

FURTHCOMING.

1776. *August* . GRAHAM *against* MARSHALL.

IN a process of furthcoming, where the arrestments had been loosed upon caution, the Lords found, That, where the decret stood unchallenged by the common debtor, it could not be challenged by the cautioner, in loosing the arrestment; 9th July 1776, Graham against Marshall, &c. The cautioner, in loosing an arrestment, becomes bound to make the subject arrested furthcoming to the party preferred; but it is *jus tertii* to him to object to the preference. On a reclaiming petition, setting furth some facts different, the Lords, August 1776, remitted to the Ordinary to hear parties further. But the principle of the above interlocutor remained entire.

GAME.

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

A complaint, at the instance of the Procurator-fiscal, having been presented to the Sheriff of Dumbarton, against Robert M'Grigor, on the Act of Parliament 1st Queen Anne, 4th session, cap. 13, for shooting a hare, and for the statutory penalty of £20 Scots; the Sheriff decerned accordingly, and for expenses. In a suspension of this decret, the Lord Monboddò, Ordinary, found the letters orderly proceeded, but found no expenses due, (28th January 1777;) and the Lords adhered, refusing a petition without answers, (August 1777.)