

## LETTER TO THE EDITOR

*A Happy Noise to hear?*

Dear Sir,

In his interesting article on church bells and the law of nuisance (4 Eccl L J 545), Mr T. G. Watkin refers to the decisions of the Australian courts in *Haddon v Lynch* [1911] VLR 5 and comments (at p. 552) that the question of there being a legal or canonical obligation to ring the bell was not argued before the judge at first instance or on appeal. The brief description of the arguments in the law report confirms this.

However, the Church of England in Australia was not an established church. Its standing was no different from that of any other voluntary association. If, at the time, it had a rule as to the ringing of bells, that rule may have bound its members but it would not have bound non-members and would have provided no defence in an action claiming nuisance.

Hence, there would have been no point in counsel arguing that a rule of the church compelled the ringing of bells at the times complained of by the plaintiffs in that case.

Yours faithfully  
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**MONSIGNOR BRIAN FERME**

Mark Hill has copies of '**Canon Law in Late Medieval England**', price £20 plus postage, which were ordered at the Lyndwood Lecture in November 1996, the list of names unfortunately having been lost. Please apply to Mr Hill at 3 Pump Court, Temple, London EC4Y 7AJ (Tel. 0171 353 0711; Fax 0171 353 3319; E-mail mark.hill8@virgin.net) for your copy.