

without such leave as aforesaid, print and publish in such newspaper, any lecture, shall be deemed to be a person printing and publishing without leave within the provisions of the Act, and liable to the aforesaid forfeitures and penalties in respect of such printing and publishing. The third section declares that no person allowed for certain fee and reward, or otherwise, to attend any lecture delivered at any place, shall be deemed and taken to be licensed or to have leave to print, copy, and publish such lectures only because of having leave to attend such lecture or lectures. Unfortunately however the fourth section excludes from the protection of the act, all lectures of the delivery of which notice in writing shall not have been given two days previously to two justices living within five miles of the place of delivery. This notice must be given every time such lecture is delivered, and therefore the omission, says Mr. Copinger (the Law of Copyright [2d ed.,] p. 56, n.), in any one instance to give the requisite notice would render any person at liberty to obtain a copy, and the lecturer would be unable to prevent him publishing. Further, those lectures are unprotected by the Act which are delivered in any university, or public school, or college, or on any public foundation, or by any individual in virtue of or according to any gift, endowment or foundation.

Nearly twenty years later, in 1854, the House of Lords gave judgment in what may perhaps be considered the most important case on the entire law of copyright. *Jefferys v. Boosey*, 4 H. of L. Cas. 815. The judges were summoned, and eleven attended and gave their advice. The importance of the case, from the present point of view, is as regards the effect of publication. The author of a lecture, or of any other original composition, retains a right of property in his work, which entitles him to prevent its publication by others until it has, with his consent, been communicated to the public. Since *Jefferys v. Boosey*, it must be taken as settled law, that upon such communication being made to the public, whether orally or by the circulation of written or printed copies of the work, the author's right of property ceases to exist. Copyright, which

is the exclusive privilege of multiplying copies after publication, is the creature of statute, and with that *Caird v. Syme* was not directly concerned. Now the author's right of property in his unpublished work is undoubted, and it has also been settled that he may communicate it to others under such limitations as will not interfere with the continuance of the right.

Coming now to more modern days, the case of *Abernethy v. Hutchinson*, *ubi sup.*, and indeed the whole question of the publication of lectures, was fully discussed by Mr. Justice Kay in *Nicols v. Pitman*, 1884, 50 L. T. Rep. N. S. 254; 26 Ch. Div. 374. There the plaintiff, an author and a distinguished lecturer upon various scientific subjects, delivered at the Working Men's College, Great Ormond street, a lecture upon "The Dog as the Friend of Man." The admission to the room was by tickets issued gratuitously by the committee of the college. The defendant was present during the delivery of the lecture and took notes, nearly *verbatim*, in shorthand, and then, eighteen months afterward, published in shorthand characters in a number of his periodical, *The Phonographic Lecturer*. The plaintiff proved that he had written this lecture in 1882, and delivered it for the first time at the Working Men's College; that the MS. was his own property, being written and composed entirely by him, and was not a compilation, but was based upon and contained the results of many years' personal observation, experience and study of the physical and mental characteristics of various races of dogs; that all his lectures were written with a view at first to oral delivery, and ultimately to publication; that he had since delivered the same lecture at various places in the country, and that at each place where he had delivered it, no persons had any right to be present in the room except those who were admitted to that privilege by himself, or by the committee of the governing body of the institution or college at which the lecture was delivered. At the Great Ormond Street College, none except the holders of tickets have any right to be present, and the secretary of the college stated that it had always been understood that the privilege of attend-