piracy of this kind was not repressed; that the recent United States Act shows some signs of an awakening sense of fair play; and that, in any case, it cannot for a moment be admitted that the standard of American publishers and American statutes in this respect is to regulate the conduct of the rest of the civilized world.

The purely legal side of the question turns on the powers of the Canadian Legislature. The opinion of the law officers of the Crown of December 31, 1889, declares that the powers of legislation conferred on the Dominion Parliament by the British North America Act of 1867 do not enable the Canadian Parliament to alter or to repeal, as regards Canada, an Imperial Act which professedly applies to Canada. There can be little question among lawyers as to the correctness of this opinion. The "Charter of Colonial Legislative Independence"—the Colonial Laws Validity Act, 1865—expressly provides that a colonial law which is in any respect repugnant to the provisions of any Act of Parliament extending to the colony is to be read subject to the Imperial Act, and is to be "void to the extent of the repugnancy." The liberty allowed to the colonial legislature is to make laws which may differ from the common law of England, or differ from Imperial statutes not expressly extending to the colony. Before the Colonial Laws Validity Act of 1865 British Courts had held that colonial statutes must not run counter to the common law of England.

The suggestion that the general provisions of the Act of 1865—intended and acted upon ever since its enactment in the sense of a permanent statute for all future time—can have been modified by the British North America Act of 1867, does not deserve a moment's consideration. Even were it tenable, the fact that the Imperial Act of 1886 and the Order in Council of 1887 expressly apply to Canada would suffice to repeal any part of the British North America Act that happened to be inconsistent with the later enactment.

The Imperial Act of 1886 was intended to give effect to the Berne International Convention of September 8, 1886, and also to establish the principle of copyright throughout the whole empire. It is true that a protocol attached to the Berne Convention reserved powers to British colonies to denounce the treaty on giving twelve months' notice to that effect. But Can-