

few from the mainland of Scotland ; and hares have in consequence become comparatively common in Orkney, just as rabbits have become common in the Black Isle ; and, in proportion to their numbers, they do as much mischief. It is the part of the game-preserved to show why or how the hares, in such circumstances, should have become property, and the rabbits not. Wherein lies the difference between two tribes of animals that so nearly resemble each other ? There can be but one reply : the law has made the hare property, which means simply, say we, that the game-laws exist,—a fact which it requires no profound process of argumentation to demonstrate. We would never have once thought of writing our present article if the game-laws did not exist. But the unreal and imaginary property, which has no other foundation than human enactment,—which the law makes to-day and unmakes to-morrow,—which a few years ago comprised the wild rabbit, and which a few years hence will not comprise the wild hare,—is property of an eminently precarious nature. It resembles property in ice in a warm summer. Laws which are themselves not founded in moral right and the nature of things form but unsolid foundations for aught else. There was a law in Russia, enacted in the days of the capricious Paul, which rendered it imperative on the male portion of Paul's subjects to wear small-clothes, and empowered the police to cut short at the knees the trousers of the refractory. There was a law in Great Britain in the days of George II., that made it treasonable for a Scotch Highlander to wear tartan. But neither the one law nor the other was based on the principles of ever-enduring justice. Independently of conventional enactment, it is no more a moral offence to wear trousers than to knock down a partridge, or to sport tartans than to shoot a hare ; and so trousers are now worn in Russia, and tartans in the Highlands.

Our views on this subject are in no respect novel : they