

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

(*Objecting*)—Macmillan. Agent—H. R. Buchanan, Solicitor.

Counsel for the Street Vendors of Newspapers (*Objecting*)—Gillon. Agents—Hamilton & Ballantine, Solicitors.

Counsel for the Scottish Co-operative Wholesale Society, Limited (*Objecting*)—Gentles. Agents—Keyden, Straug, & Co., Solicitors.

Counsel for J. & W. Campbell & Co., and Others (*Objecting*)—Crawford. Agents—M'Clure, Naismith, Brodie, & Co., Solicitors.

For the Glasgow Carting Contractors and Horse-owners' Association and Others (*Objecting*)—Donald Mackay, Solicitor.

For the County Council of Lanark and the District Committees of the Lower and Middle Wards (*Objecting*)—H. L. Fraser, Solicitor. Agent—Thomas Munro, County Clerk.

For the County Council of Renfrew and the District Committee of the Eastern District (*Objecting*)—Patrick Spens, Solicitor. Agents—Hill & Hoggan, Solicitors.

For the Association of House Factors and Property Agents in Glasgow (*Objecting*)—Guthrie Smith, Solicitor. Agents—Baird, Smith, Muirhead, & Guthrie Smith, Solicitors.

For the Glasgow Shipowners' Association, the Clyde Shipowners' Association, and Others (*Objecting*)—James A. Mackenzie, Solicitor. Agents—Wright, Johnston, & Mackenzie, Solicitors.

For the Glasgow Sawmillers' Association and Others (*Objecting*)—Wearing, Solicitor. Agents—Wearing & Martin, Solicitors.

V. KIRKCALDY DISTRICT WATER.

24th, 25th, 26th, and 29th July 1912.

(Before the Marquis of Tweeddale, Viscount Hood, Sir John Dewar, M.P. (*Chairman*), and Mr David Wilkie—at Edinburgh.)

Provisional Order—Water—District Water Supply—Existing Private Water Systems Supplying Works and Landed Estates within District—Rating of Property already Privately Supplied—Obligation to Take Over Private Water-works at Valuation.

This Order was promoted by the Kirkcaldy District Committee of the County Council of Fife, and was a sequel to the *Wemyss and District Water Order*, July 29, 1909, 46 S.L.R. 1050. By the latter Order the Wemyss Water Trust was constituted and empowered to introduce a water supply for their district from Glenfarg, but under the condition that the promoters of the present Order might, if so advised, come in within a limited time and join with them in the proposed scheme, there being a sufficiency of water obtainable from Glenfarg for both districts.

The object of the present Order was to take advantage of the above-mentioned

condition, and obtain for the Kirkcaldy district of Fife an adequate water supply from the Glenfarg source.

There were a number of objectors to the Order, who, however, for the most part fell within one or the other of two categories, viz., (1) colliery companies and others who had established water supplies for themselves and their employees, mainly from pit water, and (2) landed proprietors who for themselves, their tenants, and feuars had existing water supplies on their estates. Both these sets of objectors opposed the preamble of the Order on the ground that the scheme was unnecessary, and in any view in excess of the requirements of the district. In particular, they objected (1) that the mode of rating proposed by the promoters was unfair to them, and (2) that they would be subjected to loss owing to their existing water-works being rendered unnecessary, although they were in fact quite sufficient for their purposes.

The rating provisions of the Order proposed that there should be a public water rate levied over the whole district, and also a domestic water rate levied on all lands and heritages (including minerals, at one-fourth of the valuation thereof) situated within 100 yards of the promoters' pipes.

After certain evidence had been led on behalf of the promoters, the Commissioners indicated their opinion that in respect of the general benefit which would accrue to the health of the district it was reasonable to exact the public water rate from all the inhabitants. Subsequently an agreement was arrived at between the promoters and the objectors, under which the latter withdrew their opposition to the preamble, subject to an adjustment of clauses which would afford them some measure of compensation for their private water-works, to be fixed in each case by a single arbiter, at such time as the promoters were in a position to supply them with water and became entitled to levy on them the domestic water rate provided by the Order.

The adjustment of clauses in pursuance of the above settlement between the parties was then proceeded with by the Committee.

Provisional Order—Water—District Water Scheme—Arbitration Clause—Taking Over Existing Private Water-works—Allowance for Depreciation of Works—Differentiation between Works Utilisable and Works not Utilisable.

It was proposed by the promoters that arbiters appointed to ascertain the value of any existing water-works, in accordance with the above settlement, should be directly instructed in the Order to take into account, (1) any depreciation on the works, and (2) the extent to which such works would be utilisable by the County Council.

Argued for the promoters—(1) This condition was reasonable, and merely expressed what it would be incumbent on the arbiter to do in the absence of direct instruction.