

III. Glasgow and South-Western Railway Company (Ayr Harbour Transfer), and are now dealt with *infra*.

In December 1918 twelve applications for Provisional Orders were made, viz.—

- I. Arbroath Harbour.
- II. Ardrossan Harbour.
- III. Bridge of Allan Water.
- IV. Clyde Navigation.
- V. Dundee Harbour and Tay Ferries.
- VI. Edinburgh and Leith Corporation Gas.
- VII. Fraserburgh Harbour.
- VIII. Glasgow Corporation.
- IX. Greenock Port and Harbours.
- X. Leith Harbour and Docks.
- XI. Peterhead Harbours.
- XII. Standard Life Assurance Company.

Of these the tenth was withdrawn; the first, third, fifth, sixth, seventh, eleventh, and twelfth were either unopposed or had the opposition withdrawn; inquiry was held into the second, fourth, eighth, and ninth.

In April 1919 eleven applications for Provisional Orders were made, viz.—

- I. Clyde Valley Electrical Power.
- II. Edinburgh Corporation.
- III. Forth Conservancy.
- IV. Fraserburgh Harbour (New Works).
- V. Glasgow Corporation Water.
- VI. Granton Harbour.
- VII. Greenock Improvement.
- VIII. Scottish Amicable Life Assurance Society.
- IX. Scottish Widows' Fund and Life Assurance Society.
- X. Victoria Infirmary of Glasgow Act 1888 (Amendment) Order 1919.
- XI. Wick Harbour.

Of these the first, second, fifth, sixth, eighth, ninth, tenth, and eleventh were either unopposed originally or had the opposition withdrawn; inquiry was held into the fourth and seventh; the third still remained for inquiry.

1st, 2nd, and 3rd October 1918.

COWDENBEATH WATER PROVISIONAL ORDER.

(Before the Earl of Wemyss (*Chairman*), Lord Southwark, Sir Henry Craik, M.P., and Sir John M'Callum, M.P.—at Edinburgh.)

Provisional Order — Water — Fishing — Compensation Water.

Cowdenbeath Town Council promoted this Order with the object of acquiring from the Dunfermline District Committee of Fife

County Council the works of and rights in the Keltly Water Supply—a scheme carried out under a Provisional Order of 1896, but now no longer required by the District Committee in view of their large Glendevon scheme, instituted in 1913. They also sought to get rid of the restriction on the amount of water which might be taken under the 1896 Order, and to fix and regulate the compensation water to be given. Under the 1896 Order only a limited number of gallons of water was allowed to be taken by the local authority, the remainder, presumably in the interests of the riparian and fishing owners, being left in the stream, and it was now proposed to take the whole supply less compensation water.

The Order was opposed by certain mill-owners, and also by Sir Basil Graham Montgomery, the owner of Loch Leven fishing, other objectors having withdrawn or made terms. The opposition was directed against any alteration on the position under the 1896 Order, any further water required being to be got elsewhere, but it came to be practically a question as to the amount and regulation of the compensation water.

The Commissioners found the preamble proved, and directed that the compensation water should be calculated on the basis of an estimated total daily supply of 780,000 gallons; that the compensation water should be given during the months June, July, August, September, and October at double the amount given in the remaining months; that it should be given on Sunday as well as on other days.

Clauses were adjusted.

Counsel for the Promoters—Macmillan, K.C.—Mitchell. Agents—R. T. Milne, Town-Clerk, Cowdenbeath—John Kennedy, W.S., Westminster.

Counsel for the Mill-owners (*Objecting*)—Constable, K.C. Agents—Horne & Lyell, W.S., Edinburgh.

Counsel for Sir Graham Montgomery, Bart. (*Objecting*)—Condie Sandeman, K.C. Agents—Falconer & Marshall, Solicitors, Kinross.

3rd October 1918.

DUNFERMLINE DISTRICT WATER.

(Before the Earl of Wemyss (*Chairman*), Lord Southwark, Sir Henry Craik, M.P., and Sir John M'Callum, M.P.—at Edinburgh.)

Provisional Order — Water — Agreement between Local Authorities Confirmed by Order — Revision thereof in Subsequent Order.

In 1913 the Dunfermline District Committee of Fife County Council, by Provisional Order, obtained power to carry out a water scheme known as the Glendevon Scheme (50 S.L.R. 980). It was now proposed to make certain changes in the powers so conferred. The scheme could not be carried through within the time allowed nor at the estimated figure, and a prolongation of time with power to borrow an additional £50,000

was sought. Some works had been constructed under order issued by the competent naval authority under the Defence of the Realm Acts, and it was sought to make these a permanent part of the scheme. Under the 1913 Order the compensation water was to have been 35 per cent. of the flow passed down the stream by means of a bye-pass which was to be constructed before any water whatever was taken, and now a different arrangement had been made with the parties interested, whereby the amount of water which might be taken by the authority was limited unless and until it made a compensation reservoir. The agreement made in 1913 with Dunfermline burgh for the supply to it of a certain amount of water at a price was sought to be altered as to the price.

Dunfermline Burgh were the only *objectors* who appeared, and the objection came to be restricted to the question of the alteration of the price of the supply to the burgh authority. Under the agreement in 1913 the price for the first 600,000 gallons was 1-75d. per 1000 gallons, with a falling charge for any further quantity. The promoters in view of the additional cost of the works asked that the price should be referred to an arbiter, while the burgh maintained that in the absence of evidence of gross inequity the contract made in 1913 between the parties should be maintained. Eventually the objectors offered a capital sum representing an additional 4d. on the first 600,000 gallons, which offer the promoters were willing to accept provided the question of price was, after the compensation reservoir was made, remitted to an arbiter, but the objectors would only consent to a reference so far as the price was affected by the making of the compensation reservoir. The Commissioners *ruled* in favour of the promoters.

By the agreement in 1913 the District might within six months raise before an arbiter a claim for compensation for the loss of a considerable portion of their district transferred as to supply of water (as it had been in other respects by private bill in 1911; *v. 48 S.L.R. 1097*) by the Order. This had not been done within the time specified, and it was argued the right had lapsed. Parties, however, agreed that the claim should still be open, provided it was not advanced till after the war was over.

The burgh had objected to an extension of time unless provision was made for its obtaining a supply meanwhile at a price to be fixed by an arbiter. Counsel for the promoters intimated that his clients would do what they could to supply the burgh if necessary, and that counsel for the burgh was willing the matter should rest there. He had thought it right this should appear in the proceedings.

Clauses were adjusted.

Counsel for the Promoters—Macmillan, K.C.—Gentles. Agents—Macpherson & Mackay, S.S.C., Edinburgh.

Counsel for the City of Dunfermline (*Objecting*)—Wilson, K.C.—Constable, K.C. Agents—Andrew Shearer, Town-Clerk, Dunfermline—Beveridge & Company, London.

4th and 5th October 1918.

GLASGOW AND SOUTH-WESTERN
RAILWAY (AYR HARBOUR
TRANSFER).

(Before the Earl of Wemyss (*Chairman*),
Lord Southwark, Sir Henry Craik, M.P.,
and Sir John M'Callum, M.P.—at Edin-
burgh.)

*Railway — Harbour — Locus — Right to
Appear of Other Railways where One Rail-
way is Acquiring a Harbour.*

The Glasgow and South-Western Railway Company promoted this Order for the purpose of acquiring the harbour of Ayr, taking power also to spend £50,000 upon it. The harbour had always been in financial troubles, and had received help at various times from the Railway Company. Money was again required partly to remedy defects, partly to improve and equip the harbour for the handling of the traffic. The Harbour Trust had not seen its way to raise the required funds, and had approached the Railway Company, with whom terms for a transfer had been arranged. Opposition to the proposal had become restricted to that on the part of (1) the Lanarkshire and Ayrshire Railway Company and (2) the Royal Burgh of Irvine.

Of the harbours on the Ayrshire coast the most northerly, Ardrossan, was owned by a public company, served by the lines of the Glasgow and South-Western and the Lanarkshire and Ayrshire Railway Companies; Irvine was a burgh harbour managed by a Harbour Trust, and served by the lines of the Glasgow and South-Western Railway, the other railway company's line not coming beyond the burgh itself; Troon had been a private harbour, and had recently been acquired by the Glasgow and South-Western Railway Company, whose lines served it; Ayr was the fourth, and was served by the Glasgow and South-Western Railway Company's lines, over which, however, the Caledonian Railway Company had certain running powers.

The Lanarkshire and Ayrshire Railway Company was an owning company, its line being worked and managed in perpetuity by the Caledonian Railway Company. The nearest point to Ayr on its line was about 11 miles distant. It objected to the present proposal as conferring virtually a monopoly of the harbour accommodation of the Ayrshire coast, excepting Ardrossan, on the Glasgow and South-Western Railway Company, and as being detrimental to Ardrossan, the only harbour to which it had access. Ardrossan Harbour Company had settled with the promoters on the basis of equality of rates.

Objection was taken to the *locus* of the Lanarkshire and Ayrshire Railway Company, but this the Commissioners *granted*. On the evidence this opposition came down to a demand for running powers into Ayr harbour over the Glasgow and South-Western Company's lines, with which a con-