

In December 1919 fourteen applications for Provisional Orders were made, viz.—

- I. Aberdeen Corporation.
- II. Airdrie and Coatbridge Tramways.
- III. Alloa Water.
- IV. Bank of Scotland.
- V. Coatbridge Burgh.
- VI. Denny and Dunipace Water.
- VII. Dumbarton Burgh Gas.
- VIII. Dundee Corporation.
- IX. Dunfermline and District Tramways.
- X. Edinburgh Boundaries Extension and Tramways.
- XI. Glasgow Corporation.
- XII. Irvine Harbour.
- XIII. Motherwell and Wishaw Burghs (Amalgamation and Extension).
- XIV. Stirling Corporation (Water-works, &c.).

Of these IV and X were directed to be proceeded with by way of Private Bill; I, III, V, VII, VIII, IX, and XII were either unopposed or had the opposition withdrawn; XIV had not yet been proceeded with on going to press owing to the result of the inquiry in VI; inquiry was held into II, VI, XI, and XIII (*v. infra*).

In April 1920 eleven applications for Provisional Orders were made, viz.—

- I. Aberdeen Harbour.
- II. Brodick, Lamblash, Loch Ranza, and Whiting Bay Piers.
- III. Dorward's House of Refuge.
- IV. Dumbarton Burgh and County Tramways.
- V. Falkirk and District Tramways.
- VI. Greenock Port and Harbour.
- VII. Lanarkshire Tramways.
- VIII. Life Association of Scotland.
- IX. Paisley Corporation (Cart Navigation).
- X. Royal Bank of Scotland.
- XI. The Trades House of Glasgow.

Of these VIII and X were directed to be proceeded with by way of Private Bill; I, II, IV, V had the opposition withdrawn; inquiry was held into III, VI, VII, IX, and XI (*v. infra*).

6th and 7th May 1920.

AIRDRIE AND COATBRIDGE TRAMWAYS.

(Before Lord Lamington (*Chairman*), the Earl of Stair, Sir John A. Hope, Bart., M.P., and Sir Samuel Chapman—at Edinburgh.)

This Order was promoted by a statutory company owning the tramways in the burghs of Airdrie and Coatbridge, and merely sought power to increase the maxi-

imum fares chargeable under their Acts 1900-1901. The Provost, Magistrates, and Councillors of the two burghs opposed, but at the opening of the inquiry it was intimated that the opposition might be withdrawn, and this was subsequently done, the burghs having effected an agreement for the purchase by the burghs of the company's whole undertaking.

Counsel for the Airdrie and Coatbridge Tramways Company (*Promoting*)—Constable, K.C.—J.S. Mackay. Agent—Sydney Morse, Solicitor, London.

Counsel for the Burghs of Airdrie and Coatbridge (*Objecting*)—Wilson, K.C.—Keith. Agents—T. Thomson, Town-Clerk, Airdrie—J. Alston, Town-Clerk, Coatbridge.

4th to 7th May 1920.

DENNY AND DUNIPACE WATER.

(Before Lord Lamington (*Chairman*), the Earl of Stair, Sir John A. Hope, Bart., M.P., and Sir Samuel Chapman—at Edinburgh.)

The Town Council of the Burgh of Denny and Dunipace (commonly described as Denny) promoted this Order, the purpose of which was to obtain a further water supply. This it was proposed to obtain by appropriating as a reservoir Loch Coulter in the Denny Hills, and leading into it the water of a new catchment area which had previously reached the outflow of the loch lower down. Loch Coulter had for long beyond the prescriptive period been used as a service reservoir by mill-owners and a valuable fish hatchery (Howieton), and it was alleged to contain water of a purity which necessitated no filtration for domestic use. The works contemplated the raising of the level of the loch with two draw-off pipes, the upper in charge of the mill-owners, &c., and the lower in charge, under conditions, of Denny. Loch Coulter was not within the catchment area of the existing water scheme of Denny, but was in close proximity (five miles) to the burgh.

The Order was opposed (1) by the Falkirk and Larbert Water Trustees, and (2) by the County Council of Stirlingshire and its Central and its Eastern District Committees, while it was watched (3) on behalf of the owners of the mills and fish hatchery. The opposition was based on the ground that the district would be better served by a combined (amalgamated) scheme, there being at least five authorities getting water from the same district, and indirectly on the ground that Denny's requirement was not pressing, and was more than met by the offers of a temporary supply made under conditions by the objectors and to be obtained from their existing systems.

After some days' inquiry parties came to an agreement whereby the promoters were to obtain a supply of water on terms for some years, and subsequently on the payment of a capital sum a supply of water of a limited amount for ever; and the only question remaining was that of expenses.

That was ultimately settled on the basis that the objectors paid the expenses not only of the promotion of the Order, but of what was incidental thereto, such as the engineers' inquiry, &c.

The promoters thereupon withdrew the Order.

Counsel for the Town Council of Denny and Dunipace (*Promoting*)—Mackay, K.C.—Keith. Agents—A. Hendry, Town-Clerk, Denny—Morton, Smart, Macdonald, & Prosser, W.S., Edinburgh.

Counsel for the Falkirk and Larbert Water Trustees (*Objecting*)—Wilson, K.C.—D. M. Wilson, Agent—A. Balfour Gray, Solicitor, Falkirk.

Counsel for Stirlingshire County Council and its District Committees (*Objecting*)—Constable, K.C.—Moncrieff, K.C.—J. G. Burns. Agent—James Learmonth, Solicitor, Stirling.

Counsel for Mill-owners and Others (*Watching*)—Leadbetter. Agents—Russell & Dunlop, W.S., Edinburgh—Welsh & Robb, Solicitors, Stirling.

23rd March 1920.

GLASGOW CORPORATION.

(Before Mr William Graham, M.P. (*Chairman*), Lord Ebury, Sir John Hope, Bart., M.P., and Mr J. Leng Sturrock, M.P.—at Glasgow.)

The Corporation of Glasgow promoted this Order, which was divided into seven parts. Part I was formal and preliminary. Part II sought increased power to assess by raising the restrictive limit (a) of the parks assessment from 4d. to 7½d., (b) of the libraries assessment from 1½d. to 3d., (c) of the Municipal Buildings assessment from 1½d. to 2½d., (d) of the public health assessment from 1s. to 2s., (e) of the sewage assessment from 8d. to 10d. Part III sought increased power to borrow for police purposes £250,000, for roads and bridges £200,000, for tramways £700,000. Part IV gave effect to an agreement with the Clyde Navigation Trustees whereby the cross-river ferries were to become free. Part V, dealing with building regulations, gave the Corporation relief from any claims for the flooding of cellars below a certain level, and also power to make consequential corrections in the register of streets on a street being re-named. Part VI sought an extension of time for doing certain things authorised by the Corporation's Act of 1914, viz., the compulsory acquisition of land, the completion of certain street works, the completion of certain tramways, and also of certain bridges, the general effect being as if the time allowed were calculated from 7th August 1920 instead of 7th August 1914, the date of the passing of the 1914 Act. Part VII contained miscellaneous matters giving effect, *inter alia*, to an agreement for the acquisition of land in a catchment area of the city's water undertaking, and dealing with casual vacancies in the Corporation.

All the opposition had been withdrawn save that of the University Court of the University of Glasgow, and that opposition was limited to Part VI of the Order, the extension of time. Under the Corporation's Act of 1914 powers had been obtained to form a direct through route, with tramway, from the northern parts of the city to parts farther south and near the Clyde, across a bridge over the Kelvin. The route as designed passed through the grounds of Queen Margaret College, a part of Glasgow University devoted to the education of women, and the University were empowered under the Act to require the Corporation to take over the whole entity, or alternatively only a small portion of the grounds by diverting the new road.

Provisional Order—Procedure—Locus—Extension of Time—Compulsory Acquisition of Property—Change of Circumstances.

The promoters challenged the objectors' locus on the ground that there was no change of circumstance; the position as existing and as contemplated at the earlier date had been borne out; a new method of assessing compensation enacted by a public general statute (Acquisition of Land Compensation Act 1919) could not be appealed to. The objectors maintained that there was a sufficient change to entitle them to appear in the facts that (1) there had been an unanticipated increase in the number of students for whom provision must according to modern views be made; (2) economic considerations now made transfer and reinstatement impossible, and in considering such a point the necessity of extension and room for further extension in view of the increase of students must be a matter of moment; (3) in view of the previous two points the question of compensation, and its assessment, was sufficient.

The Commissioners intimated that they granted a locus, limited, however, to clause 20 of the Order, and that clause dealt only with compulsory purchase.

Counsel for the promoters intimated that they restricted clause 20 so as not to include lands the property of the University Court, and amendment to that effect was subsequently made.

The Order was in the absence of any further opposition duly reported.

Counsel for the Corporation of Glasgow (*Promoting*)—Macmillan, K.C.—Gentles. Agent—Sir John Lindsay, Town-Clerk, Glasgow.

Counsel for the University Court of the University of Glasgow (*Objecting*)—Sandeman, K.C.—Graham Robertson. Agents—Mitchells, Johnston, & Company, Writers, Glasgow—Beveridge & Company, Westminster.