

them. But in thus deciding Lord Chancellor Halsbury expressly distinguished the case of sermons: "It is intelligible," he says, "that when a person speaks a speech to which all the world is invited, either expressly or impliedly, to listen, or preaches a sermon in a church, the doors of which are thrown open to all mankind, the mode and manner of publication negative, as it appears to me, any limitation." Mr. Copinger, in the "Law of Copyright," 3rd edit., p. 59, states that under the Act 5 & 6 Wm. IV., c. 65, which specially protects lectures, except those 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, it would appear that sermons preached by clergymen of the Church of England in endowed places of public worship are deemed public property. The Act in question does not in any way alter the law as to sermons in general, which must be dealt with under the common law. In accordance, then, with Lord Halsbury's statement, it seems that a sermon preached in a parish church, or in any clerical building to which the public are admitted freely, is thereby published, and the author can no longer restrain publication of it. But if the church is fenced round with restrictions and the public are not admitted freely, but only on condition that they undertake not to republish what they hear, and if express notice is given to this effect to every person entering, it seems to us possible that in this case a right of protection might still be retained. The point is, of course, a difficult one. In the old case of *Abernethy v. Hutchinson*, 3 Law J. Rep. (o.s.) Chanc. 209, 217, Lord Chancellor Eldon says: "I should be very sorry if I thought that anything which had fallen from me would be considered to go to the length of this—that persons who attend lectures or sermons and take notes are to be at liberty to carry into print those notes for their own or others' profit. I have very little difficulty on that point. But that doctrine must apply either to contract or breach of trust." Mr. Parker's only remedy, therefore, till the law is altered, seems to be to make a contract with his audience that they will not republish his sermons. We should be very glad to see a decision of the Law on the important point he raises, and invite him, as a public-spirited man, to assist, by bringing an action, towards an elucidation of it.—*Ex.*