

were in the position of ordinary riparian proprietors to whose property the possession of water rights formed an important adjunct and one capable in the future of indefinite expansion. The mere fact that the riparian proprietors might not be using their rights at the moment to the fullest extent was immaterial. They were entitled to compensation on the footing of the fullest possible use. If the amount of compensation water available were capable of variation from time to time the contention of the promoters might be a sound one, but as a matter of fact when the amount has once been fixed it can never subsequently be varied.

The Commissioners decided that a third should be given.

At the adjustment of clauses a question arose as to whether the compensation water was to be given every day or only every "working" day, *i.e.*, whether Sunday was to be included.

The Commissioners decided that it was to be given every day including Sunday.

Counsel for the Dunfermline District of the County of Fife, Promoters—Guthrie, K.C.—T. B. Morison. Agents—Dr John Ross, Solicitor, Dunfermline, and A. V. Begg, W.S., Edinburgh.

Counsel for William James Haig, of Dollarfield, *Objecting*—Clyde, K.C.—Hon. Patrick Balfour. Agent—J. P. Watson, W.S., Edinburgh.

Counsel for the Right Hon. Lord Abercrombie, *Objecting*—Clyde, K.C.—Craigie. Agents—T. & R. B. Ranken, W.S.

Counsel for the Distillers Company, Limited, *Objecting*—Clyde, K.C.—Inglis. Agents—Fraser, Stodart, & Ballingall, W.S.

Counsel for the County Council of the County of Clackmannan, *Objecting*—Clyde, K.C.—Garson. Agents—J. W. & A. P. Moir, Solicitors, Alloa, and Messrs J. C. Brodie & Sons, W.S., Edinburgh.

*Monday and Tuesday, 28th and 29th March.*

(Before Lord Herries, *Chairman*, Lord Muncaster, Mr J. Dennistoun Mitchell, and Mr Edward Wilson—at Edinburgh.)

#### ARBROATH CORPORATION WATER PROVISIONAL ORDER.

*Provisional Order—Private Legislation Procedure—Burgh Water Supply—Rating—Manufactories and Shops.*

The promoters of this Order were the Corporation of Arbroath, and the object of the scheme was to provide the burgh with an increased water supply.

A question arose on the question of rating.

The promoters of the Bill contended that in the case of manufactories and shops the rating for "domestic" water (as distin-

guished from "trade" water which is supplied in bulk under contract) should be upon one half of the rental, the ordinary rating being upon one-fourth, their argument being that the necessity for the increased supply was caused not by the smaller ratepayers and householders for whom the existing supply of eleven gallons per head was sufficient, but by the large manufacturers, who required an additional supply to enable them to provide, *inter alia*, the increased sanitary accommodation required by recent factory legislation. They quoted as a precedent the Falkirk Water Act of 1881, section 61. The objectors contended that the rating should be upon one-fourth, and quoted the Burgh Police (Scotland) Act 1892, section 347, the Burgh Sewerage, Drainage, and Water Supply (Scotland) Act 1901, section 2. Evidence was led showing that by recent factory legislation, and particularly the Home Office regulations, under the Factories and Workshops Act 1901, a much larger supply of water than hitherto was required for the use of workers in mills.

The CHAIRMAN—The Commissioners have decided that the rating shall be upon one-fourth, and that on appeal to the Sheriff he may raise it to one-half if he thinks proper, both as regards shopkeepers and manufacturers.

Counsel for the Promoters—C. K. Mackenzie, K.C.—R. L. Blackburn. Agent—W. K. Macdonald, Town-Clerk of Arbroath.

Counsel for certain Owners, Manufacturers, and Others within the Burgh of Arbroath, *Objecting*—Wilson, K.C.—Wilton. Agents—D. & W. Chapel, Solicitors, Arbroath—Armstrong & Hay, S.S.C., Edinburgh.

*Tuesday, May 3, and Wednesday, May 4.*

(Before Eugene Wason, Esq., M.P., *Chairman*, Sir Walter Thorburn, M.P., Sir James Low, and A. M. Gordon, Esq.—at Glasgow.)

#### GLASGOW CORPORATION (POLICE) PROVISIONAL ORDER.

*Provisional Order—Private Legislation Procedure—Compulsory Acquisition of Land by Corporation—Compensation—Method of Ascertainment—Settlement by Single Arbitrator—Expenses—Power to Arbitrator to Determine all Questions of and Liability for Expenses Refused—Burgh Police (Scotland) Act 1903, sec. 57.*

In this Provisional Order promoted by the Glasgow Corporation the promoters proposed to introduce a clause to the following effect:—"In all cases of disputed compensation under any of the Acts cited in section 1 of this Order, the Glasgow Police Acts and the Glasgow Sewage Acts, or any other Act or Order applicable or that may be made applicable to the city, or under any Public General Act whereby

the corporation is entitled to acquire land compulsorily under the Lands Clauses Acts, or whereby any compensation payable by the Corporation falls to be determined under the last-mentioned Acts, it shall, unless both parties concur in the appointment of a single arbiter in terms of the last-mentioned Acts, be in the power of either party to apply to the Secretary for Scotland to appoint a single arbiter to determine the compensation to be paid, and it shall not be competent thereafter to have the same determined by arbiters, oversmen, Sheriff, or jury acting under the last-mentioned Acts. The said arbiter upon appointment shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Act, and the provisions of those Acts with regard to arbitration shall apply accordingly, and the arbiter shall, notwithstanding anything in these Acts, determine all questions of expenses in the arbitration, and by whom the same shall be paid, and such determination shall be final. The remuneration of the said arbiter shall, failing agreement, be fixed by the Secretary for Scotland."

The Glasgow Landlords Association, Limited, the Caledonian Railway Company, and the Glasgow and South-Western Railway Company appeared as objectors.

The words "or any other Act or Order applicable or that may be made applicable to the city" were struck out by agreement, the main question at issue between the parties being whether, as proposed by the promoters, the sole arbiter should be given the power "to determine all questions of expenses in the arbitration, and by whom the same shall be paid."

The Commissioners refused to allow to the arbiter this power, and granted a section similar in its terms to section 57 of the Burgh Police Act 1893, the words of which on the question of expenses are, "And the arbiter shall, notwithstanding anything in the said Acts, determine the amount of the expenses in the arbitration, and such determination shall be final."

Counsel for the Promoters—Cooper—M. P. Fraser. Agent—John Lindsay, Clerk of Police and Solicitor, Glasgow.

Counsel for the Glasgow Landlords Association, Limited, *Objecting*—Orr. Agent—T. M. Stewart, Writer, Glasgow.

Counsel for the Caledonian Railway Company, *Objecting*—Deas. Agent—H. B. Neave, Solicitor.

Agent for the Glasgow and South-Western Railway Company—David Murray, LL.D., of Maclay, Murray, & Spens.

Thursday, May 5.

(Before Eugene Wason, Esq., M.P., *Chairman*, Sir Walter Thorburn, M.P., Sir James Low, and A. M. Gordon, Esq.—at Glasgow).

#### GOVAN CORPORATION PROVISIONAL ORDER.

*Provisional Order—Private Legislation Procedure—Locus standi—Injury—Burgh Promoting Order with Provisions Differing from Burgh Police (Scotland) Act 1903—Opposition of Railway Company Owning Property and Paying Rates.*

This Order was promoted by the Corporation of Govan, its objects being (1) to give power to the Corporation, instead of raising money by the creation of stocks, or instead of borrowing money by way of temporary loan or overdraft from any bank, or a temporary loan or deposit-receipt, for the purposes mentioned in section 49 of the Police Act of 1903, to raise money for those purposes by means of bills; (2) to make provision for the repayment of the money borrowed for the construction of the town hall and municipal buildings being spread over 60 years instead of 33½ years under the Burgh Police Act 1892, and to extend the time for repayment of money borrowed for the construction of the Govan burgh tramways; (3) to provide for Govan certain clauses differing from and amending the General Police Act of 1892 in various minor matters, such as the interpretation of the word "street" in betting and bookmaking prosecutions, the prohibition of the creation, by alteration of existing tenements, of tenements of more than twelve dwelling-houses entering by one stair, the relative duties of the burgh surveyor and sanitary inspector in the matter of the testing of house drains; (3) to effect certain alterations in the constitution and powers of the Dean of Guild Court.

The Order was opposed by the Branch Committee of Prince's Dock and the Glasgow and Paisley Joint Line Committee on the general ground that it was inexpedient to overturn and set aside the provisions of the General Police Act of 1903, which was a public statute enacting a uniform code of municipal law for all the burghs of Scotland including Govan, with five exceptions.

The promoters objected to the *locus standi* of the objectors, arguing that they could point to no injury which they would suffer under the proposed Order, and that their opposition was dictated by the general policy of the railway companies to oppose every bill promoted by any burgh other than the five excepted burghs which might have as its purpose the modification of the law as laid down by the Burgh Police (Scotland) Act 1903.

The objectors argued that the fact that they were owners of property and rate-payers within the burgh, and alleged that