

Mrs. BAILLIE, Appellant.—*Romilly—Clerk—Robinson.*
 General BAILLIE, Respondent.—*Cranstoun—Jeffrey—Fuller-
 ton—Cockburn.*

No. 9.

Divorce.—Held (affirming the judgment of the Court of Session,) that there were facts and circumstances proved against the appellant to establish adultery, and to infer decree of divorce.

THIS was an action of divorce, at the instance of General Bail-
 lie against his wife on the head of adultery, in which the sole
 question was, whether the fact alleged was proved? The Com-
 missaries, having found it established, decerned in terms of the
 libel; and the Court of Session, on the report of the Lordordi-
 nary, refused a bill of advocacy. Mrs. Baillie having appealed,
 the House of Lords ‘Ordered and adjudged that the appeal be
 ‘dismissed, and the interlocutors complained of affirmed.’

May 23. 1821.

2^D DIVISION.

Bill-Chamber.

Lord Reston.

SPOTTISWOODE and ROBERTSON,—C. BERRY,—Solicitors.

(*Ap. Ca. No. 21.*)

J. GIBSON, Appellant.—*Romilly—Clerk—Thomson—W.
 Murray—J. A. Murray.*

No. 10.

Sir WM. FORBES, Respondent.—*Gifford—Warren—Walker.*

Freehold Qualification—Jurisdiction.—Held (affirming the judgment of the Court of Session,) that it was not competent for a court of freeholders to entertain an objection, that the lands on which a claim for enrolment was made held burgage, and to verify which, it was necessary to revert to the titles anterior to those founded on by the claimant.

ON the 7th of December 1814, the Magistrates and Town Council of Edinburgh granted to Sir William Forbes a disposition of certain lands, and particularly of those of Greenhill, forming part of the Burrow or Common muir belonging to the City of Edinburgh. In virtue of the procuratory of resignation in this disposition, Sir William obtained a charter under the Great Seal from the Barons of Exchequer, the dispositive clause of which, so far as related to Greenhill, was in these terms: ‘Totas et integras illas partes et portiones postea descript. terrarum vulgo vocat. the Burrow muir, alias the Common muir, ad civitatem Edinburgensem pertinen. viz. Totam et integram villam et terras de Greenhill,’ &c. ‘jacen. infra parochiam de St. Cuthberts, et

May 23. 1821.

2^D DIVISION.