

LIS PENDENS.

BLACKSTOCK *against* MACKAY.

BLACKSTOCK pursued Mackay before the courts in Jamaica for payment of a debt, where Mackay found caution. Happening, some time after, to be in this country, Blackstock obtained a warrant of incarceration against him, until he should find caution, *judicio sisti*, for the same debt. This procedure was found by the Lords to be nimious; for that Blackstock having once elected his forum, and obtained caution, he could not desert the *lis pendens*; nor, on Mackay's coming accidentally to this country, attach his person, and drag him before another forum *here*.

LITERARY PROPERTY.

1773. JOHN HINTON, Bookseller in London, *against* DONALDSON and OTHERS, Booksellers in Scotland.

THIS point hath been much debated, that is, Whether an author has, by the common law, a property in the book which he hath published, and whether this property is perpetual; or whether it is founded on statute, provided that he complies with the terms of the 8th of Queen Anne, and is for a limited time only, in terms of that statute.

This general point came to be tried in Summer-Session 1773, at the instance of John Hinton, bookseller in London, and Alexander Donaldson and Others, booksellers in Scotland, for printing an edition of Stackhouse's history of the Bible, to which Hinton claimed a perpetual exclusive right, in virtue of a conveyance from Stackhouse.

The cause came before Lord Coalston, Ordinary, who took it to report, and ordered informations. The Lords heard it in presence, and it was debated for some days successively. At last, the Lords, 28th July 1773, sustained the defences, and assoilyied the defenders. That is, they found no perpetual right of property vested in the author of a book, in virtue of the common law; but at the utmost, that his property was merely statutory and temporary, founded on and regulated by the Act the 8th of Queen Anne; provided always that he complied with the directions of that statute.

And this judgment was affirmed on an appeal.

The question had come into Court before Lord Monboddo, in Winter-Session