

MOTHERWELL AND WISHAW  
BURGHs (AMALGAMATION AND  
EXTENSION).

Wednesday 24th March, 1920.

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

This Order was promoted by the Corporation of Motherwell and the Corporation of Wishaw for the purpose of amalgamating the two burghs which adjoined and for the purpose of annexing to the new (combined) burgh six areas of ground from the county of Lanark extending to 341·5 acres, the extent of the existing burghs being 2258 acres. These areas were desired chiefly in connection with housing schemes being carried out by the burghs. The County Council of Lanark on behalf of itself and its Middle Ward District Committee opposed, not the amalgamation, but the extension. It maintained that a Provisional Order was unnecessary as everything required could have been obtained otherwise under general legislation and that its schemes of local administration, particularly with regard to water, would be prejudiced. During the inquiry parties came to an agreement whereby one small area was excluded from the proposed extension and the burgh was to pay the county £15,000, receiving therefor the whole mains, water-pipes, and apparatus of the District Committee in the areas annexed save through-going mains required for supplying water to more remote portions of the county. The Order included provisions as to stereotyping rates for ten years and otherwise as to rating.

Clauses were adjusted.

Counsel for the Promoters — Macmillan, K.C.—Keith. Agents—James Burns, Town Clerk, Motherwell — A. G. Stewart, Town Clerk, Wishaw — Beveridge & Company, Westminster.

Counsel for the County Council of Lanarkshire (*Objecting*)—Wilson, K.C.—Gentles. Agents—Sir Thomas Munro, County Clerk.

DORWARD'S HOUSE OF REFUGE.

26th July 1920.

(Before Major G. M'Micking, M.P. (*Chairman*), the Marquis of Linlithgow, Lord Elphinstone, and Major Wm. Murray, M.P.—at Glasgow.)

*Provisional Order—Competency—Litigation Pending.*

The managers of Dorward's House of Refuge, Montrose, a charitable institution founded in 1838, promoted this Order to regulate the constitution of the management committee and also the classes of person to whom the benefits of the institution might be granted. The present management committee consisted of 12 members nominated by the founder's testamentary

trustees, 4 by the Town Council of Montrose, 4 by the Kirk Session of Montrose, and 4 by the heritors of the landward parish of Montrose, and this was in accord with a private Act of Parliament of 1851. Recently the Parish Councils of Montrose and of Craig, the creations of the Local Government (Scotland) Act 1894, had sought representation on the ground that the present state of matters was not in accord with the intentions of the founders. The Parish Councils had also objected to inmates having been received from a very wide area. The questions between the parties were being litigated in the Court of Session. The Order proposed to stereotype the existing state of matters and practice.

After hearing counsel the Commissioners intimated that they were unable to deal with the merits of the Order in respect there was pending litigation.

Counsel for Dorward's House of Refuge (*Promoting*) — Mackay, K.C. — Douglas Jamieson. Agents—A. Middleton, Solicitor, Montrose—Dove, Lockhart, & Smart, S.S.C., Edinburgh — Balfour - Allan & North, London.

Counsel for the Parish Councils of Montrose and of Craig (*Objecting*)—Macmillan, K.C.—Carmont. Agents—W. & J. Burness, W.S., Edinburgh.

GREENOCK PORT AND HARBOURS.

22nd and 23rd July 1920.

(Before Major G. M'Micking, M.P. (*Chairman*), the Marquis of Linlithgow, Lord Elphinstone, and Major Wm. Murray, M.P.—at Glasgow.)

*Provisional Order—Locus—Right-of-Way—Harbour—Ratepayer Objecting to Proposed Closing of Harbour when Corporation Approve.*

The Greenock Harbour Trustees promoted this Order to obtain power to close and fill up Cartsdyke Harbour, a small harbour under their jurisdiction, the title to which had not been but was now to be put in order, and which, it was maintained, was useless owing to its size and condition, but would afford excellent ground for extensions of shipbuilding yards or for industrial purposes. Power to acquire some small properties which lay in and were necessary to make the site complete and of easy handling was included. Originally the Order had been opposed by Greenock Corporation, but terms had been arranged. There remained, however, the opposition of certain individuals who purported to be acting on behalf of a "committee of representative ratepayers of the burgh of Greenock." These individuals maintained that there was a right-of-way from Main Street, Greenock, down to the harbour where access to the Clyde was obtained, and that this right, together with the privilege of free access and use of the harbour as an open space, for fishing and for boating, had been enjoyed from time immemorial and should not now be taken away, there being no

necessity. The promoters questioned the *locus* of these objectors, on the ground that they did not purport to represent any particular class in the community with some peculiar interest at stake, but only generally the ratepayers, who were properly represented by the Corporation. The objectors maintained that anyone could defend a threatened right-of-way, and so the *locus* was good. The Commissioners granted the *locus*.

The preamble was thereafter held proved, and clauses adjusted.

Counsel for the Trustees of the Port and Harbours of Greenock (*Promoting*)—Sandeman, K.C.—Graham Robertson. Agents—Neill, Clark, & Murray, Solicitors, Greenock—Beveridge & Company, Westminster.

Counsel for Greenock Corporation (*Watching*)—Macmillan, K.C.—Gentles. Agent—Andrew Nimmo, Town Clerk, Greenock.

Counsel for Richard Watkins and Others (*Objecting*)—Scanlan. Agents—Thos. Scanlan & Company, Solicitors, Glasgow and Greenock.

21st, 22nd, and 23rd July 1920.

#### LANARKSHIRE TRAMWAYS.

(Before Major G. M'icking, M.P. (*Chairman*), the Marquis of Linlithgow, Lord Elphinstone, and Major Wm. Murray, M.P.—at Glasgow.)

The Lanarkshire Tramways Company, a statutory company incorporated in 1900, promoted this Order to obtain power for three purposes, viz.—(a) to change the denomination of its shares from £10 to £1, each existing £10 share to become 10 £1 shares, and this proposal was not objected to; (b) to alter its fares from being for ordinary passengers  $\frac{1}{2}$ d. per half-mile or portion thereof to 1d. per mile or portion thereof, and for workmen from  $\frac{1}{2}$ d. per mile or portion thereof to 1d. per 2 miles or portion thereof; and (c) to alter the limitation on its power to run buses from “in extension of the tramway system, but not to a greater distance than 5 miles beyond the tramways termini,” a power obtained in 1908, so as to enable it to run buses in connection with or in extension of the tramways system throughout the whole county of Lanark. The Order was objected to (1) by the County Council of Lanark on the grounds (a) that if an increase of fares was necessary the necessity was only temporary, and could and should be met by an application to the Minister of Transport under the Tramways (Temporary Increase of Charges) Act 1920, and (b) that as regarded the buses a greatly increased burden was to be imposed on the county in connection with the maintaining, and regulating the traffic on, the roads; (2) by five burghs in the County of Lanark, viz., Airdrie, Coatbridge, and Motherwell on the buses question, Hamilton and Wishaw on both the buses and the fares question; (3) by the Caledonian Railway Company and also by the North British Railway Com-

pany on the buses question only; (4) by the Corporation of Glasgow on the buses question; (5) by the Airdrie and Coatbridge Tramways Company on the buses question; and (6) by the Scottish General Transport Company, Limited, a company incorporated under the Companies Acts 1908-1917, which was running buses in the county of Lanark, on the buses question.

*Provisional Order — Locus — Tramway — Extension of Limit within which Buses could be Run — Burghs Wholly within Existing Limit — Public Company, not Statutory, Running Buses in District.*

Objection was taken by the promoters to the *locus* of Motherwell and of Hamilton and of Wishaw on the buses question on the ground that no part of the territory of these burghs was five miles from the tramway system and so outwith the existing limit. On the part of the burghs the exact terms of the existing limit were referred to, and it was also pointed out that were the limit altered as proposed there might, indeed certainly would, be an increased bus traffic on the streets and roads of the burghs. Objection was also taken to the *locus* of the Scottish General Transport Company, Limited, on the ground that it was a purely commercial company with no statutory status nor statutory obligation and therefore could not be heard. On behalf of the Transport Company it was explained that it had been formed in connection with the Airdrie and Coatbridge Tramway Company, which it practically owned, and in connection with whose tramway system it ran numerous lines of buses with the approval of the county and local authorities; that the present proposals were for an entirely new development, the existing statutory powers of the Lanarkshire Tramways Company referring really to their tramway undertaking, just as there were statutory powers for the tramway undertaking of the Airdrie and Coatbridge Tramway Company, and it was urged that in this question of transport which so intimately affected the whole district a *locus*, the granting of which was a matter of discretion, should not be refused to a company so vitally interested whose appearance would not prolong the inquiry.

The Commissioners, after adjournment, granted a *locus* to the three burghs and to the Transport Company.

*Provisional Order — Procedure — Reply — Leading Evidence—Plan Put in Cross-Examination of a Witness in the Interest of One Objector.*

The inquiry proceeded and no evidence was led for the objectors, but in its course counsel for the railway companies, in cross-examination of one of the promoters' witnesses, referred—producing it—to a plan. Counsel for the promoters made a claim, based on this incident, to a right of reply on the whole case. Counsel for the railway companies maintained that if there was any right of reply, which was not admitted, it was limited to the railway companies' case.

The Commissioners, after adjournment,