

An attempt was made to distinguish between hunting a destructive animal, such as a fox, which it was said to be lawful to follow wherever he fled; and hunting a hare, an animal who did no harm, and was no common enemy. But the Lords, indeed all of them, except Lord Covington, laid no weight upon this distinction.

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1777. *August* . PROCURATOR-FISCAL of DUMBARTON *against* M'GREGOR.

THE Procurator-Fiscal of Dumbartonshire, 9th September 1776, brought a complaint before the Sheriff against Robert M'Gregor, gamekeeper to Mr Speirs of Ellerslie, on the Act of Q. Anne, p. 1, § 4, c. 13, for shooting a hare. The Sheriff, 28th January 1777, found M'Gregor liable in the statutory penalty of L.20, and in expenses. M'Gregor suspended. The Lord Monbodo, August 1777, found the letters orderly proceeded: and the Lords adhered.

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## HYPOTHEC.

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1776. *June 25.* SWINTON of MANDERSTON *against* STEWART.

THE Lords found, that a master's taking the tenant's bill for the rent, does not loose the hypothec.

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1777. *February 17.* ROBERTSONS *against* BOSWELL.

BOSWELL, factor for Miss Watkins of Skedsbrish, apprehensive lest her hypothec on the stock and crop of Robertsons' tenants in the lands of Skedsbrish, lying in the parish of Gifford, should be evaded, applied, 22d September 1770, by summary petition, to the Sheriff of Haddington, for "a warrant to inventory and sequestrate the whole cattle, corn, and hay on the lands, for part of £95 of arrears, and security of the present year's rent, being £70, and expenses of application."

Upon this petition, the Sheriff immediately granted warrant, authorising the sequestration as craved. This was executed upon the lands, and intimation made, and a schedule left with the Robertsons' herd. After the sequestration had continued for three months, Mr Boswell gave in a second petition, 14th December 1770, to the Sheriff, setting forth the former; and that only a partial payment had been made of £28; and that he had reason to suspect that the