

They were making an incompetent attempt to recover costs—*Harrow, Edgware, and London Railway Bill*, 1 Clifford & Rickard, p. 83; *Dublin, &c., Railway Bill*, 1 Clifford & Rickard, p. 11; *London Central Railway (Abandonment) Bill*, 1 Clifford & Rickard, p. 170, 2 Saunders & Austin, p. 126.

The objectors argued that the insertion of the penalty clauses in the Bill of 1900 showed that there was an implied contract between the promoters and the North British Railway Company that in the event of the former abandoning their scheme the latter should obtain from the former the costs of opposing the Bill, and that as the present Provisional Order threatened their rights under that implied contract, they had a *locus standi*.

The Committee unanimously refused a locus.

Counsel for the Promoters—Alexander Wedderburn, K.C.—Lamond. Agents—H. Lamond, Lang, & Company, Writers, Glasgow—John Kennedy, Parliamentary Agent, Westminster.

Counsel for the North British Railway Company, *Objecting*—Wilson, K.C. Agent—James Watson, W.S.

Friday and Saturday, 7th and 8th July.

(Before the Earl of Kintore, *Chairman*, the Earl of Mansfield, Mr C. E. Hobhouse, M.P., and Mr Alexander Wylie, M.P.—at Glasgow.)

GLASGOW CORPORATION (POLICE) PROVISIONAL ORDER.

Provisional Order — Private Legislation Procedure — Locus standi—Separate Representation — Right of Minority of a Body already Represented as a Whole to a Separate Locus.

This Provisional Order was promoted by the Corporation of the City of Glasgow. In 1898 the Corporation had obtained a Bill empowering them to construct certain sewage works with an outfall at Braehead. Subsequently an agreement was entered into between the Corporation and the Clyde Navigation Trustees, by which the latter agreed to give certain lands of Shieldhall belonging to them in exchange for Braehead, and the Corporation agreed to construct the outfall works at Shieldhall instead of at Braehead. It was to obtain confirmation of this agreement that the present Provisional Order was promoted. The proposed exchange was one which the promoters alleged would be beneficial to both parties, the Corporation of Glasgow were unanimous in its favour, and of the twenty-five members of the Clyde Navigation Trustees only a very small minority were opposed to it.

The Order was opposed by Alexander Stephen & Sons, Limited, the Goyan Combination Parish Council, and the Allan

Line Steamship Company, Limited, and others, shipowners and payers of dues, Glasgow.

The promoters objected to the *locus standi* of the last-mentioned objectors.

The latter in the petition set forth, *inter alia*—“Your petitioners represent a considerable section of the trading interests of the port of Glasgow, and include in their number the owners and managers of the principal steamship lines trading with the port. Dues, by which the quays, harbours, and docks of the port are upheld, are levied upon the ships and their cargoes which use the port. This trade, which is largely provided by your petitioners, constitutes the source of the revenues of the Trust. . . . Your petitioners generally object to the foresaid proposals of the Order, inasmuch as they believe and allege that the Clyde dues, which are paid by your petitioners, will require to be increased in order to meet the loss of capital and income which would ensue if the proposals of the Order were sanctioned, inasmuch as the proposed new lands will not confer any benefit or add any revenue to the Trust commensurate with the revenue derived from the present wharves and quays at Shieldhall. It sacrifices most costly and valuable land belonging to the Trustees. . . . It further removes offensive sewage works, for which Parliamentary powers were obtained on the express understanding that they were to be erected on ground far away from human habitation and observation, to a place contiguous to the dwelling-houses of the working classes of the community.”

Argued for the promoters—The objectors had no *locus standi*. The Clyde Navigation Act of 1884, under which Shieldhall was acquired from the Trustees, provided that the Trustees might sell any lands already acquired and which might afterwards be acquired on such terms as the Trustees might think proper. Having power to sell under the Act of 1884, the Trustees required no further authority, and the present objectors could not maintain they were acting *ultra vires*. The present objectors as ratepayers of the Clyde Navigation Trust were accordingly represented by the Clyde Trustees, and as ratepayers of the Corporation of Glasgow by the Corporation of Glasgow, and therefore whatever interests they might have were fully represented—*London and South-Western Railway Bill*, 1 Rickards and Saunders, p. 287; *The Pier and Harbour Provisional Orders Confirmation Bill*, 3 Clifford and Rickards, p. 193. In any case an allegation that the agreement was *ultra vires* of the Trustees would not give them a *locus*, because this Court would not consider the question whether a proposal was *ultra* or *intra vires*—*The Kingstown Township Bill*, 1 Clifford and Rickard's Reports, 38. That was the decision of a Committee of Parliament and was still more applicable to the Commissioners under the Private Legislation Procedure Act. Such an objection should have been stated when the Order came before the Chairman, but an inquiry having been ordered, the duty

of the Commissioners was to hold the inquiry and not consider questions going to the root of the petition itself. This was the effect of section 3 of the Act and number 78 of the General Orders made in pursuance of it.

Argued for the objectors—They were entitled to a separate *locus standi*. Of the Clyde Trustees, who were 25 in number, they only elected 9, and that put them at once in a different position from ratepayers in a burgh, who elect the whole municipal body; they were only represented by a minority of the Trust, a minority which as matter of fact the members of the Trust seemed to be of opinion, to judge from various bills which had been introduced but dropped for various reasons, ought to be increased. They had a separate trade interest of their own to protect, which gave them of itself a right to appear, just as, for example, the butchers in a municipality would not be precluded from opposing an Order introduced by the municipality, *e.g.*, for the alteration of the burgh cattle market, because as a matter of fact they were ratepayers and as such electors of the members of the Corporation. The Renfrew Dock Bill of 1902 was a precedent in their favour. That Bill was opposed both by the

Clyde Trust and the Glasgow Corporation, but a large number of ratepayers of Glasgow were granted a separate locus by the House of Commons Committee on grounds analogous to these now submitted. Reference was also made to the *North Eastern Railway Bill*, 2 Clifford and Stevens, 149.

The Commissioners allowed the objectors a locus.

Counsel for the Promoters—Salvesen, K.C.—Cooper. Agent—John Lindsay, Glasgow.

Counsel for the Trustees of the Clyde Navigation—M.P. Fraser. Agents—Wright, Johnston, & Mackenzie, Writers, Glasgow.

Counsel for the Allan Line Steamship Company, Limited, and others, *Objecting*—Clyde, K.C.—M'Millan. Agents—Wilson, Caldwell, Tait & Letham, Writers, Glasgow.

Counsel for the Govan Combination Parish Counsel, *Objecting*—Wilson, K.C.—M'Clure. Agents—Young & Rowley Orr, Writers, Glasgow.

Counsel for Alexander Stephen & Sons, Limited, *Objecting*—Wilson, K.C.—M'Clure. Agents—Maclay, Murray, & Spens, Writers, Glasgow.