

THE LORD PROVOST, MAGISTRATES, AND TOWN COUNCIL OF THE CITY OF EDINBURGH, . . . . .	}	APPELLANTS.
HER MAJESTY'S PRINCIPAL SECRE- TARY OF STATE FOR THE WAR DEPARTMENT, . . . . .	}	RESPONDENT.

For time beyond which the memory of man runneth not to the contrary, the Castle of Edinburgh has been the property of the Crown.

1862.  
Feb. 23, Mar. 3, 4.

At the bottom of the Castle rock there is a piece of land attached to the Castle, and on the north side of it. This piece [of land had been left open for the use and recreation of the public till the year 1818, when, with certain other land adjacent, belonging to the magistrates of Edinburgh, it was inclosed, and the whole was converted into what are now called the Princes Street Gardens.

The question in the present case was one of fact as to the boundary of the Crown land thus appropriated ; for it so happened that in laying out the Princes Street Gardens no care had been taken to preserve the dyke (*a*) which had previously existed, and which had served to distinguish and separate the property of the Crown from the property of the magistrates.

This case cannot with propriety be reported, because no point of law was involved in it, and the judgment of the Court of Session was affirmed, and the Appeal from that judgment dismissed by the House with costs.

Mr. *Rolt* and Sir *Hugh Cairns* were of Counsel for the Appellants.

The *Lord Advocate* (*b*) and Mr. *Giffard* for the Respondents.

(*a*) "Dyke," which in England means a ditch, in Scotland means a wall.

(*b*) Mr. Moncreiff.

THE LORD  
PROVOST, MAGIS-  
TRATES, AND  
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v.  
HER MAJESTY'S  
PRINCIPAL SECRE-  
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DEPARTMENT.

The *Lord Chancellor* (a), *Lord Cranworth*, and *Lord Chelmsford* delivered their opinions at considerable length, and the effect of the judgment is that the boundary which separates the Crown property from the property of the magistrates of Edinburgh, and which has received the sanction of the Court of Session, is now, by the affirmance of the House of Lords, rendered unimpeachable.

(a) Lord Westbury.

MAITLAND & GRAHAM—SOLICITOR TO THE WAR  
DEPARTMENT—WALMISLEY.