

This was opposed by Mr Wemyss's representatives and also by Mr Christie of Durie, the original proprietor of the harbour of Leven, who had transferred his rights under agreement that the dock was to be maintained as a public harbour. They maintained that the dock was of value to the neighbouring agricultural community, and that the Railway Company should not be allowed to evade an obligation to maintain undertaken by them under private contract, and which they had recently been ordained to implement by decree of the Court of Session.

The proposal to authorise the promoters to dispense with the requirement that they should render separate accounts to the Board of Trade for their dock undertaking was opposed on behalf of the traders, who urged that there was no good reason for altering the general law on the subject.

On the question of protection of Dock No. 2 from the effect of mineral working, the Commissioners found the preamble proved, and a clause was subsequently adjusted applying sections 70 to 78 inclusive of the Railways Clauses Consolidation (Scotland) Act 1845 thereto.

As regards the closing of Leven Dock, the Commissioners found the preamble proved, subject to the adjustment of a clause duly providing for the erection of the proposed jetty, &c., and for the expense of upkeep thereof.

As regards dispensation from rendering separate accounts for the docks, the Commissioners found the preamble proved.

Counsel for the Promoters—Clyde, K.C.—Cooper, K.C.—Grierson. Agent—James Watson, S.S.C.

Counsel for Randolph Gordon Erskine Wemyss, the Wemyss Collieries Trust, Limited, and the Wemyss Coal Company, Limited—Dickson, K.C.—Chree. Agents—Gordon, Falconer, & Fairweather, W.S.

Counsel for Robert Maitland Christie of Durie—Dickson, K.C.—Sandeman. Agents—J. H. Smith, Solicitor, Leven, and Milne & Campbell, W.S.

Counsel for the Fife and Clackmannan Coal Owners Association—Horne. Agents—Wallace & Begg, W.S.

XI. PERTH CORPORATION ORDER.

30th July.

(Before the Earl of Strathmore, Viscount Falkland, *Chairman*, and Mr J. D. Hope, M.P.—at Edinburgh.)

The main object of this Order was the extension of the Burgh of Perth by including therein a part of the County. The only

objectors who appeared to oppose the Order were the two proprietors of Woodlands and Cleeve, small estates extending respectively to about 93 and 32 acres, which were included, Woodlands wholly and Cleeve partly, in the area proposed to be taken in from the county, and whose main ground of objection was that the transfer would entail an additional burden on them in the matter of rates.

The only other purposes of the Order which call for mention were—(1) to make the burgh a county of a city, with power to the Crown to appoint a Lieutenant and a separate Commission of the Peace, and (2) to give powers which would extend the control presently exercised by the burgh over persons within its own limits dealing in milk, to such persons outside who sent milk into the burgh for consumption; and further to provide that all dead meat sent into the burgh should pass through the burgh slaughterhouse, for purposes of inspection by an official.

In the matter of erection of the burgh into a county of a city, a report was submitted by the Secretary for Scotland disapproving of the proposal, and on the other matters of milk supply and dead meat a report was put in by the Local Government Board also disapproving on the ground that these proposals went outside the general statute law, and were contrary to the accepted principle that the local authority of each district should alone be responsible for the administration of the Public Health Acts within its own district.

The other objects of the Order were unopposed.

After hearing evidence for the promoters and for the objectors, the Chairman intimated that the Commissioners found the preamble proved as to the burgh extension, subject to the inclusion of the entire estate of Cleeve. They found the preamble not proved as regards the erection of the burgh into a county of a city, in view of the report of the Secretary for Scotland. They also intimated that as regards milk and dead meat they considered the powers conferred by the existing law were sufficient, and instructed the deletion from the Order of the clauses dealing with those matters.

Counsel for the Promoters—Graham Stewart, K.C.—J. Condie Sandeman. Agents—Cornillon, Craig, & Thomas, W.S., and John Begg, Town Clerk.

Counsel for Mr F. N. Miller of Cleeve and Mr W. Macdonald of Woodlands—Constable. Agents—Jameson & Mackay, Solicitors, Perth.

Counsel for the County Council of Perth—J. Macdonald. Agent—David Marshall, County Clerk.

