

will allow the dust to remain in crevices. There is only one point which I can take exception to. The process of disinfecting copy books is unduly intricate, and I think the best way of disinfecting copy books is to put them in the fire. It pleases me very much to find that you have in the South what we have been trying also in the North, namely, the co-operation in sanitary inspection of schools between H.M. Inspector and the county medical officer. I hope that all over the country the school officers will be brought to share the views which we have been putting forward. The subject is not a controversial one, but I am very pleased to think that we have had a fairly successful discussion.

THE HOUSING AND TOWN PLANNING BILL, 1908, IN RELATION TO THE REQUIRE- MENTS OF SCOTLAND.

By Mr. F. G. HOLMES, C.E., Burgh Surveyor, Govan.

OF the many sanitary and public health subjects which are regularly discussed at the meetings of this Association there is none which is more deserving of the serious consideration of the members than the principle of housing and town planning, and therefore it is appropriate that at this, our earliest opportunity, we should discuss the Housing and Town Planning Bill which is presently before Parliament. Indeed, I might go further, and suggest that in future all bills proposing to deal with sanitary and public health matters should at the earliest possible opportunity receive our careful consideration, because I know of no Association which is more competent to deal with such subjects than an Association which is largely composed of the chairmen and members of many of our most important local authorities and their executive officers, who are dealing every day with these subjects in all their various details. After such consideration, written representations might, if found desirable, be submitted thereon, and I venture to believe that they would be found most valuable in the transformation stages of such bills into Acts of Parliament.

So far as Scotland is concerned, the purpose of the bill is to amend the law relating to the housing of the working classes and to provide for the making of town planning schemes. A paper including an exhaustive criticism of the bill would take up much more

time than we have at our disposal, and therefore I propose to deal very shortly with the housing portion and at a somewhat greater length with the town planning portion.

The compulsory adoption of part 3 of the Housing of the Working Classes Act, 1890, provided for in the first clause of the bill, is, in my opinion, a somewhat dangerous proposal, and calls for serious consideration, because it might be used as a lever to compel local authorities to proceed with housing schemes which are altogether unnecessary, and which would never prove anything else but a serious burden on the rates. In many cases such schemes may be desirable and even necessary, but before putting them into execution local authorities should safeguard their own position, and, in the interest of their ratepayers, be required to show a good and sufficient reason for doing so to some neutral authority, who would only give their consent after being satisfied of the necessity of the scheme. The necessity for this precaution is foreshadowed by clause 64 of the Housing of the Working Classes Act, 1890, which provides for such houses being sold if the local authority find them, after seven years experience, to be unnecessary or too expensive to be kept up.

Clause 13 of the bill, which empowers local authorities to make closing orders without resort to legal proceedings, is a most important amendment, but why the right of appeal should be to the Sheriff in Scotland, instead of to the Local Government Board, as in England, is not quite apparent. A house is either fit for human habitation or it is not, and any difference of opinion in this respect, which, unless in exceptional cases, should not arise if a fair mind, coupled with a normal amount of common sense, is exercised by both parties, more naturally falls to be decided by a Local Government Board possessing expert knowledge on the

subject than on a Sheriff. I am therefore of opinion that the section should be altered so as to let the Local Government Board have the final decision on this matter. A similar alteration should also, in my opinion, be made on clause 14, which deals with demolition orders, and on clause 27, which deals with the keeping of houses let to persons of the working classes in repair.

The second portion of the bill, which deals with town planning, provides that a town planning scheme may be made for any land which appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connection with the laying out and use of the land. The Local Government Board may authorise a local authority to prepare such a town planning scheme with reference to any land within or in the neighbourhood of their area if the authority satisfy the Board that there is a *prima facie* case for making such a scheme. A town planning scheme prepared by a local authority is not to have effect unless it is approved of by the Local Government Board, and the Board may refuse to approve of any scheme, except with such modifications and subject to such conditions as they think fit to impose.

This proposal is an excellent one, but, in my opinion, it does not go far enough, because it should apply to all vacant land suitable for building purposes in every burgh and county, and, generally speaking, should only require to be put into force when such ground is put on the market for feuing purposes. At present, in the case of burghs, a proprietor wishing to form or lay out a new street requires warrant from the Town Council to do so in terms of section 11 of the Burgh Police (Scotland) Act, 1903, and my idea is that, instead of proposed streets being lined singly, all pro-

posed roads and streets in small feuing properties should be lined at one time, and in the case of larger properties the same rule should apply to all proposed streets in so much of the property as the Town Council may determine. This system would ensure that, not only would wide and convenient roads and streets be obtained, but that they would be kept at sufficient distances apart to provide for ample air space behind all the dwelling-houses to be built fronting them. Buildings cannot be erected without well-defined building rules being observed, and it is of equal importance that Town Councils should have as much control over the laying out of the building ground as over the construction of the buildings to be erected thereon, and in county districts similar powers should be granted to County Councils.

One of the principal points to consider in a town planning scheme is the width to be adopted for all proposed new roads and streets, and the bill gives no lead whatever on that point, presumably because it has already been dealt with in the Police Acts. I will endeavour to show, however, that on this question the Police Acts call for revision, and a town planning bill which does not provide for a greater width of roads and streets than what is provided for in the Police Acts will fail to accomplish one of its most important requirements. The Burgh Police (Scotland) Act, 1892, which seems to be the first general Police Act to define the width of proposed new streets for Scottish burghs, fixed the minimum width therefor at 36 feet, and permitted houses to be built on either side of such streets to any height not exceeding 45 feet to the wall head, that is to say, four-storey tenements were permitted to be built on streets little better than lanes. If such an inadequate width had been adopted to any great extent in tenemental districts, what chance

would the houses on the lower floors of the tenements have of getting the benefit of the limited sunshine which we experience in many parts of this country? and not only that, but what better groundwork could be provided, if the intention had been to create slums as bad, if not worse, than those which in many cases we are now trying to get rid of? The mistake then made in defining the width of proposed new streets was that an irreducible minimum width was adopted, instead of what we might call a reducible maximum, which ought only to be reducible in exceptional cases where, for physical reasons, the so-called maximum width could not be obtained. This latter method would ensure that roads of sufficient width would be obtained, whereas the former makes it possible to get the opposite result. Some eight years ago an opportunity, which I availed myself of, presented itself to me of airing my views on this question and on the general question of laying out new roads so as to get suitable lines and cross lines and avoid *cul de sacs*. My views were submitted to the proper quarter, and three years later they appeared, though, unfortunately, in a somewhat crippled form, in the Burgh Police (Scotland) Act of 1903. In the adoptive portion of that Act, where Town Councils see fit to adopt the relative section of the Act, but only then, the minimum width of proposed new streets may be increased from 36 feet to any width not exceeding 60 feet, but only 40 feet of the latter width need be set apart for carriageway and footways, and, consequently, from a traffic point of view, the 1903 Act is not much of an improvement on the former Act. It seems natural to think that, when the privilege of enclosing 10 feet of the width of the street on either side for grass plots or areas was provided for in the Act, it would have been under the reservation that these plots or areas would require to be utilised for

street widening purposes if and when required by the local authorities, but no such reservation was made, and probably local authorities may have the privilege of paying for these areas some day. It is doubtful if even, from an air space point of view, the 1903 Act is any improvement on the former Act, because power is given to erect buildings in such streets of the same proportional height as in streets of the narrower width, with the result that buildings 75 feet in height may be erected in 60-foot streets, which, in the case of dwelling-houses, means that seven-storey tenements may be erected in streets of that width, which, in my opinion, from a sanitary and public health point of view, is altogether out of the question.

The determination of the proper width of proposed new roads and streets to be provided for in a town planning scheme requires very careful and mature consideration on account of the altered nature of the road traffic which has arisen within recent years, and which has not yet reached finality. Experience shows that a width of 60 feet for carriageways and footways of roads subject to tramway traffic is rather limited, and therefore a more liberal width should be provided for. As the first step to a proper solution of the question, it occurs to me that the carriageway of all new roads should ultimately be sufficiently wide for six lines of traffic, that is to say, two lines in the centre for quick-going traffic, such as tramway cars and motor vehicles, and two lines on either side for slower-going traffic, which would require a total minimum width of not less than 50 feet for the carriageway. The footway on either side of such roads should not be less than 15 feet in width, making the total width of proposed new roads or streets not less than 80 feet. It may be argued that in purely residential districts such a width is quite unnecessary, but on that point I do not agree,

because experience has shown that in course of time as population increases residential districts develop into business quarters, partly by the conversion of ground-floor houses into shops and warehouses, and partly by the taking down and re-building of some of the properties. So long, however, as districts are purely residential, and the roads therein are not likely to be subjected to any great volume of traffic for many years, the 80 feet width of road provided for might be laid out in a manner more suitable to the then requirements of the district. That is to say, where tenements are erected, on either side of the road there might be an area for grass shrubs and flowers 10 feet in width, enclosed by an iron railing on a stone cope, a 10-foot footway, a grass plot with trees 10 feet in width immediately outside of the footway, and a carriageway in the centre of the road 20 feet in width. The advantage of this arrangement, which is not without precedent in many villa districts, is that so long as a district is purely residential there would be excellent breathing space in front of the houses laid out in such a manner as to make it in appearance somewhat rural, and, when wider roads are required for business or other purposes, they could be altered in the manner first described without the necessity of having to acquire land or buildings for such widening, or a gradual transformation might be made in cases where the whole change might not require to be made at one time. It would be desirable to prohibit the building of oriel windows or other projections on the ground floor of tenements outside of the 80-foot line, unless they are built in such a manner that they can be removed when called upon by the local authority without in any way interfering with any permitted projections on the upper floors. Front oriel windows, as a general rule, should be insisted on for all upper floors of tenements

for the purpose of admitting some little sunlight into rooms which do not lie to the sun, and also for the purpose of improving the appearance of the street frontage of the buildings. In the case of a villa residential district, the garden or parapet wall would be built on the 80-foot line, outside of which on either side of the road there might be a footway 15 feet wide, a grass plot with trees 15 feet in width immediately outside of the footway, and a carriageway 20 feet wide in the centre of the road. In future years, if it is desired to build business premises in villa districts, such premises would be built out to the line of the garden or parapet wall without the necessity of any ground having to be thrown into the road. The additional cost of the land required for 80-foot roads need not stand in the way of adopting that width, because, in cases where the purchase price is £3630 per acre, or 15s. per square yard, converted into a feu-duty at the rate of 5 per cent. per annum, it would only add 33s. 4d. per annum to the feu-duty of a tenement having a frontage of 40 feet over and above the feu-duty were the road 60 feet wide, which is at the present time a very usual width, and is the maximum width prescribed in the adoptive section of the 1903 Act. As there are usually from eight to twelve houses in each four-storey tenement, the 80-foot road would therefore only add from 2s. 9d. to 4s. 2d. per annum to the feu-duty applicable to each house, or from $\frac{3}{4}$ d. to 1d. per week. The land value which I have just dealt with is very much more than what will prevail in most cases, and, therefore, where the ground is cheaper, the extra feu-duty will be correspondingly less. Apart from all other considerations, 80 feet need not be considered an extravagant width for a road, because I can point to several cases where roads 70, 80, and 100 feet in width were laid out more than thirty years ago, and

in this progressive age it is somewhat unfortunate that Parliament, in framing the Burgh Police (Scotland) Act of 1892, did not take up and continue the policy of providing wide roads which had years before been commenced by liberal-minded superiors of feuing properties. The enormous sums of money which have been spent by many large corporations throughout the kingdom in city improvement and street widening schemes point in no mistaken manner to the necessity for wide and liberal views being taken by Parliament in fixing an adequate width for all new roads in town planning schemes, and, if that is not done now, the mistakes of past generations may be repeated, and costly city improvement and street widening schemes thereby multiplied. Even in rural districts, where the road traffic is light, the 80-foot width should be adopted, because the price of the extra ground required for wide roads will be correspondingly light, and, when such rural districts become the busy towns of the future, expensive schemes of road widening will in such cases be unnecessary, and the wider roads which I have suggested would also to a large extent prevent the possibility of congested areas arising in the future.

A town planning scheme may be varied or revoked by a subsequent scheme prepared and approved in accordance with the Town Planning Act, and the Local Government Board, on the application of the authority responsible for the execution of the scheme, or of any other person appearing to them to be interested, may by order revoke a town planning scheme if they think that under the special circumstances of the case the scheme should be so revoked.

The advantage of an elastic clause such as this in a town planning bill is obvious, as it permits of modifications of town planning schemes being made in a simple and inexpensive manner from time to time to

meet altered circumstances as they arise. The adoption of a similar elastic clause in future Police Acts might permit of technical difficulties which could not be foreseen being bridged over without having to resort to costly litigation.

The use of land for building purposes shall include the use of the land for the purpose of providing open spaces, parks, pleasure or recreation grounds.

Too little consideration has been given to this subject in the past, and we cannot but welcome a town planning scheme which will provide for ample open spaces and recreation grounds where children may play in safety. No hard and fast rules can be laid down as to the proper number, dimensions, and distance apart of such open spaces and playgrounds, as that will in each particular district depend entirely upon local circumstances.

Where the operation of a town planning scheme injuriously affects any property, but at the same time increases the value of certain other property, and compensation is paid in respect of the property injuriously affected, the authority responsible for the execution of the scheme shall be entitled to recover from any persons whose property is so increased in value the whole or any part of any sums which the authority are so liable to pay as compensation, not exceeding in any case the amount by which the property is increased in value. Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount which is to be paid as compensation under this section or which the authority responsible for the execution of the scheme are entitled to recover from a person whose property is increased in value, shall be determined by the Local Government Board, and the determination

of the Board shall be final and conclusive and binding on all parties.

This raises the difficult and intricate question of betterment, but doubtless the Local Government Board will do full justice to all parties concerned in any such question which may arise.

Power is proposed to be given to local authorities to purchase land for town planning schemes, but, if the principle which I have endeavoured to outline were given effect to, it would not be necessary for local authorities to acquire land for such purposes.

In conclusion, I have to express the hope that before the bill becomes an Act of Parliament it will receive the careful and mature consideration which a bill of such importance requires, in order that it will work smoothly and fulfil all the good intentions for which it was framed.

DISCUSSION.

Mr. BRYCE (burgh surveyor, Partick)—Mr. President, ladies and gentlemen, I think we are greatly indebted to Mr. Holmes for his valuable contribution to this subject. My remarks will be confined to the town planning section of the bill. I think the bill is a bold and courageous attempt to deal with a difficult problem and to check evils which have been growing for the last half-century. It appears to me that the bill aims at putting the interests of the community before the interests of the landlord. The evils of the past thirty years have grown up so enormously that many of them cannot be uprooted without great cost. An eminent statesman recently, in quoting that well-known phrase, "God made the country and man made the town," very aptly added, "and the devil made the suburbs." Now, I am not prepared to agree to this "diabolical" statement about the suburbs, but I think it can be traced to the law agents in those places where our bills and Acts of Parliament are created, and I think in the past there has been an excessive tenderness given to the rights of property as against the rights of the community. Now, local authorities are perfectly helpless in this matter of improving the

suburbs or any part of the town, because, after all, we have to administer statutes which are made for us, and we cannot—however much we desire—make a street wider than it is provided for in the Act, unless at very great cost. This town planning scheme, it seems to me, shows both common sense and forethought. It is going back to the old times of the village green and the public common and the broad market place, and it is very striking to notice in some towns, probably about fifty or sixty or seventy years ago, that the superiors were more generous in laying out the estate than they are now, and in some parts of the town that compared very strikingly with other parts. If I may mention any towns, I would call attention to some parts of Glasgow and Edinburgh. Take the part of Edinburgh north of Princes Street. There you have a part of that city laid out in a beautiful manner, and yet, when you go to the outskirts, you have these very evils that I have been referring to. The Town Planning Bill is a most valuable measure, as I have said already, but it is disfigured by a great many defects and omissions. I think there are too many "mays" in the bill and too few "shalls." It is too limited in its scope. It is said that the local authority may draw up a planning scheme for certain unbuilt areas which may be built upon. I think that this is too limited, and that the local authority ought to be able to trace out the main arteries of streets and roads in the future throughout the whole community, and not through a part of it. Mr. Holmes has very wisely referred to the need for wider streets, and I quite corroborate his views. I think the excellent suggestion he made in criticising the bill is very valuable, that, while the whole of an 80-foot street may not be used at present, it can be widened later on as the traffic requires it. Then the bill does not mention anything about limiting the number of houses per acre, and it has always seemed to me that our Burgh Police Acts have been very defective and, I think, have simply been made up by English processes being applied to Scotland. It is simply absurd to provide for back stairs and air space for four- or five- or six-storey tenements on the same lines as is done for self-contained houses in England. Then I think there ought to be some provision in such a bill as this for architectural control. I do not know what you think of it, but I never go through streets in our place and other places without feeling a depression in seeing the monotonous line of bare tenements of the tea-box style of architecture without

any attempt at any art or anything to please the eye; and I think you can never rear an imperial race on a horizon of that kind. Now, there is another disfigurement in the bill, and that is the excessive preponderance of the Local Government Board. (Hear, hear.) It seems to me that that Board, however valuable in its function, is given in this bill too much responsibility, and local authorities are treated like mere children. (Hear, hear.) They are not allowed even to draw up a plan without asking the permission of My Lords of the Local Government Board. It is not for me to criticise this august body, as I have dealings with them, but still, all the same, this has been mentioned by such a body as the Convention of Burghs, and I hope that many of those excellent suggestions that have been made by these authorities and boards will be given effect to, and that the measure, which seems to be valuable in its main points, will be greatly enhanced as an Act of Parliament. (Applause.)

Mr. DUNCAN BURNS (sanitary inspector, Pollokshaws)—
Mr. President, ladies and gentlemen, this bill has been received with such a generous measure of partial approval that there must be some strong probability of its general utility. I may, however, be permitted to offer some observations on several of its provisions. Mr. Holmes expresses doubt as to the wisdom of the first part taking effect generally. I am not able to clearly object to the proposal; in fact, I incline to support it. Certainly great powers are proposed to be entrusted to the Local Government Board. In the event of this bill passing it would find its powers for usefulness immensely increased, and it would follow that a vast amount of work would be created. It is to be hoped that it will rise to the responsibility, and, from consideration of schemes in various districts, be in a short time able to accurately weigh the requirements and advise and lead local authorities. Criticism in the House of Commons has had good effect in pointing out where hardships may arise, and the Board will no doubt profit thereby, and carefully consider the needs of the various localities. I do not think that appeals should be to the Sheriff under section 13, but, as in the case of England, to the Local Government Board. Conflicting and vexatious decisions would, I fear, be the case in the Sheriff Courts, whereas the Local Government Board with increasing wide experience would be likely to give most reliable and fair decisions, and its decisions would be uniform. Section 13 appears to

me capable of improvement by way of recognising the undoubted ability of sanitary inspectors to report on insanitary houses. The second part of the bill appears to me to be capable of great achievements, but all that any one can at present say on its provisions is much too conjectural. I am unable to say whether the bill contemplates a general application to all, or almost all, lands in and around towns; if not, then I think the bill will not fulfil a very useful purpose. On the other hand, if its application be wide, and the general provisions to be prescribed by the Local Government Board under the second schedule of the bill be comprehensive and of an up-to-date character, then the public benefit to be anticipated from the second part of the bill may be expected to far outweigh that from the first part. I can conceive of the second part being of direct benefit to almost every burgh and town district of Scotland. The first part of the bill appears to me to be of little moment so far as the bulk of towns in outlying counties is concerned. Mr. Holmes's idea of how the bill should be made capable of application is pretty perfect, with the exception that I should like a partial modification so far as county land remote from towns is concerned. In many instances county land would, I think, be quite outwith the reasonable application of such an Act. Mr. Holmes says that, generally speaking, the Act should only be put in force when the ground is put on the market for feuing. I do think that something more directly applicable must be contained in the Act if it is to be serviceable, because one or more owners would immediately block a scheme by declaring their land was not for feuing when these particular plots were essential to the development of the particular scheme. The width of streets is of the first importance from a public health point of view, as well as for the convenience of traffic and the amenity of a district. Almost every surveyor present from the districts where improvements in widening streets and roads have become imperative knows of the difficulty and expense of widening streets, and I have no doubt could point to many examples where property has been very seriously lowered in value through being built too near to the street, frequently rendering improvement all but impossible, and lowering the value of properties for a considerable radius round. While Mr. Holmes has gone into figures to show by what slight expenditure a lasting benefit may be attained, I think he might have justly claimed that the increased width was in most cases a most profitable invest-

ment. Much of the central and sub-central districts of Glasgow, for example, owe their values to the wise foresight of a past generation in forming wide streets. Great regret may be expressed that the same wise policy does not now extend to the main arteries leading from cities and towns. I close my observations by emphasising my regret that a clearer lead has not been given by the framers of the bill as to the application and scope of the second part, and to express the hope that the Local Government Board and local authorities may, when the bill becomes law, prove equal to expounding and applying its provisions in such a way as to very materially benefit property and town life.

Councillor JOHN PARKER (architect, Irvine)—Mr. President, ladies and gentlemen, as the time at my disposal is so short, I shall not waste it by making any introductory remarks, but will get at once to my subject, "The Town Planning Bill," which aims at giving greater powers to Town Councils and other local authorities for the laying out of building areas. I think it is generally agreed that additional powers are much needed in this matter. Any one who, like myself, is a member of a Dean of Guild Court, cannot help being struck by the fact that the subject is in an unsatisfactory state. The Court has to refuse its sanction to plans of buildings which would have been an ornament to the neighbourhood if they fail to comply in some detail with the Burgh Police Acts. On the other hand, the Court may have to pass plans of buildings which they feel will be a blot on the neighbourhood, and which, from an architectural point of view, are little less than a disgrace, just because they do not actually violate any regulation in the Burgh Police Acts; and this just shows what, in my opinion, is the defect in the existing law. It makes hard and fast conditions about matters of detail which might safely be left to the discretion of the local authority, and at the same time it gives the local authority no power to require that buildings shall have any architectural features or any pretension to style or taste. It leaves each proprietor to fix on his own style of architecture, without regard to that of his neighbour. The result is that different and inharmonious styles of architecture jostle each other in each of our streets. It is to remedy this more than anything else that I hold additional powers should be given to local authorities; but on reading over the bill I do not think that it goes on the right lines. I think the matter should have been left entirely in the hands of the local authorities, and that this

could have been done with perfect safety. I do not see any need of requiring every scheme to be sanctioned by any central authority. What can they know about the local circumstances or the local desires? I think the powers given to any central authority would simply cause needless trouble and expense. It is high time that greater freedom were given, and the present occasion should not be allowed to be used to give officials, with their red tape, an additional power to interfere in local affairs. And even if a central authority is to interfere, why should it be the Local Government Board? It looks to me very much as if the bill intended to provide for a glorified system of drains, sewers, and other sanitary appliances. As I am speaking to a Sanitary Congress, it will not be supposed that I wish to belittle sanitary matters, but I hold that there is sufficient provision for these already. And in any case, what is most required at present is something that will answer to the title of the bill—"town planning." I fear that by tacking on "town planning" to the end of a bill for the housing of the working classes, and by giving the supreme authority under it to the Local Government Board, whose chief aim is to deal with matters of public health, will cause the matters which I regard as of chief importance to be lost sight of. The main thing is to make certain that our best streets and our finest suburbs shall not be covered with inartistic and unsightly buildings, out of keeping with their surroundings, but that full advantage shall be taken of natural scenery and local and historical associations. And I hold that the objects which should be aimed at can be best attained by giving local authorities all necessary powers. The rights of private individuals can be protected without resort being necessary to the expensive proceedings which would be required by the bill if passed in its present shape. There is one thing that occurs to me, and that is to say a word about the town of Troon. I can honestly say that I believe it is about the best-planned town in the West of Scotland; every road is carefully laid out, and the plans have been drawn out on the finest lines, and it has been practically done by one man. The whole of the roads are very open, and they are all well made, and are, in point of fact, practically watertight. I hold Troon to be one of the finest places in the West of Scotland as an example of good town planning. (Applause.)

Mr. JOHN LINDSAY (depute town-clerk, Glasgow)—Mr. President, ladies and gentlemen, I would like to say a word

or two on the housing part of this subject-matter, leaving the other part to the engineers and architects. When the Act of 1890 came into operation it received the very serious consideration of the Public Health Committee of the city of Glasgow, guided at that time by the late Dr. Russell, medical officer of health; and, briefly put, the recommendation contained in the report was to this effect that, in our City Improvement Acts, we had in their operation carried out the substance of the provisions of the 1890 Act as regards unhealthy areas, and that, in regard to the ordinary nuisance that could be removed by warrant of the Sheriff or simply by the closure of houses unfit for human habitation, we had a remedy either under the Public Health Act or under the local Police Act. Having disposed of these points, the late medical officer said, in substance, that the sanitary salvation of Glasgow simply depended upon the removal of back lands—that is to say, properties—a picture of which you saw on the screen last night—that had been put on the site of what was originally intended to be either a back court or a yard or green of a front property. The local authority adopted that view, and Dr. Russell resolved that the proceedings under that Act should be practically confined to Part II., dealing with tenemental property in a state unfit for human habitation, and which, from its condition and situation, was unfit to be made suitable for the purpose of housing human beings. We took proceedings under that part, and I may say that within the last five years we have removed, without any compensation, not less than, probably, 200 tenements of houses—not single dwellings. In that state of matters we were greatly interested in the bill of the present Government, but, with the exception of the adoption of Part III., the present bill really does not go further than what the provisions of the Act of 1890 did. (Hear, hear.) In regard to the compulsory adoption in Part III., I do not think local authorities need have much fear on that head, for this reason, that the Local Government Board can only step in and take proceedings against the local authority where it is satisfied that there is a necessity in the district for putting into operation those provisions, and when there is a failure on the part of the local authority to discharge its statutory duty. But where you can show that you are discharging your duty, as we try to do under the City Improvement Acts, there is no fear of any improper interference by the Local Government Board. My friend Mr. Holmes referred to the next point, and said that there was an important alteration in the clause

in regard to dealing with those ordinary uninhabitable tenements. Well, there is a proposed alteration, but I do not think it can be said that it is an important one. The alteration is this, that, whereas at present you serve a notice on an owner calling on him to put his house into order within one month, otherwise you will make application to the Sheriff for a closing order, and, on his failure to obtemper the notice, you make an application, this bill provides that the local authority may itself issue a closing order; but it also provides that against that closing order there is to be a right of appeal to the Sheriff, so that the thing is as broad as it is long—whether you go first to the Sheriff for your closing order or whether you pass the order with the right of appeal to the Sheriff. Afterwards the local authority may itself issue a demolition order, and again you have, as at present, the right of appeal to the Sheriff by the owner. The only alteration is that one point, that you may issue the order, with the right to appeal, as against going to the Sheriff, as at present, in the first instance. Now, in my opinion, there is not much in that. The only other point that I would refer to is noted by Mr. Holmes, that whereas in England the appeal is to the Local Government Board, in Scotland it is to the Sheriff. As you quite understand, before we accomplished the work under the Act, we had a good many cases before the Sheriff, and I quite frankly admit that some of them developed into very keen litigation—some of them having proofs lasting three or four days, and requiring the services of expert witnesses, engineers, and medical officers. At the same time, I cannot understand the distinction between the Local Government Board in England and the Sheriff in Scotland. There may be something in this, that the Local Government Board might be more sympathetic in its attitude towards the local authority than would a Sheriff judging the matter strictly from the point of law as laid down in the statute: but there is just this fear, that the Local Government Board may allow greater latitude than any Sheriff would. We had an instance in the city the other day, where the Health Committee refused their sanction to the establishing of an offensive trade under clause 32 of the Act of 1897: the case was appealed to the Local Government Board, and we expected that they, having got all the papers on both sides, would simply consider the papers and give judgment thereon: but, instead of that, they appointed a Commission, consisting of a King's Counsel and one of their medical assistants, who came to Glasgow and heard the case from the beginning. They

heard not only the witnesses who had been examined in the Court of first instance—that is, the local authority—but every other witness who chose to come forward at that late hour of the day. Unless the Local Government Board are prepared to view the appeal from a strictly legal point of view, and decide the appeal on the evidence as given in the Court of first instance (the local authority), I do not know that there is to be much improvement if the appeal is to the Local Government Board instead of the Sheriff. I think the appeal should be to the Sheriff, because he then would confine the argument and submission to points which are strictly relevant, and which had been submitted in evidence at the earlier stages of the case. (Applause.)

Dr. A. CAMPBELL MUNRO—Mr. Chairman, ladies and gentlemen, I recognise the limitation of the time allowed to each speaker as an absolutely necessary one, and I shall put my remarks briefly. There are just two or three points that I want to refer to. One is that referred to by Mr. Lindsay, as to whether the Sheriff or the Local Government Board is the proper Court of appeal. I have no doubt that the latter would form the more intelligent Court of appeal, and I have no doubt that many of you know cases in which to give an appeal to the Sheriff would be to render the Act a dead letter. Passing from that to the Town Planning Bill, my own view is that there ought to have been some more detailed provision made in the bill for co-operation between the town and county authorities. I think I can speak for the county with which I am connected, and say that they would be willing to co-operate in any town planning scheme that might be put forward by any contiguous town. There is one other little matter which was not touched upon by Mr. Holmes in the compass of the fifteen minutes allowed to him. I refer to the limit that should be put upon the height of tenements. I suggest that this Housing Bill should provide that no building for human habitation should have a greater height than three storeys. You would thus get the direct advantage of lower, less obstructive, better lit tenements, and, in addition, you would make the erection of tenements a less profitable undertaking than it is at present, and compel builders to consider the expediency of taking up the cottage class of dwelling, which, as sanitarians, we all desire to see extended.

Mr. PETER FYFE (chief sanitary inspector, Glasgow)—Mr. President, ladies and gentlemen, I assure you I am very sorry to get up at ten minutes past one o'clock and address you on this bill, but I shall endeavour to keep within the

limits of my time. It is a difficult and big subject which is being considered this morning. I was sorry to find Mr. Parker, of Irvine, saying that officials were largely troubled with red tape. You must have "tape" of some sort (which really means a formal way of doing things), and both the Government and local authorities must work largely through their officials. Dr. Munro said there was no provision in the bill for allowing county authorities to work with city authorities, but I think he must have forgotten clause 34 of the bill, which very specifically lays down a provision on these exact lines. What he seems to think is not there, is there, and one of my objections is that it is in the bill, and for this reason, that I don't think you will get Town Councils to admit that it is not towns that are specially requiring a Housing Act in connection with the congestion of houses and of population which exists therein; and, further, I don't think that you will get Town Councils to go into a housing scheme unless there is some guarantee in the bill itself that the new area on their borders, to be planned out and built upon, will *de facto* be under the jurisdiction of the town itself. My opinion is that no Town Council will proceed to plan for and build houses upon such an area unless the statute affords some guarantee that they will be the administrators in that area. There is no provision for this in the bill. The bill (clause 34) does provide for compulsory joint action, and therefore it leaves it as an entirely open question as to who will administer the new area when it is covered with buildings and factories. Therefore it seems to me that any paramount authority—by which I mean a city authority—should look very carefully into the bill before they agree to this part of it, because, unless there is a single administration for each particular area, great complications and much wrangling may be expected. The matter of a proper water supply for an area in Renfrewshire, outside of Glasgow, was up before the Committee of the Lords last year, but the Glasgow bill was thrown out, largely, I believe, because it might give the city a claim in the future to go forward for an annexation scheme for the partial inclusion of the area to be provided for. I am sorry I cannot go further into the bill for want of time. There is a great deal in it with which I don't agree, but this seems to me the principal point arising out of the discussion this morning with reference to future town planning.

Bailie DAVID D. MARTIN (Edinburgh) said—Mr. President, ladies and gentlemen, I should like to say that the powers asked for in clause 13 of this bill have already been con-

ceded to Edinburgh in their Corporation Act of 1879, without appeal. We had the right to issue closing orders on owners of insanitary houses without appeal, but the Corporation felt that this was not enough, because any closing order which stopped short of demolition was not effective for its purpose, and accordingly, in the Provisional Order of 1901, we obtained special powers to acquire and deal with properties against which closing orders had been issued. With regard to the erection of tenements of six or seven storeys in height, I should like to say that I think Edinburgh has shown a good example to the other local authorities in that respect. We have bought an estate at Slateford for the erection of new markets and slaughter-houses. The Market Committee have passed a resolution to the effect that when the remaining ground is feued off for tenements it be made a condition on parties feuing that these tenements should only be three storeys in height.

Dr. A. K. CHALMERS (medical officer of health, Glasgow)—I would propose that this subject should be taken up after lunch. (Cries of "Agreed.")

On resuming after lunch,

County Councillor ROBERT LAMBIE (Lanarkshire) said—Mr. President, ladies and gentlemen, I think that any one who is interested in the welfare of the country will be pleased that we are going to have a bill in the direction that the Town Planning Bill goes. We in Lanarkshire for a long time have had to discard the existing law dealing with uninhabitable houses under the Housing of the Working Classes Act. As far as the Middle Ward of Lanarkshire is concerned, we tried it, but when it came to the real test we found it useless, and we have been going on the Public Health Act instead of the Housing of the Working Classes Act passed in 1890, and if we are going to have a bill we must have a very drastic bill, a bill that will give the local authority ample and complete power, in addition to the housing question, to deal with the laying out of streets in separate localities. I was rather surprised to hear an indication given in this meeting that one local authority should have power to come in to the area of another local authority for house planning, and to become the authority in that area. I think that is a most ridiculous proposal in trying to oust the proper authority by a side-wind—what they have not been able to get when they come to a square stand-up fight, and then

setting one against the other. I take the opportunity of stating clearly and unreservedly that we are entitled, as local authorities, to look after our own jurisdiction. I think it is a piece of impertinence to suggest that one local authority cannot do its duty as well as another. I claim that we in the Middle Ward of Lanarkshire have done our duty as far as enforcing the proper housing of the working classes and as far as we have been able to go under the present conditions; and to say that another authority is to have the power of coming in and being the authority in their district is, I think, ridiculous. I want to emphatically protest against anything of the kind going into the bill. The ratepayers in the different localities send their representatives, and it is for them to choose and select whom they are going to have to carry out the law, but we do want a drastic town planning bill. There are some things in that bill that I would amend if I had the doing of it. We may not be able to carry it by an amendment, but we are certainly entitled to get more power so that the people may have more space in their different localities, and each separate locality will have the same power. We have no objection to one local authority combining with another, but we have a decided objection to one local authority interfering with another. We are all here representing people and interested in the people, and we claim to be as capable in the county as they are in the burghs to administer any Act. (Applause.) The position we take up is that in Lanarkshire we have led the way. Dealing with consumption, a thing that has become very prevalent now, we have dealt with it in Lanarkshire in as good a way as any burgh or district in England, Scotland, or Ireland has dealt with it, and we claim that we are amply efficient to carry out every Act as well as any other authority if we are left alone to do it. We want co-operating, standing on a level basis and acting for one another, but there is far too much of one authority being thought superior to another. We want to co-operate and save the ratepayers' money, because it is their money after all, and we welcome this Town Planning Bill, because it will give us power to deal with property in a way that we have not had in the past, and therefore I welcome it.

Dr. A. K. CHALMERS (medical officer of health, Glasgow)—Mr. President, ladies and gentlemen, I think my remarks may come in very appropriately at this stage, because at the end of the forenoon's discussion we reached a point where there appeared a possibility of something occurring which was not

in the minds of the framers of the bill—that is, that one authority should operate in a particular area beyond its own and to the disadvantage of its neighbour. I think I am quoting you the sense of the bill when I tell you that there is a clause which provides for joint action, and I think emphasis should be laid upon this other point that the Local Government Board may apportion one duty to one authority and another to another authority. I am not in the confidence of Mr. Burns, but I think I can read into that clause an endeavour after an administrative experiment in co-operative action, because I think it is becoming more apparent that for many purposes our present administrative areas are too small. There are many things which are better dealt with on a small scale than on a large one. But I don't think that roads can be administered on a small scale, and I don't think education is as well administered on a small scale as it is on a large scale; public health administration is best done in a large area. The only other point that I want to make reference to in this connection is the number of people you are going to have housed in a particular area. Last night you saw an illustration of what formerly was an extremely congested area cleared out and left with a rind only of its original population. About two-thirds of the houses in Glasgow have been built in accordance with the requirements of the Police Act of 1866 and subsequent amending Acts. What is the result? The general death-rate has gone down and the duration of life has been increased. But later inquiries have shown a definite gradation of the physique of school children according to the size of the house from which they come. What is the meaning of that? That we have not yet got any reasonable appreciation of the number of persons who may live healthily on a given area.

Dr. Munro referred to the necessity for keeping tenements down to three storeys, and I agree with him; but we have to think of what our past legislation has permitted in this respect. Mr. Holmes has said that we must extend our streets. There are some things that they do better in England than we do in Scotland. The house there is built with regard to its own feu. In Scotland if we have a street 60 feet wide you may build five or six storeys on it, so that the height of the house may be equivalent to the width of the street; but in London the width of the street does not matter; it is the area you are building on which regulates the height of the building. Thus you come back to the number of people who may live on a certain area. It is difficult to

compare the housing of different countries. We in Glasgow have 10 or 12 per cent. of the people living in one-roomed houses; in Ireland I don't think 3 per cent. of the people live in one-roomed houses; but so much is it a question of something more than the space you allow that in Glasgow the phthisis rate has been going down; in Ireland, till the last year or two, it has been going up. You cannot compare housing in England and this country. To come back to the bill, it proposes to put some restrictions on the use to be made of land, and that drives you back to the further question, what is to be the extent of your town or village? There is nothing comparable between the old and the new city. The old city was ringed by a girdle of ramparts. Ours is not, and if you limit the number of people who are to live on a given area, is it possible also to limit the number of towns that may grow in contiguity? It is here where the value of co-operation between adjoining authorities is to be considered. (Applause.)

The PRESIDENT—Ladies and gentlemen, Mr. Lindsay in the morning, in emphasising the bill, made a reference to the fact that in his opinion the present bill does not provide for any procedure which differs very much from that which at present exists; but in regard to dealing with individual houses unfit for human habitation, I think the procedure suggested in the Housing Bill is a very great improvement on that which is provided in the Housing of the Working Classes Act, and for this reason. I may say that in dealing with the housing problem in Dundee we have practically the same powers under a Local Act which are provided for in this Housing Bill—that is to say, that the Public Health Committee or the Town Council issue at once a closing order on any property or any house which has been certified by the medical officer of health and the surveyor as being unfit for human habitation. This closing order takes effect unless there is an appeal to the Sheriff, and what do we find? We find that in a very large number of cases—I am quite within the mark when I say in 80 to 90 per cent. of the cases—the decision of the committee is accepted, and there is no appeal to the Sheriff; there is no occasion for going to him. Under Part II. of the Housing of the Working Classes Act, the closing order is pronounced by the Sheriff; and some one referred to the fact that some Sheriffs have very peculiar views upon the matter. I may tell the view of one Sheriff—not to mention his name—when a house which was at least 300 years old was up before him. You would say that after that time it was pretty well worn out, and by an order of the

committee it was closed. An appeal was made to the Sheriff, and he said that if it had stood for 300 years it could not be very bad, and therefore he let it stand. In another case in which the closing order was made in a very congested area this closing order was disallowed by the Sheriff on the ground that in all probability when that house was built it was in the middle of a field, and the town had no right in the intervening 200 years to be building so closely round about. If you have many Sheriffs having such eccentric views of that kind, I think it is a very great advantage to get 80 or 90 per cent. of your uninhabitable houses closed without going to the Sheriff at all, and I think in that respect the provision in the Town Planning Bill is an improvement upon that which has already been provided. There is only one point I should like to refer to, and that is what Mr. Lambie has been saying and what Dr. Chalmers has said; I think it is of the utmost importance that, in the neighbourhood of all large towns a town planning scheme should be introduced as a joint production of the authorities having administrative powers in the area; but I do not think such scheme should be allowed without some consideration of the fact that in the natural course of events this particular piece of ground is bound to come within the boundary of the city in the course of time, and that, therefore, the interests of the city adjacent must be considered in promoting any planning scheme of that kind. Of course I do not agree that the town or city should at once be able to say that they have a right of administrative power as Dr. Chalmers has said. Where it is provided that they ought to have a certain amount of jurisdiction in the district they can get it. I think the interests of the city must be served in providing these planning schemes.

Mr. F. G. HOLMES, in reply, said—Mr. President, ladies and gentlemen, as the principles advocated in the town planning portion of my paper have not been objected to by any of the speakers who have taken part in the discussion, I am forced to the opinion that either I have failed to bring out what was intended to be the principal point of my paper or that the principles have met with your entire approval. So far as Scotland is concerned, the town planning portion of the bill now under consideration is, in my opinion, to a certain extent unnecessary, and the objects aimed at could be more effectively obtained by a revision of our Police Acts, provided such revision gives local authorities as much control over the laying out of building ground as they presently have over the construction of the buildings to be erected on such ground, and that it requires all new roads and

streets to be laid out to the widths and in the manner indicated in my paper. With these powers extended to County Councils, there would, as a general rule, be little or no need for cities, burghs, or counties combining in the matter at all, as the whole principle of town planning would work out automatically. What is wanted in a town planning scheme is to ensure that all intended streets are of sufficient width, that they are laid out in suitable lines, to proper levels, with provision for sufficient cross connections, and that *cul de sacs* are avoided. In the case of intended streets near the boundary of adjoining properties, before they are lined by the local authority the adjoining proprietors, as already provided for in the Burgh Police (Scotland) Act, 1903, would be cited and have an opportunity of ascertaining whether or not the intended streets would work in with the feuing design of their properties, and, if not, the local authority would adjust the lines in the interest of all the parties concerned. It may be urged that such procedure would entail adjoining proprietors having to look too far ahead, but that is not so, because, in the case of projected railways intersecting estates or portions of estates, the owners, in consultation with their engineers, have no difficulty whatever in fixing where bridges must be provided for the future development of their estates, and, if that can be done in the case of projected railways, there should be no difficulty at any time in fixing proper connecting lines to work in with projected streets in the vicinity. By that means streets may be extended through many different estates, ensuring continuous lines, which will be in the best interest not only of the proprietors themselves, but of the general public.

I am pleased to hear Councillor Parker's opinion that Troon may be taken as a good example of town planning, and I cannot but agree with him, because the feuing plans of what may be termed the more modern part of Troon were prepared by my principals in the earlier years of my professional career, and a large portion of the work devolved upon me as their chief assistant. The roads are comparatively wide, and, as ample space has been provided between them, they are in respect of planning, from a sanitary and public health point of view, all that is to be desired.

In reply to Mr. Lindsay, I am of opinion that, as stated in my paper, if questions which arise between parties as to closing orders fall to be decided by the Local Government Board, with, I might add, a right of appeal to the Court of Session, it would materially simplify the procedure, and I

have no doubt that, as a result, well-defined principles would be laid down for the guidance of local authorities and property owners on the subject, which would tend to reduce litigation on such questions to a minimum.

Dr. Munro seems to think I have made an omission in not suggesting that in future no tenements of a greater height than three storeys should be built, and I quite agree with him in his desire to so limit the height. In Clydebank, in some parts of my own burgh, and in parts of many other burghs where the height of tenements has been limited to three storeys, they are in appearance and from many other points of view a decided improvement on four-storey tenements; but, on the other hand, if the width which I have suggested for all new streets were adopted, four-storey tenements would not be so objectionable in such streets as they presently are in streets of less width.

Regarding Dr. Chalmers's idea about fixing the number of people to the acre in town planning schemes, it occurs to me that, with streets of the width which I have suggested, there would be little or no chance of creating congested areas in the future, because the Police Acts already limit the number of houses which may be permitted in each tenement, and they also make provision for the free space required behind new buildings.

Dr. CHALMERS—My point was that they were too weak for the purpose just now.

Mr. HOLMES (continuing)—I think we can all agree with Mr. Lambie that Town Councils and County Councils should have ample powers regarding the laying out of building ground, and also regarding the whole question of town planning and housing. In my opinion, the bill in its present state, should not pass into law. I should like to see it withdrawn, and an opportunity granted to associations such as this to consider very carefully either the draft of a proposed amended Police Act to deal with housing and town planning, or the draft of an amended Housing and Town Planning Bill, which on that subject would be more suitable for Scotland than the present bill. By such means valuable practical advice would be obtained which would be beneficial in framing an Act of Parliament which could not fail to be of great value in regulating schemes of housing and town planning on well-defined practical lines.

I have to thank you for your attention and kindly criticism of the paper which it has been my privilege to submit to you.