

the corporation is entitled to acquire land compulsorily under the Lands Clauses Acts, or whereby any compensation payable by the Corporation falls to be determined under the last-mentioned Acts, it shall, unless both parties concur in the appointment of a single arbiter in terms of the last-mentioned Acts, be in the power of either party to apply to the Secretary for Scotland to appoint a single arbiter to determine the compensation to be paid, and it shall not be competent thereafter to have the same determined by arbiters, oversmen, Sheriff, or jury acting under the last-mentioned Acts. The said arbiter upon appointment shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Act, and the provisions of those Acts with regard to arbitration shall apply accordingly, and the arbiter shall, notwithstanding anything in these Acts, determine all questions of expenses in the arbitration, and by whom the same shall be paid, and such determination shall be final. The remuneration of the said arbiter shall, failing agreement, be fixed by the Secretary for Scotland."

The Glasgow Landlords Association, Limited, the Caledonian Railway Company, and the Glasgow and South-Western Railway Company appeared as objectors.

The words "or any other Act or Order applicable or that may be made applicable to the city" were struck out by agreement, the main question at issue between the parties being whether, as proposed by the promoters, the sole arbiter should be given the power "to determine all questions of expenses in the arbitration, and by whom the same shall be paid."

The Commissioners refused to allow to the arbiter this power, and granted a section similar in its terms to section 57 of the Burgh Police Act 1893, the words of which on the question of expenses are, "And the arbiter shall, notwithstanding anything in the said Acts, determine the amount of the expenses in the arbitration, and such determination shall be final."

Counsel for the Promoters—Cooper—M. P. Fraser. Agent—John Lindsay, Clerk of Police and Solicitor, Glasgow.

Counsel for the Glasgow Landlords Association, Limited, *Objecting*—Orr. Agent—T. M. Stewart, Writer, Glasgow.

Counsel for the Caledonian Railway Company, *Objecting*—Deas. Agent—H. B. Neave, Solicitor.

Agent for the Glasgow and South-Western Railway Company—David Murray, LL.D., of Maclay, Murray, & Spens.

Thursday, May 5.

(Before Eugene Wason, Esq., M.P., *Chairman*, Sir Walter Thorburn, M.P., Sir James Low, and A. M. Gordon, Esq.—at Glasgow).

GOVAN CORPORATION PROVISIONAL ORDER.

Provisional Order—Private Legislation Procedure—Locus standi—Injury—Burgh Promoting Order with Provisions Differing from Burgh Police (Scotland) Act 1903—Opposition of Railway Company Owning Property and Paying Rates.

This Order was promoted by the Corporation of Govan, its objects being (1) to give power to the Corporation, instead of raising money by the creation of stocks, or instead of borrowing money by way of temporary loan or overdraft from any bank, or a temporary loan or deposit-receipt, for the purposes mentioned in section 49 of the Police Act of 1903, to raise money for those purposes by means of bills; (2) to make provision for the repayment of the money borrowed for the construction of the town hall and municipal buildings being spread over 60 years instead of 33½ years under the Burgh Police Act 1892, and to extend the time for repayment of money borrowed for the construction of the Govan burgh tramways; (3) to provide for Govan certain clauses differing from and amending the General Police Act of 1892 in various minor matters, such as the interpretation of the word "street" in betting and bookmaking prosecutions, the prohibition of the creation, by alteration of existing tenements, of tenements of more than twelve dwelling-houses entering by one stair, the relative duties of the burgh surveyor and sanitary inspector in the matter of the testing of house drains; (3) to effect certain alterations in the constitution and powers of the Dean of Guild Court.

The Order was opposed by the Branch Committee of Prince's Dock and the Glasgow and Paisley Joint Line Committee on the general ground that it was inexpedient to overturn and set aside the provisions of the General Police Act of 1903, which was a public statute enacting a uniform code of municipal law for all the burghs of Scotland including Govan, with five exceptions.

The promoters objected to the *locus standi* of the objectors, arguing that they could point to no injury which they would suffer under the proposed Order, and that their opposition was dictated by the general policy of the railway companies to oppose every bill promoted by any burgh other than the five excepted burghs which might have as its purpose the modification of the law as laid down by the Burgh Police (Scotland) Act 1903.

The objectors argued that the fact that they were owners of property and rate-payers within the burgh, and alleged that

the Order prejudicially affected their interests as such, was sufficient to entitle them to a general *locus standi*.

The Commissioners allowed a locus, and after evidence found the preamble proved.

Counsel for the Promoters—C. K. Mackenzie, K.C.—M. P. Fraser. Agent—J. A. Houston, Solicitor, Govan.

Counsel for Prince's Dock Branch Committee, *Objecting*—Wilson, K.C. Agent—James Watson, S.S.C., Edinburgh.

Counsel for the Glasgow and Paisley Joint Line Committee—Cooper—Orr Deas. Agent—H. B. Neave, Writer, Glasgow.

Friday, May 6.

(Before Eugene Wason, Esq., M.P., *Chairman*, Sir Walter Thorburn, M.P., Sir James Low, and Alexander M. Gordon, Esq.—at Glasgow.)

GREENOCK CORPORATION PROVISIONAL ORDER.

Provisional Order—Private Legislation Procedure—Locus standi—Proposed New Railway Line—Apprehension of Future Injury.

The promoters of the Order were the Corporation of Greenock, and one of its purposes was to authorise the construction by and at the expense of the Glasgow and South Western Railway Company of a short branch railway from the railway at the Albert Dock of the Trustees of the Port and Harbours of Greenock to Harvie Lane in the parish and burgh of Greenock.

The Glasgow and South-Western Railway alone had access by rail to the Albert Harbour. The Caledonian Railway Company alone had access by rail to the East, West, and Victoria Harbours in Greenock.

The Caledonian Railway objected to the Order on the grounds, *firstly*, that there was a prospective danger that the Glasgow and South-Western Railway might ultimately be enabled by railways not sought to be authorised by this Order to get access to the East, West, and Victoria Harbours; *secondly* that the Caledonian Railway would, if the new line were constructed, lose certain traffic which they at present had with the Brewers Sugar Company and other places of business along the proposed route. In their petition they stated—"The Order appears to be promoted by arrangement between the Corporation, the company, and Messrs Caird & Company, who are a shipbuilding firm in Greenock, and who are closely interested in the affairs of the company, for the purpose of enabling the company to construct a railway from the Albert Harbour to Harvie Lane, and by means of such railway to obtain access to works along the route of such railway and railway connection close up to the West Harbour of Greenock, which may, by arrangement with the Corporation and the Harbour

Trustees, and without further Parliamentary power, be connected with or extended to that harbour and the East and Victoria Harbours." . . .

The promoters' contended that the Caledonian Railway Company had no *locus standi*.

The Commissioners refused a locus on the first and allowed a locus on the second objection.

Counsel for the Promoters—Wilson, K.C.—Younger. Agents—Colin Macculloch, Town Clerk, Greenock—John Kennedy, Parliamentary Agent, Westminster.

Counsel for the Caledonian Railway Company, *Objecting*—Cooper—Deas. Agent—H. B. Neave, Solicitor, Glasgow.

Wednesday, May 18.

(Before Eugene Wason, Esq., M.P., *Chairman*, Sir Walter Thorburn, M.P., Sir James Low, and Alexander M. Gordon, Esq.—at Glasgow.)

MOTHERWELL AND BELLSHILL RAILWAY (ABANDONMENT) PRO- VISIONAL ORDER (1904).

Provisional Order—Locus standi—Abandonment of Railway Undertaking Authorised by Act of Parliament—Provisional Order for Release of Sum Deposited under Penalty Clause—Opposition by Party who Opposed Act and now Claimed Expenses of Opposition—Locus standi Refused.

The object of this Order was to authorise the abandonment of the construction of the railway and works authorised by the Motherwell and Bellshill Railway Act 1900, and to release certain deposit-funds, *inter alia*, a sum of £10,000, which under the Act of 1900 was to be paid by the promoters to the burgh of Motherwell in the event of their failing to carry out their undertaking. It was proposed in the filled-up Order laid before the Commissioners to repay and refund to the promoters £5000, and that the remaining £5000 should become the property of the Corporation of Motherwell, to be applied by the Corporation, with the approval of the Secretary of Scotland, for the benefit of the burgh.

The North British Railway Company opposed the Provisional Order.

In 1900, in the House of Commons and in the House of Lords, they had opposed the Bill and had been partially successful in a question relating to running powers. They now contended that the Provisional Order should not be passed and the promoters refunded until provision had been made for payment by the promoters of the expenses incurred by the North British Railway Company in opposing the Bill of 1900.

The promoters objected to the *locus standi* of the objectors, arguing that the proposed Order neither infringed upon or deprived the objectors of any of their legal rights.