

The proposed water main, the construction of which was the third purpose of the Order, passed through a part of the area which Motherwell proposed in their bill to annex to the burgh. The existing water supply of the burgh was provided mainly from works authorised by Act of Parliament in 1900. That Act was opposed by the present promoters, who in the course of the proceedings obtained a clause securing them an option to demand a supply for their district, not exceeding 200,000 gallons per day, at the current price of water supplied by Motherwell by meter beyond the burgh, always provided that Motherwell had water to spare.

The burgh of Motherwell opposed the third purpose of the Order on the ground that the proposed works were unnecessary, as they were willing and able to give the surplus water which the promoters were entitled to take from them in terms of the Act of 1900.

Counsel for the promoters objected to the *locus* of these objectors, and argued—Motherwell had no right to interfere with arrangements made by the promoters for water supply within their own district. The Motherwell Water Act 1900 imposed no obligation on the promoters to take water from the burgh, but merely empowered the promoters to demand a certain quantity of water if they desired it at a price, and subject always to the requirements of Motherwell for the time being. Motherwell was attempting here to have that power construed as an obligation to take, whether the County Council desired the water or not. The promoters were entitled to make arrangements for the permanent supply of their own area independently of any claim they might have on Motherwell for surplus water under the Act of 1900. Motherwell had so far, in their bill presently before Parliament, been successful in getting the burgh boundaries extended for purposes other than water supply. Their claim to supply the extended area with water had been expressly negatived by Parliament, and this was just an attempt to get indirectly what Parliament had already expressly denied them, viz.—power to supply water within a part of the promoters' district.

Argued for the objectors—Standing Order 134 put it within the discretion of the Commissioners to grant a *locus* to Motherwell. That was reasonable where the objectors had a *prima facie* case.—Barry Railway Bill, Sanders and Bidder's *Locus Standi* Reports, vol. i, part 3, p. 81, at p. 83. Motherwell was now in possession of a water supply capable of yielding 50 gallons a head per day to 80,000 inhabitants although the present population was only 36,000. This large supply was taken in view of expected extension of the burgh. If, however, the House of Lords confirmed the view taken by the House of Commons in the bill presently pending, Motherwell would not be further extended for water supply purposes, and thus a large quantity of water obtained at great expense would run to waste. All that the burgh asked

was that the county, having got the water supply of the burgh's extended area, should relieve the burgh of some of the surplus water which was now useless to it. It was contrary to public interest that the promoters should ignore a water supply at their hand and over which they had a right of option to take under the Act of 1900, and should incur great expense in bringing water from a distance. It was prejudicial to the interests of Motherwell in this matter that the bill for burgh extension was being dealt with separately from the present Order and by another tribunal. There would be substantial loss to the objectors if their available surplus water was not taken, and therefore they were entitled to be heard. Counsel referred to *Grangemouth Waterworks and Burgh Extension*, 1905, 42 S.L.R. 885.

The Chairman intimated that the Committee were of opinion that the burgh of Motherwell should have a *locus*.

Evidence was thereafter led and counsel were heard.

The Chairman intimated that the Committee found the preamble proved, but added that they very strongly recommended that the County Council should, if possible, take a certain supply of water from Motherwell.

Counsel for the Promoters—Talbot, K.C.—M. P. Fraser. Agents—Thomas Munro, County Clerk—Grahames, Currey, & Spens, Parliamentary Solicitors, London.

Counsel for the Burgh of Motherwell (Objecting)—Wilson, K.C.—Beveridge, Barrister-at-law. Agents—James Burns, Town Clerk—A. & W. Beveridge, Parliamentary Solicitors, London.

VI. AYR CORPORATION TRAMWAYS ORDER.

30th April.

(Before Sir John Dewar, Bart., M.P., *Chairman*, the Earl of Strathmore, Lord Saye and Sele, and Mr J. D. Hope, M.P.—at Glasgow.)

The object of this Order was to extend the existing tramway system for an additional distance of about three-quarters of a mile, and to make another small extension by means of a loop line. The proposed work involved certain street widening operations, for which authority was asked. The Order was originally opposed by the Glasgow and South-Western Railway Company, who, however, withdrew their opposition before the inquiry, an agreement having been arrived at by the insertion of a clause for their protection.

The promoters led evidence, and the Commissioners found the preamble proved, and thereafter the clauses as adjusted were put and carried.

Counsel for the Promoters—Cochran-Patrick. Agents—P. A. Thomson, Town-

Clerk, Ayr — John Kennedy, Parliamentary Solicitor, Westminster.

Agent for Glasgow and South-Western Railway Company — Hunter Hamilton, Solicitor, Glasgow.

VII. LANARKSHIRE TRAMWAYS ORDER.

30th April.

(Before Sir John Dewar, Bart., M.P., *Chairman*, the Earl of Strathmore, Lord Saye and Sele, and Mr J. D. Hope, M.P.—at Edinburgh.)

The object of this Order was in the first place to extend the time for the completion of certain tramways, the construction of which was authorised by Provisional Order of 1903. The time for completion expired on 11th August 1908, but it was found necessary to ask for extension of time for the completion of the work, and for the compulsory acquisition of land. The period of extension sought was three years, except with regard to a small portion of the line situated in the burgh of Hamilton which the promoters undertook to complete in one year. The further purposes of the Order were to obtain authority to run omnibuses in connection with the tramway system, and to issue additional capital, and to obtain additional borrowing powers.

There being no opposition to the Order the promoters led evidence to formally prove the preamble.

The Commissioners held the preamble proved, and the clauses were subsequently put and carried.

Counsel for the Promoters—Macmillan. Agents—Wm. & J. C. Pollock, Solicitors, Hamilton—Sherwood & Company, Parliamentary Solicitors, London.

VIII. WATER OF LEITH PURIFICATION AND SEWERAGE ORDER.

22nd and 23rd July.

(Before the Earl of Strathmore, Lord Falkland, *Chairman*, Mr J. D. Hope, M.P., and Mr J. M'Callum, M.P.—at Edinburgh.)

Provisional Order—Public Health—Sewage—Exclusion of Surface Water from Sewers—Separate System of Surface Water Drains.

Provisional Order—Compulsory Acquisition of Land—Erection of Sewage Tank—Proposal to Take Three Acres from a Property Consisting of Four Acres in all—Promoters Held Bound to Take Whole Four Acres if they Took any.

Provisional Order—Sewer—Power to Lay Outfall Pipe in Sea Adjacent to Harbour—Future Extension of Harbour over Site of Proposed Pipe—Demand of Harbour Authority for Obligation to Remove Pipe

at Expense of Sewage Authority in the Event of Harbour Extension, Refused.

Provisional Order—Local Authority—Main Surface Water Drain—Private Proprietor Desiring Connection at Nearest Available Point—Right of Local Authority to Regulate Point of Connection.

This Order was promoted by the Water of Leith Purification Commissioners with a view to getting authority for certain new works, and for amendment in various particulars of their principal Act of Parliament of 1889, which, they stated, had become necessary owing to the increase of population and building along the course of the stream, and the consequent incapacity of their present sewers to cope with the increasing volume of sewage discharged into them.

Up to the year 1864 the stream had been used practically as a common sewer for the population along its course, but at that date an Act of Parliament was obtained by which the sewage of Edinburgh, which formerly flowed into the stream, was taken in a pipe, following generally the line of the stream, and outflowing into the sea at Leith. Owing, however, to the increasing discharge of sewage and mill refuse from the landward districts above Edinburgh, it was found necessary in 1889 to get an Act of Parliament setting up the present Commission, and empowering them to take over the pipe laid in 1864, and, in addition, to lay another pipe along the whole course of the stream from Balerno to the Black Rocks in the sea at Leith. This latter pipe was, at the point where it reached the sea, 9 feet 3 inches by 7 feet 2 inches in size, but the sewage was carried from there for 1800 feet out to sea in a pipe which was only 5 feet in diameter.

The particular objects of this Order were as follows:—(1) To get rid of the difficulty which had arisen owing to doubts as to the true meaning of the expression "flood water," which by section 49 of the Act of 1889 proprietors in the landward district were prohibited from putting into the Commissioners' sewers, and to authorise the Commission to make a system of surface water drains, distinct from sewers, in the landward district, for carrying off all surface water, and to compel the various proprietors there to make connections therewith, and that at their own expense, so long as the Commissioners' drain was not more than 50 yards distant. (2) To authorise the construction near Coltbridge of two large tanks in connection with the branch sewer draining the Lochrin area of the city, in order to prevent an overflow of sewage into the stream in flood time, which had become common at the point where this branch sewer joined the Commissioners' main sewer. (3) To authorise the construction of a duplicate discharge pipe into the sea at Leith alongside the existing pipe.

The first object of the Order was opposed by four proprietors in the neighbourhood of the stream, who objected (a) to the double system of drainage proposed, on the ground