

a railway company which enabled them to take land for a strictly limited purpose.

The CHAIRMAN intimated that the objectors were entitled to a *locus*.

After evidence had been led the Commissioners found the preamble proved, subject to the adjustment of a provision prohibiting the use of the Railway Company's lands at Oban for the purpose of a kippering factory or any such work as would be objectionable to the inhabitants of Oban.

Counsel for the Promoters—Morison, K.C.—Wark. Agent—H. R. Buchanan, S.S.C.

Counsel for Mr D. M. Mackinnon and Others (*Objecting*)—Constable, K.C.—Gentles. Agents—Miller, Thomson, & Company, W.S.

II. CLYDE LIGHTHOUSES ORDER.

29th and 30th March, and 1st April, 1912.

(Before the Earl of Cathcart, Lord Saye and Sele, Sir John Dewar, Bart., M.P. (*Chairman*), and Sir William Robertson—at Glasgow.)

Provisional Order—Locus Standi—River Improvement—Power to Deepen, and Regulate Traffic on, Lower Reach of a River—Locus Granted to River Authority having Control of Upper Reach, and to Authority already Vested with Power to Regulate Traffic on the River.

This Order was promoted by the Clyde Lighthouses Trustees, who are a statutory body entrusted with the conservancy of the lower reaches of the Clyde.

The principal purpose of the Order was to provide for the improvement of the channel of the river Clyde below Newark Castle. The Order also proposed certain amendments on the Acts relating to the Clyde lighthouses, and empowered the Trustees to make bye-laws for the regulation of traffic on the river, with regard to (1) the speed of vessels, (2) lighting and removal of wreckage, (3) launching of vessels from adjacent shipyards, and (4) anchorage of vessels.

The Order was opposed by the Clyde Navigation Trustees and by the Clyde Pilot Board. The former demanded a protective clause which would enable them to have a voice as to the extent and manner of carrying out the proposed improvement of the channel, and both bodies objected to the power to make bye-laws, on the ground that the Pilot Board were already vested by statute with like powers, and that it was inexpedient that two bodies should have concurrent right to make regulations as to the same matters within the same area.

Counsel for the promoters objected to the *locus standi* of both the objectors.

Argued for the objectors—The bulk of the traffic on the river was being carried either to or from the reaches under the control of the Clyde Navigation Trustees,

to which their channel formed the only access. They therefore had a clear interest in the maintenance of the whole channel and in the traffic regulations which might be made with regard to it. The Pilot Board had a right to a *locus* on the ground that the power to make bye-laws with regard to the area in question was already vested in themselves.

The Commissioners granted the *locus* craved.

After hearing evidence the Commissioners held the preamble proved, subject to the adjustment of a clause for the protection of the Clyde Pilot Board in relation to the making of bye-laws by the promoters.

Counsel for the Promoters—Cooper, K.C.—Macmillan. Agents—Anderson & Pattison, Solicitors, Glasgow.

Counsel for the Clyde Navigation Trustees (*Objecting*)—Constable, K.C.—Russell. Agents—Wright, Johnston, & Mackenzie, Solicitors, Glasgow.

Counsel for the Corporation of Glasgow—The Solicitor-General (Anderson, K.C.)—Russell. Agent—J. Lindsay, Town Clerk.

Counsel for Trustees of the Port and Harbour of Greenock—Macmillan. Agents—Neill, Clark, & Murray, Solicitors, Greenock—Beveridge, Greig, & Company, Solicitors, Westminster.

III. CLYDE VALLEY ELECTRICAL POWER ORDER.

2nd April, 1912.

(Before the Earl of Cathcart, Lord Saye and Sele, Sir John Dewar, Bart., M.P. (*Chairman*), and Sir William Robertson—At Glasgow.)

Provisional Order—Competency—Confirmation of Agreement between Local Authority and Electrical Company for Supply of Electricity—Private Legislation Procedure (Scotland) Act 1899 (62 and 63 Vict. cap. 47), sec. 16 (2).

This Order was promoted by the Clyde Valley Electrical Power Company. Its main purposes were (1) to confer power on the company to make some new arrangements with regard to its capital, and (2) to confirm an agreement entered into with the County Council of Lanarkshire, whereby the company undertook to supply electricity in certain special districts, and to carry out the County Council's obligations under certain Provisional Orders previously obtained by them from the Board of Trade for the supply of electrical power in these districts.

So far as this agreement related to the district of Shettleston and Tollcross, the Order was opposed by the Corporation of Glasgow, on the ground that a proposal was at the moment pending before Parliament for the inclusion of that district within the city, and that in the event of success the Corporation would themselves

be the natural parties to supply electricity there.

In a report by the Board of Trade which was referred to the Commissioners under General Order 95, the Board intimated that in their opinion the agreement above mentioned was open to objection on the ground that similar agreements had proved unsatisfactory in other cases. The Board further raised the question whether the proposed clause confirming this agreement was excluded from the jurisdiction of the Secretary for Scotland under sec. 16 (2) of the Private Legislation Procedure (Scotland) Act 1899, which provided as follows—"Nothing contained in this Act shall . . . confer upon the Secretary for Scotland power to make Provisional Orders authorising and regulating the supply of electricity for lighting and other purposes."

The Chairman intimated that the Commissioners were of opinion that the Order, having been referred to them by the Secretary for Scotland, and passed by the Chairman of Committees of the House of Lords, and the Chairman of Ways and Means of the House of Commons, it was incumbent on them to consider the clause and the agreement upon their merits.

Evidence having been led, the Commissioners expressed the opinion that the agreement scheduled to the Order was for the advantage of the districts concerned, and that the clause confirming the same should be allowed. They accordingly held the preamble proved, subject to the addition to the clause in question of words limiting the grounds upon which the promoters might oppose the annexation of any area to the city of Glasgow.

Counsel for the Promoters—Wilson; K.C.—Strain. Agents—Wright, Johnston, & Mackenzie, Solicitors, Glasgow.

Counsel for the Corporation of Glasgow (*Objecting*)—Solicitor-General (A. M. Anderson, K.C.)—Russell. Agent—John Lindsay, Town Clerk, Glasgow.

Counsel for the County Council of Lanarkshire (*against Alterations*)—Thomas Munro, County Clerk.

IV. GLASGOW CORPORATION ORDER.

26th, 27th, 28th, and 29th March, 1912.

(Before the Earl of Cathcart, Lord Saye and Sele, Sir John Dewar, Bart., M.P. (*Chairman*), and Sir William Robertson—at Glasgow.)

This Order was promoted by the Corporation of Glasgow for a number of purposes. Its main objects were to get powers with regard to (1) tramways, (2) city improvements, (3) supply of gas, (4) amendment of the Glasgow Police Acts as to traffic, advertising, and trading in the streets, and (5) varying the incidence of assessment for parks and statute labour purposes, which had formerly been borne by occupiers only, and was now proposed to be imposed on owners and occupiers equally.

The Order was opposed, as regards the extension of the Corporation's limits of gas supply, by the Busby and District Gas Company, and as to certain police provisions and change in the incidence of assessment, by various associations, firms, and individuals.

Small portions of the new tramway lines authorised by the Order were situated outside the city, and, in conformity with General Order 130, a clause was inserted in the Order providing that section 43 of the Tramways Act 1870 should apply to these tramways. That section provides that where tramways are constructed within the district of another local authority, that authority shall have right to purchase such tramways at a certain future time.

It was represented by the promoters that the local authorities concerned had no objection to the Corporation acquiring a permanent right to these portions of tramway, and that such an arrangement was in accordance with prior local legislation affecting the Glasgow tramway system. They accordingly moved the Commissioners to recommend that the clause in question should be struck out of the Order before its final confirmation by Parliament. The Commissioners were satisfied that such a recommendation should be made, and reported to that effect.

The Commissioners deleted from the Order certain provisions in excess of the general law relating to the prohibition and regulation of street trading, and they allowed a clause giving certain powers of control over vehicles or boards carried in the streets for advertising purposes.

After evidence had been led for the promoters and for various objectors to the Order, the Commissioners held the preamble proved, subject to the adjustment of certain clauses.

Counsel for the Promoters—Solicitor-General (Anderson, K.C.)—Russell. Agent—John Lindsay, Town Clerk.

Counsel for the Busby and District Gas Company, Limited (*Objecting*)—Cooper, K.C.—Paton. Agents—Carruthers, Gemmill, & M'Killop, Solicitors.

Counsel for the Glasgow Cartage Conference and Others (*Objecting*)—Wilson, K.C.—Haldane. Agents—M'Clure, Naimsmith, Brodie, & Co., Solicitors.

Counsel for the Glasgow House-owners' Association, Limited, and Others (*Objecting*)—Constable, K.C.—Keith. Agent—T. M. Stewart, Solicitor.

Counsel for the Glasgow and South-Western Railway Company (*Objecting*)—Macmillan. Agent—Dr Murray, Solicitor.

Counsel for the Caledonian Railway Company (*Objecting*)—Macmillan. Agent—H. R. Buchanan, Solicitor.

Counsel for the North British Railway Company (*Objecting*)—Macmillan. Agent—James Watson, Solicitor.

Counsel for the Glasgow and Paisley Joint Line Committee and the Glasgow and Kilmarnock Joint Line Committee