

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.