

1763. *March 9.* SYME *against* MACINROY.

IN a case, Syme against MacInroy, decided 1763, it was contended, that a judicial confession was not sufficient to found a divorce for adultery,—other-ways collusion might ensue, and people get free of marriage at pleasure. But the plea was overruled.

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## CASTLE OF EDINBURGH.

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1777. *July 10.* DICKSON *against* DOTT, &c.

SOME years ago, a church was built at the foot of the Castle Wynd in Edinburgh, for the accommodation of the Highland chairmen and others about Edinburgh, who did not understand the English language. The boundary of the area purchased for this building, to the east, was the Castle Wynd; so the rights bore; at the same time it was not clear, what, at this particular place, the Castle Wynd truly was. In Spring 1777, it being found necessary, for the better accommodation of these poor people, that the church should be enlarged, the managers of it applied to the Dean of Guild for a jedge and warrant to enlarge it to the east. This was opposed by some neighbouring heritors, who insisted that nothing could be built upon the Castle Wynd; which, in the first place, was the annexed property of the Crown, and, in the next place, was a public street, upon which neither the Magistrates nor any other person could encroach. There was no proper appearance for the officers of state, neither before the Dean of Guild, nor in an advocation before the Session. The Lords even doubted how far, even although they had appeared, a decret could be effectual, to take an inch of ground off the annexed property, which the Castle and Castle-hill certainly were. And, although it seemed to be *jus tertii* to the other heritors to plead this objection, yet where the other party allowed that the objection lay, the Lords thought that they could not pass it over.

These things occurred in a report made by Mr Dalrymple, Lord Probationer, on his trials; and the Lords remitted the cause again to the Lord Stonefield, Ordinary, to hear parties further, (10th July 1777.)