

No 2.      thers, for damages and reparation, on account of this encroachment on his alleged right; but the COURT, after a full discussion of the question, being of opinion, that such a right did not exist in authors or publishers at common law, assoilzied from the action.

*Fol. Dic. v. 3. p. 388.*

No 3.

1775.

DODSLEY *against* M'FARQUHAR.

THE letters written by Philip Earl of Chesterfield to his son Philip Stanhope, having, at the death of the latter, come into the possession of his widow, were, by her, sold and assigned to Dodsley, bookseller in London; who, with consent of the Earl's executors, published them, and entered the work in the Stationers' Hall. M'Farquhar, and others in Edinburgh, having soon afterwards printed an edition of this book, Dodsley, before its publication, applied to the Court of Session for an interdict against the Edinburgh printers. *Urged* in defence, *imo*, That the exclusive right given by the statute was merely personal to authors, and to those to whom they, during their lives, might assign their copy-right, and could not descend in the course of legal succession after their deaths; *2do*, That this right could not, at any rate, extend to the editors of works which the authors themselves never intended to publish, such as private letters. THE COURT being of opinion, that the statute was entitled to a more liberal construction, granted the interdict.

*Fol. Dic. v. 3. p. 388.*

No 4.

1776. December 21. TAYLOR and SKINNER *against* BAYNE and WILSONS.

TAYLOR and SKINNER published, in a series of engraved maps, a survey which they had made of all the roads in Scotland; and they likewise published an abstract of this survey in a small pocket volume, under the title of "The Traveller's Pocket-book." Wilson, publisher of the Town and Country Almanack, copied into that work several entire pages of the above abstract. Taylor and Skinner applied, by bill of suspension, for an interdict against the sale of this Almanack, as an invasion of their property, which had been entered in Stationers' Hall; *urging*, That the honest fruits of their labour, in a work which had cost them years of toil and much expense, were thus carried off, by persons who had never laid out a shilling, nor exerted the smallest ingenuity on the subject. The defence was, That the Almanack contained nothing but a mere list of stages and their distances, known before the pursuers' survey ever appeared, and in which it was ridiculous for any body to claim a property. The act was for the encouragement of learning; but there was no exertion of learning in publishing a list of roads and stages. THE COURT were of opinion,