

That was ultimately settled on the basis that the objectors paid the expenses not only of the promotion of the Order, but of what was incidental thereto, such as the engineers' inquiry, &c.

The promoters thereupon withdrew the Order.

Counsel for the Town Council of Denny and Dunipace (*Promoting*)—Mackay, K.C.—Keith. Agents—A. Hendry, Town-Clerk, Denny—Morton, Smart, Macdonald, & Prosser, W.S., Edinburgh.

Counsel for the Falkirk and Larbert Water Trustees (*Objecting*)—Wilson, K.C.—D. M. Wilson, Agent—A. Balfour Gray, Solicitor, Falkirk.

Counsel for Stirlingshire County Council and its District Committees (*Objecting*)—Constable, K.C.—Moncrieff, K.C.—J. G. Burns. Agent—James Learmonth, Solicitor, Stirling.

Counsel for Mill-owners and Others (*Watching*)—Leadbetter. Agents—Russell & Dunlop, W.S., Edinburgh—Welsh & Robb, Solicitors, Stirling.

23rd March 1920.

GLASGOW CORPORATION.

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

The Corporation of Glasgow promoted this Order, which was divided into seven parts. Part I was formal and preliminary. Part II sought increased power to assess by raising the restrictive limit (a) of the parks assessment from 4d. to 7½d., (b) of the libraries assessment from 1½d. to 3d., (c) of the Municipal Buildings assessment from 1½d. to 2½d., (d) of the public health assessment from 1s. to 2s., (e) of the sewage assessment from 8d. to 10d. Part III sought increased power to borrow for police purposes £250,000, for roads and bridges £200,000, for tramways £700,000. Part IV gave effect to an agreement with the Clyde Navigation Trustees whereby the cross-river ferries were to become free. Part V, dealing with building regulations, gave the Corporation relief from any claims for the flooding of cellars below a certain level, and also power to make consequential corrections in the register of streets on a street being re-named. Part VI sought an extension of time for doing certain things authorised by the Corporation's Act of 1914, viz., the compulsory acquisition of land, the completion of certain street works, the completion of certain tramways, and also of certain bridges, the general effect being as if the time allowed were calculated from 7th August 1920 instead of 7th August 1914, the date of the passing of the 1914 Act. Part VII contained miscellaneous matters giving effect, *inter alia*, to an agreement for the acquisition of land in a catchment area of the city's water undertaking, and dealing with casual vacancies in the Corporation.

All the opposition had been withdrawn save that of the University Court of the University of Glasgow, and that opposition was limited to Part VI of the Order, the extension of time. Under the Corporation's Act of 1914 powers had been obtained to form a direct through route, with tramway, from the northern parts of the city to parts farther south and near the Clyde, across a bridge over the Kelvin. The route as designed passed through the grounds of Queen Margaret College, a part of Glasgow University devoted to the education of women, and the University were empowered under the Act to require the Corporation to take over the whole entity, or alternatively only a small portion of the grounds by diverting the new road.

Provisional Order—Procedure—Locus—Extension of Time—Compulsory Acquisition of Property—Change of Circumstances.

The promoters challenged the objectors' locus on the ground that there was no change of circumstance; the position as existing and as contemplated at the earlier date had been borne out; a new method of assessing compensation enacted by a public general statute (Acquisition of Land Compensation Act 1919) could not be appealed to. The objectors maintained that there was a sufficient change to entitle them to appear in the facts that (1) there had been an unanticipated increase in the number of students for whom provision must according to modern views be made; (2) economic considerations now made transfer and reinstatement impossible, and in considering such a point the necessity of extension and room for further extension in view of the increase of students must be a matter of moment; (3) in view of the previous two points the question of compensation, and its assessment, was sufficient.

The Commissioners intimated that they granted a locus, limited, however, to clause 20 of the Order, and that clause dealt only with compulsory purchase.

Counsel for the promoters intimated that they restricted clause 20 so as not to include lands the property of the University Court, and amendment to that effect was subsequently made.

The Order was in the absence of any further opposition duly reported.

Counsel for the Corporation of Glasgow (*Promoting*)—Macmillan, K.C.—Gentles. Agent—Sir John Lindsay, Town-Clerk, Glasgow.

Counsel for the University Court of the University of Glasgow (*Objecting*)—Sandeman, K.C.—Graham Robertson. Agents—Mitchells, Johnston, & Company, Writers, Glasgow—Beveridge & Company, Westminster.

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