

Tuesday, March 22.

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

LEITH BURGH PROVISIONAL ORDER.

Provisional Order—Private Legislation Procedure—Proposed Clause Disposing of Pecuniary Dispute between Burghs—Competency—Locus Standi—

Into this Provisional Order, which dealt, *inter alia*, with the suppression of betting, bookmaking, and wagering in public places, the promoters, the Corporation of Leith, proposed to introduce a section dealing with a pecuniary dispute between themselves and Edinburgh. The Burgh of Leith being like other burghs in Scotland entitled to redeem its land tax made certain payments with that object. These payments however accidentally were set down as contributed by Edinburgh, and under the Agricultural Rates Act 1896 Edinburgh obtained from the Treasury certain repayments in respect of these payments. The Corporation of Leith claimed that they were entitled to the sums repaid. The promotion of the Order proposed to introduce into the Bill a section leaving the whole matter for the Secretary of Scotland to adjust.

The CHAIRMAN—I do not think we are a Court of Arbitration between two burghs in a question of this sort. I think you must leave other parties to decide as to that. . . . I quite see that this is a dispute between two burghs as to the money. I do not see that a dispute of that sort should be bought into a burgh Bill of this kind. It is entirely without our powers. We certainly prefer not to take it up. . . . I think it is a *locus standi* case whether this is a subject which should be brought into the Bill at all.

Counsel for the Promoters—Wilson, K.C.—Constable. Agents—T. B. Laing, Town Clerk, Leith—John Kennedy W.S., Parliamentary Agent, London.

Counsel for the Lord Provost, Magistrates, and Council of the City of Edinburgh—Clyde, K.C.—Cooper—Wallace. Agent—Thomas Hunter, W.S., Town Clerk.

Counsel for the Leith Dock Commission—J. H. Millar. Agent—Victor A. Noel Paton, W.S.

Wednesday, March 23, and Thursday,
March 24.

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

GRANGEMOUTH BURGH EXTENSION PROVISIONAL ORDER.

Provisional Order—Extension of Boundaries of Burgh—Opposition by County Council—Application to Sheriff under Burgh Police (Scotland) Act 1892, secs. 11, 12, 13; 1903, sec. 96—Water Rights—Assessment.

The Burgh of Grangemouth, which was about to construct new docks, desired an extension of its boundaries so as to include the area which would be occupied by the docks and the houses necessary for the workmen employed. This was the object of the present Provisional Order.

The existing area of the burgh contained some 651 acres or thereby of which about 100 acres were unbuilt on, and the total area proposed to be added under the Provisional Order consisted of three separate portions, amounting in all to 1223 acres. The population of the burgh as existing was 8500, that of the portions proposed to be added 72. The Caledonian Railway Company, Limited, supported, the County Council of Stirlingshire and the Eastern District Committee of Stirlingshire objected to the Provisional Order.

The promoters maintained that it was expedient and desirable that these areas should be added to the burgh before they were built upon, in order that the burgh might from the outset exercise a supervision over the erection of houses and streets, and that for this a Provisional Order was necessary, the powers conferred on the Sheriff of the County by various Acts of Parliament being applicable only to the case where a burgh found the population on its borders growing in number and where consequently it desired further extension and control. The objectors maintained, *firstly*, that a Provisional Order was unnecessary, provision having been made by public general statutes for extending the boundaries of burghs by application to the Sheriff with appeal to Court of Session, the Burgh Police (Scotland) Act 1892, secs. 11, 12, 13, and the Burgh Police (Scotland) Act 1903, sec. 96. Further, the present was not a case for extension, as the areas in question were not urban or suburban in character, and required neither municipal government nor legislation. Such matters as police protection, drainage, and lighting had been provided for by the objectors, and no advantage would be derived by the inhabitants of the areas from the proposed change. *Secondly*, that the objectors had in the year 1900 promoted and procured an Act by which a special Water Supply District had been created, including the areas proposed to be annexed to the burgh, and water-works had been