

No. 6. 1752, Dec. 21. JOHN LANG *against* THE DUKE OF DOUGLAS, &c.

THE Lords in effect found, that a liferentrix infest in lands and woods, can only cut for the use of the tenement, (though there were woods that the proprietors were wont to sell every 25 or 30 years,)—and therefore in this case varied Lord Justice-Clerk's interlocutor, who found the Countess's executors liable to Lang for the woods that he was stopped from cutting, and which he had bought from her and paid the price, in respect that she had sold these woods before the usual age of sale of such woods in that country;—and we found them simply liable, leaving out that reason, chiefly because of the precedent betwixt the Duke and Dutchess of Hamilton touching the woods of Kinneil.

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LITERARY PROPERTY.

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No. 1. 1738, June 30. KING'S COLLEGE OF OLD ABERDEEN *against* THE MARICHAL COLLEGE.

THE Lords found that the King's College of Old Aberdeen have a right to have the books contained in the grant in the act 1710 lodged in their public library for the use of the members of both Colleges.

No. 2. 1746, July 4. BOOKSELLERS OF LONDON *against* THE BOOKSELLERS OF EDINBURGH AND GLASGOW.

THE Lords found that action of damages does not lie upon either of the acts *Svo Anna* Cap. 19, or 12th Geo. II. for printing, reprinting, importing, &c. books contrary to these statutes. Haining and Strichen did not vote. Tinwald and I were very doubtful but voted for the interlocutor. President thought that the action did not lie for books imported contrary to 12th Geo. II. because the pursuers could not waive the penalties of that statute, but that it lay on all the offences against the act *Svo Anna*, because the penalties in that act are prescribed, and that it would have lain on the same act for importing books from abroad, had not the act 12th Geo. II. supervened.—4th July 1746.

In this case we, on 24th December, altered the former interlocutor as to books printed here, and found that action does lie to the extent of the profits made, but ordered a hearing on the statute 12th Geo. II., whether the penal action for books imported in this country is limited by the general statute 21st Eliz. ;—and upon the hearing we (13th January 1747) found it was limited, five to five and the President's casting vote. Against the interlocutor were Drummore, Strichen, Kilkerran, Shewalton, and I. This decision was contrary to what was found in 1737 in a question on the game act, that that statute was not so limited. (See No. 3.)