Die Jovis, 6° *Julii* 1905.

LORDS PRESENT :

Lord ZOUCHE.	Lord HYLTON.
Lord DIGBY.	Lord BURGHCLERE.
Lord KENYON.	Lord ALLERTON.
Lord STANLEY OF ALDERLEY.	

LORD ALLERTON IN THE CHAIR.

DR. HENRY FRANKLIN PARSONS, is called in; and Examined as follows:—

Chairman.

1011. You were one of the medical officers of the Local Government Board?—I am an assistant medical officer.

1012. Your experience first as a medical practitioner and, subsequently, as a medical officer of health has afforded you, no doubt, opportunities of studying the conditions necessary for health?—Yes, and as medical inspector under the Local Government Board for thirteen years, during which time I have had an opportunity of visiting many parts of the country.

1013. With regard to the need for building bye-laws, are you satisfied that bye-laws for new buildings are necessary?—My opinion is that every person who erects a new house, wherever he erects it, should so erect it that it should be fit for healthy human habitation. In most districts I think that bye-laws, of a kind not going beyond the needs of the district, are necessary, or at any rate, desirable to secure that object.

1014. Were you formerly medical officer of health for the Goole rural district?—Yes.

1015. Did that district contain any areas thinly populated?—Yes, there was a large expanse of uninhabited moorland.

1016. Were bye-laws applicable to that?—There were no bye-laws in the rural district during the time I was there—from 1874 to 1879. But during that period the town of Goole was formed into an urban district, and bye-laws were adopted for that district.

1017. Were the urban bye-laws made applicable to the rural portion of the district?—No; the urban district was so defined as to comprise none but the town or what might become the town.

1018. Were any restrictions of a sanitary nature imposed on building by the Navigation Commissioners as ground landlords?—It was long before my time, but I have heard that at one time they limited the number of houses that might be built upon the ground. There was dissatisfaction on the part of the leaseholders, and a public meeting was held and the Navigation withdrew their restrictions. I may explain that in the older part of the town—the part that was built upon the Navigation estate—the roadways were made by the Navigation, but they were at a higher level than the natural level of the ground. It was low fenny country, and the roadways were raised and the houses were built on the sides of those roads with basements on the natural level of the ground, so that they were under the level of the road in front. The streets were originally made a good distance apart, but afterwards the leaseholders were allowed to build back-to-back houses in the back yards between the original rows of the streets. Some of the houses that were built facing the street were back to back; and in some there was a triple arrangement of a front house, a back house, and a cellar-house—three houses under one roof.

Chairman—continued.

1019. What happened when under pressure from the leaseholders, the restrictions were removed?—I cannot speak with certainty, but I imagine that then it was that these secondary houses were built in the spaces between the original houses, thereby causing considerable overcrowding of houses on the ground, and occupying the space so that there was no room to place privies at a proper distance from the house.

1020. Was that prior to 1874?—Yes, long before.

1021. Then in 1874 a new building estate was laid out?—Yes, outside the Navigation estate, and a different arrangement of houses prevailed on that.

1022. Under a different landlord?—Yes.

Chairman—continued.

1023. What happened with regard to that ?—It was laid out by the purchaser of the estate. A man, as a speculation, bought this field, and laid it out in streets, but the streets were badly laid out; the cross streets were not opposite each other. The streets met together in some instances at very acute angles so as to afford difficult sites on which to build houses; and in some instances the streets were not properly spaced, so that there was not sufficient space between one street and another to allow of houses to be erected with a proper amount of open space at the back.

1024. Were any bye-laws applicable to that area at the time ?—No.

1025. Subsequently did the sanitary authority on your advice apply to the Local Government Board ?—The gentleman who laid out this estate then sold the plots or let them on building leases, and, among those who took up the leases, were speculators from other towns who began to erect houses of an exceedingly unsatisfactory description—houses that we foresaw must become unfit for habitation.

1026. What was the next step after the application to the Local Government Board. Why did you recommend them to apply for urban powers ? —I may say that before I went to Goole there had been a movement to form a local board there, but it was defeated through the opposition of the Aire and Calder Navigation. It was before I was there, but that is what I have heard. When I came there I saw how things were going on, and I advised the rural district to apply for urban powers under § 34 of the Local Government Act of 1858. The Public Health Act of 1875 had not then been passed, but under § 23 of the Public Health Act, 1872, the Local Government Board had power to invest a rural sanitary authority with urban powers under certain sections of the Act of 1858.

1027. In response to that application did the Local Government Board hold any inquiry ? —The Local Government Board replied that they were of opinion that Goole was a place where a local board ought to be formed, and they proposed to send down an inspector to hold a local inquiry with a view to its being formed into an urban sanitary district.

1028. They sent down an inspector and a local inquiry was held ?—Yes, and the result of that inquiry was that a local board was formed. At that time the formation of new urban districts rested with the Local Government Board, but now it rests with the county councils.

1029. Then a code of bye-laws was drawn up ? —Yes; we had a good deal of difficulty in drawing up that code, because it was before the Local Government Board had issued any model, and the old Home Office series was not very satisfactory. We drew up a code of bye-laws rather out of our own heads, partly based upon the clauses which we found in force in other districts, and partly upon what seemed to us to be proper, but I have no doubt there were a good many of them to which objection would be taken at the Local Government Board owing to their being *ultra vires* or for other reasons. The result was that there was a long delay in getting them sanctioned. If the model series had been issued at that time we should have been able, no doubt, to get the bye-laws in force very much sooner than we did. Much of the delay would have been avoided, and also we should have been able to obtain a series such as a rural district council are now empowered to make by the adoption of Part 3 of the Public Health (Amendment) Act, 1890, which would have remedied or prevented some of the defects of these houses I have mentioned, without waiting to be invested with these powers by the Local Government Board.

1030. The builders took advantage of the interval to run up several streets of badly built houses ?—Yes.

1031. Was there any illness ?—Yes. These houses became inhabited by a bad set of tenants; there were many defects in the drainage—leaky privies, polluted well-water, and so on; and typhoid fever was very frequently present in those houses during the time I remained in the district.

1032. Was there a system of main drainage ?—Yes. Sewers had been laid down in the streets by the gentleman who laid out the roads.

1033. And the houses were connected with those sewers ?—Yes, but the drains were very badly laid so that they leaked into the wells.

1034. Would you say the unhealthy conditions that you have met with in country places have not been confined to houses in rows ?—Certainly not. I could put in reports which would illustrate that if you thought proper.

1035. Have you found very bad examples in isolated cottages ?—Yes, in the older cottages, and to a less extent in the new ones. A process of education and improvement has been going on during the thirty years or more that I have been connected with public health matters, and the houses that are built now are a better class no doubt. Even where there are no bye-laws there is a higher standard of building, and my own opinion is that the Model Bye-laws of the Local Government Board have conduced to that better standard of building. Even in districts where they have not been adopted they have had an important educating influence.

1036. What do you say with regard to Clauses 11 to 13, 20, 29 and 54 to 57 of the Urban Model IV and Clauses 3 to 5 and 8 to 11 of the Rural Model. The rural model is the latest one ?—No; the revised urban model is, I think, later than the rural model. These clauses are practically the same in the two. They are the clauses with respect to the structure and foundations of walls of new buildings for the purposes of health, and the clauses with respect to ventilation of buildings. The Bill which is before your lordships proposes to exempt isolated houses from those clauses.

1037. Would the effect of the Bill be to exempt the houses that you refer to from the effect of the clauses ?—The by-laws do not apply to existing houses. The effect of the Bill would be that a person erecting a new house at a very moderate distance from another house might build it not in compliance with those clauses. For instance, he would not be obliged to put a damp course in the walls. The house might be built partly below the level of the ground without any precautions to prevent damp coming through the walls.

1038. Does the damp course power come from the structural part of the Act. I was under the impression from the evidence that it was not intended by the Bill to give exemption from the operation of the bye-laws as regards other questions than mere building ?—This is a question of mere building. The damp course is a part of the wall. It must be put in when the wall is built, and if the house is built without the damp course being put in it is exceedingly difficult to put it in after wards.

1039. Then in your opinion if the Bill were passed the power to require the damp course would not apply ?—Quite so. The Bill says, 'The following buildings shall be exempt from the operation of any bye-law now or hereafter in force within any 'county district' with respect to the structure of the walls, foundations," and so on.

Lord *Hylton.*

1040. It does not say that there shall be no foundations ?—It does not; but the foundations are exempted from any bye-law.

Chairman.

1041. Do you consider every new house wherever situated should be so erected as to be fit for healthy habitation ?—That is my opinion. It is a matter of public policy.

1042. And you think that it should be dry and well ventilated as well as well drained and provided with proper sanitary conveniences ?—Quite so. The Bill would not relieve these isolated houses from being constructed with proper drainage, and as regards the sanitary conveniences, the bye-laws requiring them to be constructed in a proper manner would still apply; but the Bill would remove these isolated houses from all the bye-laws with respect to the construction of walls and foundations for the purposes of health.

1043. Including in your opinion the damp course ?—Yes, and the concrete also required under a floor in a damp site, and the ventilating space between the floor and the ground or concrete layer. The windows would not be required back or front; nor would they be required to open. I may say that in some parts of the country, especially in Lancashire, it is a very common defect for windows of a house not to be made to open—either not at all or perhaps there is an iron frame with only a single small pane that will open.

Lord *Kenyon.*

1044. Do you not find it a great difficulty to get people to open their windows whether they are made to open or not ?—There is that difficulty, but if they are not made to open they cannot open them. There are some circumstances under which people always would open their windows.

Chairman.

1045. You make reference to the bye-laws like the old Home Office series, which regulate matters by reference to the satisfaction of the local authority," and you say they commonly fail to secure proper methods of construction. Is that possible under the existing bye-laws ?—The bye-laws are not now made to give discretionary powers; but not infrequently local authorities take discretion to themselves, and do not enforce the bye-laws. Perhaps you will allow me to read an extract from a report I made in 1888 upon a Lancashire district, where I say: "The bye-laws in force in the district, which were made in 1864," that is under the Home Office model—"are very defective. They contain few definite provisions, but prescribe only that things shall be subject to the approval of the Local Board. Imperfect as they are, however, if they had been enforced they might have prevented some of the conditions which have been mentioned in this report as favouring the spread of disease." I mention especially in that report the habitual contravention of the byelaws requiring a window capable of being opened.

1046. But your objections apparently were, first, that there was dispensing power, and, secondly, that the bye-laws themselves were not carefully drawn up, and that they were disregarded ?—It was not exactly that there was a dispensing power, but that nothing definite was prescribed. It was only that they should be subject to the satisfaction of the local authority.

1047. That would not apply to any bye-laws now ?—No; but bye-laws of that old Home Office model are still in existence in many districts. There are still many old local board districts which have them.

1048. What would be your view, in view of that statement, to a power being given to the Local Government Board to withdraw or cancel bye-laws which they considered obsolete. At present, as I understand, there is no power to modify or alter those bye-laws, except with the consent of both parties—the local authority and the Local Government Board. Supposing the local authority were averse to parting with some powers which they possess under them, would you think it would be an advantage and an improvement to these bye-laws that the Local Government Board should have the power of withdrawing their approval of them ?—Personally I think there are many cases in which that power would be useful.

Lord *Burghclere.*

1049. To enforce on the local authorities a different arrangement made by the Local Government Board and not made by the local authority ? No, I would not say that.

Chairman.

1050. If their approval were withdrawn, assuming that they had the power to do it, they would be left in the position of having no bye-laws. Would that stimulate them to prepare fresh bye-laws ?—I do not think it would. I do not think the mere withdrawing of the old code, without

Chairman—continued.

without substituting a new one would. An authority that was so behind the times as to be content to go on with the old bye-laws would probably not be very keen upon adopting new ones.

1051. These bye-laws, in your view, are not efficient for the purposes of to-day ?—No.

1052. What remedy would you suggest for that ? —It is a point which I have not considered, and on which I am speaking without knowing what the view of the Board would be, but my own view is that it would be advantageous, from a public point of view, if the Local Government Board had the power to require a local authority to make such bye-laws as were needed under the circumstances of the district, and, in doing so, they might repeal the old bye-laws—not before the new ones came into force, or else there would be an interval of which the jerry builders would take advantage.

1053. But you think it would be a public advantage, or advantage to the public health, of such a district, if the Local Government Board had more power to compel the adoption of modern bye-laws suited to the circumstances of to-day. ?—Personally, and speaking from the point of view of public health administration, I should be glad to see the Local Government Board vested with such power, but there are other sides of the question upon which I do not feel competent to express an opinion.

1054. But you say distinctly in your statement of evidence that, in your experience, bye-laws, like the old Home Office series, commonly failed to secure proper methods of construction ?—Yes. I have another report in which I said " The local board have bye-laws made in 1868 for regulating the meetings of the board and with respect to new buildings. The latter, however, contained scarcely any definite requirements, but merely provide that such and such things shall be carried out to the satisfaction of the local board. As an instance of the arrangements which apparently are deemed satisfactory, a row of substantially built cottages erected about four years ago have the privies, which are unceiled and entered from the coal-hole, under the back bedroom and close to the pantry, in such a position that effluvia from the privies are liable to enter both the bedrooms and the pantry. The well is only five yards distant from the privies." Those were arrangements passed by the then local board in that district.

1055. Then you say that the bye-laws, you consider, should specify the circumstances under which exemption may be allowed. We had a copy of some bye-laws which had been adopted by the Rural District Council of Maldon in which there are some exempting clauses. Would you think that the exempting clauses in these bye-laws sufficiently define, in the sense in which you here speak, the circumstances under which the exemption may be allowed ?—I advised the Board with respect to those bye-laws, so I presume when they were before me I did consider them suitable. I do not know the particular clause to which your Lordship is referring.

1056. I will put a general question. The witness who was good enough to give us a copy of those bye-laws, speaking on behalf of that district, said, in answer to a question put to him, that, in his view, the grievance which is felt to exist in many districts as regards cost of construction was largely met by the power of exemption which was given in this case ?—I do not remember that any power of exemption was given in that case. It would be contrary to the Board's practice to give it.

1057. Will you just look at Clause 2 there which deals with exempted buildings ?—I quite agree with those, but those are exemptions—not powers of exemption. Those apply in every case where the conditions of exemption are complied with. That is what my meaning is, that the circumstances under which a building shall be exempted should be laid down in the bye-laws as they are there, not that the local authority might exempt the building of a man who happened to have influential friends on the board, and not exempt that of another man.

1058. But without this power they would not have had the power to exempt those buildings unless it had been so stated in their bye-laws ?—As I pointed out these bye-laws do not give the district council the power of exemption ; the bye-laws themselves exempt these buildings. That is what I mean in my *précis* when I say that the bye-laws should specify the circumstances under which a building will be exempt. This Clause 1 (3) exempts buildings under certain conditions which are laid down in the bye-law.

1059. You see no objection to that ?—Providing that the exemptions are suitable, I do not.

Lord *Burghclere*.

1060. They are exempt under that whether the district council wishes it or not ?—Quite so.

1061. The district council has no power whatever, one way or the other ?—No.

1062. The difficulties which this Bill seeks to remedy, I think you admit exists at the present day ?—Yes.

1063. You told us, I think, that under the old Home Office rules, local authorities, in some cases, had dispensing powers ?—Yes. Almost every clause in the old Home Office series had a dispensing power.

1064. You also told us, I think, that local authorities, in some instances, take dispensing powers to themselves ?—Yes, they do that now.

1065. Is that legal ?—I believe it is not legal, but there are no means by which they can be brought to book for it, and be compelled to carry out their bye-laws—perhaps I ought not to say there are no means, but I am not aware of any case in which a local authority has been required to enforce its bye-laws.

1066. If the Local Government Board were prepared to give dispensing powers to district councils in cases of isolation, and under certain restrictions, do you think that all the local authorities would apply to have their bye-laws so altered ?—When you say " give dispensing powers " do you mean they would give the district council power to apply the bye-law in one case and not in another case, at their own discretion ?

Lord *Burghclere*—continued.

1067. Certainly at their own discretion, but only to be applied in certain circumstances defined—in cases of isolation ?—Then that would not be a dispensing power, but an exemption laid down in the bye-law.

1068. I do not think that is so, because I suggest that the district council should have the power to do it or not to do it, but only to do it in certain circumstances. In that case it would be a dispensing power, would it not ?—Yes. In that case the effect would be the same, because, if they made the exemption in one case, they would feel bound in fairness and consistency to make it in all cases.

1069. Supposing the Local Government Board were prepared to give them a dispensing power under certain specified circumstances, would district councils, as a body, as a whole, apply to have their bye-laws altered in that direction ?—I do not anticipate that they would.

1070. Then I ask you, as an authority on the subject, whether there would be any objection in those circumstances for Parliament to give a statutory power to all district councils to add such dispensing powers under certain circumstances to their bye-laws ?—My own opinion is rather against a dispensing power being granted to the authority itself. I am afraid it might, in some cases, lead to jobbery.

1071. I think I can meet you on that, but I only wanted to ask whether you see any practical objection, from your point of view, to such a dispensing power, sufficiently guarded, being given by statute to all district councils ?—On the whole, I think it would be undesirable, partly because it might lead to jobbery or to things being done on party grounds and so on, and partly because, if the dispensing power were once exercised, the whole bye-law would be nullified. The authority would probably feel that they could never with consistency enforce it in any other case. We have had instances of that.

1072. But supposing such dispensing power were granted to all the district councils, and that there was an appeal by five ratepayers in case of it being used, as you say in a wrong manner, or on the other hand in case it was not put in force at all from the district council to the county council, would that meet your objections as to any kind of jobbery or anything else ?—I think an appeal to an outside authority would be desirable.

1073. And it would meet your objections to a certain extent ?—Yes.

Chairman.

1074. Would you call the county council an outside authority ?—Yes, it is outside the district council.

Lord *Burghclere*.

1075. Supposing then the county council were to decide, would you see any objection, with the limitation, which I will mention shortly, to the decision of the county council then becoming final ?—I should like to know what the limitation is.

1076. The limitation would be this, that if the district council to whom the decision of the county council were sent back objected by a majority to such decision they would then have an appeal to the Local Government Board from the county council, and the decision of the Local Government Board would be final. I may mention that, in putting that forward, I am anxious that the Local Government Board should not have cast upon it, as I rather think it might have by the provisions in this Bill, very expensive and widened duties which would enormously increase its work. In the case I am suggesting, I think appeals would be made very seldom, but they would be appeals of such a character which undoubtedly ought to be undertaken by the Local Government Board, who would send down one of their inspectors and hold an inquiry, as they do in other cases. Do you see any objection to such a scheme as I have suggested, or if there are any practical objections from your experience, will you tell me what they are ?—I do not see any objection to it at first sight. I am not sure that the county council would, in all cases be acceptable to the district councils as a court of appeal.

1077. But would not the scheme I have suggested be better than referring it to the magistrates, because it would keep the whole question, which is entirely a question for local government, within the area of local government entirely. It should be from the district council to the county council and from them to the Local Government Board. There should be no appeal to the magistrates who, excellent as their decisions are, are not within the area of what I call local government? —I think it would be preferable, if the district councils were willing to accept them, to appoint the county councils as the court of appeal rather than the magistrates: in the first place, because the county councils have technical advisers; they have a surveyor, and many of them a medical officer of health; and, secondly, the magistrates would then be relieved from the duty of arbitrating first upon a case which they might have to try afterwards.

1078. And with a final appeal in, I think, not very frequent cases to the Local Government Board, the district council in the locality would be practically safeguarded from an unjust decision of the county council, and by the appeal to the county council they would be safeguarded from jobbery or otherwise on their own district council ? —I think it would be a security to some extent. You are speaking of an appeal against the application of the bye-laws in a particular case, not with reference to the alteration of the bye-laws ?

1079. Against the application of the dispensing power in the bye-laws in any particular case, so as to meet the case of jobbery or unfair treatment ?—I quite recognise that it is impossible for

Lord *Burghclere*—continued.

for the bye-laws, however carefully they may be drafted, to foresee every case that may arise, and therefore I should see no objection to a power of appeal on the merits of the case, in which the circumstances would be fairly and dispassionately considered.

Lord *Zouche.*

1080. Do you see any objection to the plan of appealing to the county council in these cases, where the county councils only meet four or five times a year ?—Of course that would be an objection, but I take it that the county council in such a case, if they were constituted a court of appeal, would appoint a committee, or perhaps assessors or officials who would form the court of appeal. They would delegate their powers to them.

Lord *Burghclere.*

1081. You do not suppose that the appeals would be of a very frequent character ?—I think they might be fairly frequent.

1082. How long does it take to build a cottage. Your objection to the county council meeting only four or five times a year seems to contemplate the building of cottages at a somewhat rapid rate if you cannot wait for a couple of months ?—I think there very often would be great inconvenience in waiting a couple of months. I think there would be considerable difficulty if they only met every few months.

1083. But it could be met by appointing a special committee ?—I imagine it might be. I am not conversant with the legal aspects of the case. I suppose it would require legislation, and that point would be provided for in the legislation.

Lord *Hylton.*

1084. You told us in your evidence that you were medical officer of health for the Goole rural district from 1874 to 1879. Have you had a great deal of experience in rural districts since 1879 ? —Yes, I have inspected a great number of rural districts in the course of inquiries into the outbreaks of disease and insanitary conditions. I was born and brought up in the country.

1085. You told us a good deal about the bad state of the houses that were built in Goole in the year 1874, and so on—the back to back houses you spoke of and the bad state of things. You realise that that class of house would not be affected or touched by the Bill. The Bill has nothing to do with houses which are back-to-back ? —Yes.

1086. Therefore, that part of your evidence hardly deals with the Bill ?—Houses might be built under the Bill, which would be, in effect, back-to-back houses.

1087. Where do you get that in the Bill ?— "For the purposes of this Act, two dwelling houses separated by a party division of fire resisting material shall be deemed to be a single building."

Lord *Hylton*—continued.

If this is a single building divided by a brick party wall in the middle, this house may have windows only on this side, and the other house windows only on the other side, so that there would be no through ventilation whatever.

1088. I do not think that was contemplated under the Bill ?—I do not believe it was contemplated, but it would be the effect of the Bill because the Bill expressly excludes such buildings from bye-laws with respect to ventilation of buildings.

1089. Would not it be almost certain that those would be built side by side and not back-to-back. What inducement would there be for people to build them back-to-back. It would be hardly possible ?—I have seen them so built.

1090. But it is not usual. Cottages in the country are almost always built in pairs—side by side ?—They are usually so, but these provisions are to apply not only to the country, but to all county districts.

1091. Have you heard the evidence given at the last two meetings of the Committee ?—I have read some of it, but I have not been here.

1092. Perhaps you are aware, from having read the evidence, that a good many witnesses have appeared here stating the great need of cottages in many parts of the country. Do you agree with that ?—I perfectly agree with that. From many rural districts where bye-laws are in force and from some of those where bye-laws are not in force, we get complaints of the insufficiency of cottage accommodation.

1093. So you will be glad to see that deficiency remedied ?—Quite so.

1094. Any measure that passed, that would help to fill up that defect, you would be glad of I suppose ?—Quite so, provided it did not create other evils.

1095. As regards sanitation, you observe Clause 4 in this Bill ? You told us a good deal about wells and privies being in a bad state in cottages you knew of ?—I observe that clause, but, as I have already pointed out, there are important conditions in relation to health from which the Bill would exempt houses which were built at a distance of fifteen feet from any other building. The point which I want to impress specially upon the Committee is that the buildings, whether built isolated or in a row, should not be exempt from the requirements of the bye-laws with relation to health.

Chairman.

1096. You would probably say that Clause 4 does not give the protection on the points you refer to ?—Quite so. There is nothing in it about the prevention of dampness in foundations and so on.

Lord *Hylton.*

1097. What about structure ? Do you think nobody ought to be allowed to build except in brick

Lord *Hylton*—continued.

brick and stone ?—I do not say that, but the damp-course is structural and the concrete layer under the floor.

1098. But as regards the structure of the walls you have no objection to the exemption ?—I have an objection, because a building which is built of timber or unsubstantial material like that very much sooner gets out of repair.

1099. What do you call unsubstantial ?—Corrugated iron on a timber frame or lath and plaster.

1100. Or timber ?—Yes, or timber. Of course, I recognise that timber buildings may be built strongly and substantially, but if they are built for cheapness the probability is they will not be so built. If built of timber merely because it is the cheapest material with which houses can be run up they will probably not be substantially built.

1101. As regards cottages, do you think they ought to be built to last as many years as a very large house or castle ?—Ordinarily I should think they should be. If they are for agricultural labourers they ought to be made to last, because the probability is that they will always be required. There may be something from another point of view to be said in favour of buildings, of which the use is only temporary, being allowed to be built in a temporary way. For instance, navvies' huts are commonly built so when the work for which they are required is not likely to last long. There may be reasons for that, but not where houses are likely to be permanently required. I will not go so far as to say that no other method should be allowed, but I think it is desirable and to be encouraged that they should be built in a substantial manner.

Lord *Burghclere.*

1102. The cottages built under the sanction of the Board of Agriculture, in cases where money is obtained from settled properties under the Settled Land Act, I think I am right in saying are only required to be substantial for a certain number of years ?—I did not know that. Such houses would be exempt under the bye-laws.

1103. They are exempt from all bye-laws ?— Yes.

1104. There are a good many cottages probably built in that way ?—That I cannot say.

1105. But it is a fact, notwithstanding, that they come under an entirely different category, entirely opposed to what you are saying about the necessity of substantiality for workmen's cottages ?—That may be so.

Lord *Hylton.*

1106. I think you said, in your evidence in chief, that personally you would like to see the Local Government Board given power to withdraw bye-laws that you thought were not up to date, and substitute the new model bye-laws. You said you did not wish to commit the Local Government Board, but personally you were in favour

Lord *Hylton*—continued.

of that ?—Yes, I think personally, I should be in favour of that. I should leave the drafting of the new bye-laws, in the first instance, to the local authority, but they should be subject to the approval of the Local Government Board.

1107. But, at all events, Clause 5 would practically give a clause in that direction ; so you are in favour of that ?—I say that it might be useful.

Lord *Burghclere.*

1108. I think you said in answer to me, following the very question to which Lord Hylton has referred, that you were opposed to the Local Government Board having the power to over-ride the wish of the locality and impose upon them the wishes of the Local Government Board ?— Perhaps I may explain that I think generally that the local authorities are in the best position to judge what are the requirements of the district in regard to bye-laws, and I am generally inclined to give a good deal of weight to their views if——

Lord *Hylton.*

1109. If they agree with you ?—No. If they are people who have carefully considered the subject in all its bearings.

1110. How do you find out whether they have considered it properly in all its bearings or not ? —We can tell often by the way in which the bye-laws are sent up. If they are sent up with the blank spaces not filled up, and with clauses inserted which are repeated or which are inconsistent with other clauses sent up, we see that the subject has not had proper consideration. But, if the bye-laws bear on the face of them evidence that they have been carefully considered, we should pay a good deal of attention to their opinion.

1111. That is the way you judge whether they have considered it or not—whether they have filled up the blank spaces or not ?—That would be one thing, but we should judge from the general character of the code sent up.

Lord *Kenyon.*

1112. I think what you suggest is that there might be a danger to public health if this Act were passed as it stands now ?—I think there would. I think it would be very prejudicial to the public health if the Bill were passed exactly in its present form.

1113. Do you think, by any amendment of clause 2, that could be avoided. We had it from Mr. Monro that clause 4 was practically redundant, and he preferred that, instead of exempting certain matters, it should be put : "Nothing in this Act contained shall exempt any buildings other than those expressly stated in clause 2" ?—I would suggest that clause 2 should be amended something in this way : "With respect to the structure of walls and foundations of buildings for securing stability and the prevention of fires." I should omit : "Or with respect to the ventilation of buildings," and I should add after "foundations" "for securing stability and the prevention of fires," or "except for purposes of health." I wish to guard myself in saying that because I am

Lord *Kenyon*—continued.

am not speaking from the point of view of prevention of fire. I leave that to my colleague, Mr. Kitchin. I cannot say a thatched roof at a distance of fifteen feet from another building would be proper on the ground of prevention of fires, but I am speaking on the grounds of health.

1114. You want to secure proper conditions for public health and sanitation ?—Yes.

1115. The proposal in the Bill is to make a statutory exemption in accordance with the terms of the clause which should apply everywhere. Do you think that that is a better plan, in view of the future and changing circumstances that are taking place every year, than giving the power to the Local Government Board to make such exemption after, if need be, inquiry to see whether the circumstances of the particular district warranted it ?—I am not at all sure that it is a better plan, I do not think that the distances that are given here would be considered satisfactory in a town.

1116. Distance is only one point; there may be circumstances affecting the surroundings which would make it probably undesirable, even with such a distance. That is my point. You are legislating in fact for all time and for circumstances which you cannot foresee ?—For all time and for all places, and I am not at all convinced that the Bill does not go too far in that respect, but I think on that I should rather wish to hear the municipalities and urban district councils and so on who would be able to express their views.

1117. I am not sure that they would be a good authority as to what powers the Local Government Board should be vested with ?—No, but I mean they may see objections to these buildings of temporary materials being erected in the middle of a town, even though at these distances, which I do not myself see. For instance, they may lower the character of a neighbourhood, they may fix a building line in a way in which it is undesirable to fix it, and so on.

The witness is directed to withdraw.

MR. BROOK TAYLOR KITCHIN, is called in; and Examined as follows:—

Chairman.

1118. You are an official of the Local Government Board ?—I am chief architect to the Local Government Board.

1119. You have read the Bill and made yourself conversant with it ?—Yes.

1120. You have heard the evidence given to-day. Have you had the opportunity of reading the evidence which was given on the first day ?—Yes, I have read most of it.

1121. With regard to the proposed exemption in the Bill, do you think that that is a safe exemption to make ?—Not altogether safe I think. I think there are cases where it might be dangerous. It seems to me—though I do not wish to oppose it —that there would be cases where builders, after a while, would be able to take advantage of it and build a class of house that might be undesirable. It lets in the speculative builder. That is to my mind the main objection to the exemption—the main argument against it.

1122. But as regards the letting in of the speculative builder you will always have speculative builders whether they are subject to the bye-laws or exemption or not ?—That is so, but here you let in the speculative builder to do exactly what he likes.

1123. Not quite that ?—He is practically uncontrolled.

1124. Is that so, except as regards the construction and the material ?—I think as regards the construction of his building.

1125. In the first place it is limited to houses which comes within the definition of isolation and so on ?—Yes.

1126. In the next place he would not be free from all the bye-laws that affect sanitation, water supply and health generally. Did you hear the evidence of Dr. Parsons with regard to the damp course and to the ventilation ?—Yes.

1127. Do you agree with him that under the Bill those two things would be in the exemptions ? —Yes. I think houses should be required to have proper damp courses and ventilations.

1128. In what way would the speculative builder be able to come in and build as he likes. In the first place, would you consider it desirable, at all events, that plans should be furnished to the local authority ?—No, I do not think it is absolutely essential.

1129. Not block plans even ?—I think block plans should be furnished.

1130. But would it not be necessary for the local authority to know the exact location of a building which it was proposed to put up ?—Yes.

1131. The block plan would give that. I do not know what details in the plans they would consider necessary in order to enable them to judge as to the effect of the drainage and so on ?—They would have power to examine the building during construction and that would be sufficient.

1132. That is rather late. That constitutes the grievance in a large measure ?—It does to some extent.

1133. We want to catch them earlier than that. We want to get the approval or the check or the freedom—whatever it is—accomplished and approved before that stage ?—But when you have to create another grievance, which is the submission of the plans.

1134. They have to submit plans now ?—Yes, but that is a grievance in a great many cases.

1135. That is to say plans in complete detail. You would not consider a block plan a grievance ? —No, plans in detail, such as the district council would

Chairman—continued.

would expect to be submitted. That was the difficulty that arose in respect to Sir William Grantham's houses—the submission of plans.

1136. Do you think it is desirable from the point of view of the public interest, in its widest sense, that additional facilities for the provision of cottages of a cheaper kind should be created ?—Yes, certainly.

1137. Do you think that the Bill would effect that object without creating difficulties which ought not to be created ?—Yes, I do.

1138. Then you would be in favour of the Bill ? —Yes, I cannot say I am not in favour of the Bill. It is a quick way of dealing with the difficulty that has arisen.

1139. And you think that would be the view of the Local Government Board, so far as you know ?—Yes, I think, generally speaking, that would be the view of the Board.

Lord *Kenyon*.

1140. You mean of the general provision of the Bill ?—Yes.

Lord *Burghclere*.

1141. Including Clause 5 ?—No, not in detail. Clause 5 does not entirely concern me, and as an architect, I cannot say that I personally altogether agree with Clause 5.

Lord *Kenyon*.

1142. Shall we say, so far as your portion of the Department is concerned ?—Yes, though I certainly think some power of appeal is most valuable and is essential.

1143. As regards the speculative builder, the authors of the Bill are most anxious to put impediments in his way, in the hope that only granting exemptions in the case of isolated houses, or pairs with a space round, they would choke off what may be called the jerry builder. All builders are speculative to a certain extent ?—Yes.

1144. Is it not the usual thing for a jerry builder to do, to cram as many houses as possible in a row on a piece of ground and not to do, what he cannot do now-a-days, that is build them back to back as Dr. Parsons described they used to do at Goole ?—Yes.

1145. They do not, as a rule, build houses with space round them or isolated pairs. One has only to walk about with one's eyes open to see that ? —Yes.

1146. So to that extent the speculative builder would not be largely tempted by this ?—I am not sure. That isolation is a protection undoubtedly, but there might be cases—I do not know that it is a serious thing—where a builder saw it was worth his while to take sufficient land on which to build a number of this class of cottages in an undesirable way. I do not anticipate that it is very serious, but I think it does give him the opportunity.

Lord *Burghclere*.

1147. Did you never hear of a jerry-built villa ?—I have, indeed.

1148. Would not that be on all fours with the suggestion made by Lord Hylton ?—Yes, but I must say that, notwithstanding what has been said against them, that the bye-laws have certainly had a good effect on the construction of villas. I think it has raised the standard of building very much indeed.

Lord *Hylton*.

1149. It is not so absolutely necessary to build in all cases a house which is expected to last for hundreds of years in the same way as if you were building a castle ?—No.

1150. In view of the necessity of country cottages it is desirable to get a cheaper method of building ?—Yes, there are a large number of houses that would not come under this Bill. For instance, I built myself a house which would not have come under this Bill; though it was a comparatively large house it had not actually the fifteen feet on each side of it. So that it would not cover everything, it would only cover certain classes of property.

The witness is directed to withdraw.

MR. G. H. AUBREY, is called in; and Examined as follows.—

Chairman.

1151. You are Chairman of the Chelmsford Rural District Council ?—Yes.

1152. We had a witness the other day from your district, Dr. Thresh ?—Yes, He is the medical officer to the sanitary authority of the district.

1153. He was good enough to hand us in your bye-laws, which are more up-to-date than some, and he described to us how the exempting clauses, or the clauses granting partial exemption, were obtained. Were you a member of the council at that time ?—Yes, a member of the Committee which helped to draw them up.

1154. Did you go to the Local Government Board ?—Yes, after we had revised them.

1155. Could you tell us how those exemptions were arrived at. Did they originate with your Council ?—I think pretty much so. There was an agitation at that time upon the question of building in rural parts, and we considered the matter and thought it was desirable that certain restrictions on the present bye-laws should be removed, and that houses of a cheaper nature should be allowed to be erected, and, under our bye-law No. 4, we said then, "If we are allowed to regulate the construction of the foundation you

Chairman—continued.

you can build of any material you like." In fact in many parts of our district we have houses built of corrugated iron and materials of that sort other than brick. At the same time we exercise control over the foundations in order to see that we have the damp-course, and any effect which might arise from damp, prevented.

1156. Then your bye-laws do not provide for exempting the requirement of damp-courses?—No, we are very particular about damp-courses.

1157. Have you found advantages to your district from the powers which you have obtained in your bye-laws?—So far that people are allowed to build under certain conditions cheaper houses.

1158. You think the effect has been to provide cheaper houses?—Yes, and it probably will continue, because in Essex there is a great deal of land which is useless for agriculture, and speculators are buying up these lands in order that they may cut them up and plot them out and sell the plots.

1159. In such a case do they give a considerable amount of open space between the houses?—No, in some cases they are crowded quite as much as they are in the thickest parts of towns. We have an estate now under consideration where the houses are, I think, about 15 feet frontage and about as congested as they can be.

1160. But that would not be permissible under the provisions of the Bill before us?—That I cannot say.

1161. The exemptions are not intended to apply to houses in rows. But, as I understand, you permit, under your bye-laws the erection of cheap cottages which are pretty close together?—Two cottages—they may be semi-detached.

1162. Have you any instance where the semi-detachment consists of joining the backs of the two houses together?—I cannot call to mind any case of that sort. It may be that we have.

1163. Has the result of this been to encourage the building of cottages in your district?—I should say the tendency is to encourage it.

1164. You have no rows of houses built of corrugated iron?—No, we should not allow that.

1165. Are your corrugated iron houses of one or two storeys?—Chiefly one, in the bungalow style.

1166. I think Dr. Thresh conveyed to us in his evidence that, under the bye-laws under which you work, which perhaps are more up-to-date (if that is the term to use), than any others we have seen, the grievances or difficulties which were formerly thought to exist have practically disappeared. Would you confirm that view?—Yes, I should certainly. In fact they were revised with that object—to do away with any objections.

1167. And they effect it?—We think so.

Lord *Kenyon*.

1168. How long have these new bye-laws of yours been in operation?—They are dated December 1903.

Chairman.

1169. This is practically the second year of their operation?—Yes.

1170. You really have not had time yet to see whether they have conduced to the advantage of the district?—We could not give any decided opinion, but it stands to reason, if people can build a cheaper house, it is probable they will do so.

1171. Under your bye-laws, do plans have to be produced?—Yes.

1172. Detail plans?—Yes.

1173. Similar to those that have to be provided under what they call No. 4a?—Block plan and construction and elevation, I think. Our engineer is here.

Lord *Zouche*.

1174. Those plans have to be submitted in all cases?—In all cases.

Lord *Burghclere*.

1175. You say that in Essex, where there is a certain amount of derelict land, it has been bought up by builders to put houses upon it?—Bought up by speculators — not particularly builders.

1176. Companies?—Yes, companies.

1177. What sort of population does that demand meet?—Generally, in those districts where the land has been purchased, there is hardly any population at all.

1178. But they come there?—They are chiefly brought down by the inducements of the sale. They come from the East End of London.

1179. It being derelict land their coming back to the land cannot be much advantage to them?—They find that out later on.

1180. These cottages are not agricultural labourers' cottages?—No, for East Enders who come down to spend a week-end on their own plots, a great many of them, but there are estates laid out for plots on which no buildings have yet been erected.

1181. Are they sufficient distance from London for workmen's cottages?—No, these plots are laid out on these estates with the idea of inducing people to come and purchase, and many of them pay their deposit, and they never hear any more of them and the estate goes on for years and years.

1182. Are they persons of independent means?—I should think they are East End gentlemen chiefly—whether independent or not, I do not know. On many of those estates there are very few houses erected, although they have been laid out for years.

Lord *Hylton*.

1183. Your district council takes the view that, if a man wishes to build a house, not necessarily of brick or stone, provided it is sanitary there is nothing disgraceful or immoral in his being allowed to do so, and in fact you allow him to do so?—With that class of house we have bye-laws to the effect that they shall be built to certain thicknesses of wall, and so on—substantially in fact.

Lord *Hylton*—continued.

fact. In fact we think it is necessary in the case of a large house, that it should be substantially built, and not built of timber or anything of that sort which would not stand long perhaps.

Lord *Zouche*.

1184. Of what material are these cheap exempted cottages usually built?—There are two or three classes of buildings. There is the ordinary weather-boarded cottage, and cottages built of corrugated iron with a framework of some sort inside, and is a very light sort of structure, but very seldom is that class of house used for residence. It is more for the week-end and a place where they can come down and put up with any inconvenience for a few days, and they do not occupy it generally, but only occasionally. There are timber built and lath-and-plaster houses. These materials are very suitable for cottages, and my experience is that the timber-built cottages are very lasting and very easily repaired. Of course thatch is not allowed anywhere.

Chairman.

1885. Is any concrete used?—Yes. We have bye-laws regarding concrete which are always enforced in cases of damp soil under the floors.

1186. I mean for the walls?—I do not think we have allowed concrete houses to be built.

1187. Have you any steel framed ones?—No, I do not think we have.

Lord *Kenyon*.

1188. What does the rural district of Chelmsford include? Is it the rural area round Chelmsford?—Yes, all round Chelmsford.

1189. Including Boreham?—Yes. We have urban parts. It is a mixed district—urban and rural.

1190. Some of it runs very near the sea?—No.

1191. How far is Maldon from the sea?—About twelve miles up the river.

Chairman.

1192. You say you have two districts differing in character, and the bye-laws apply to the whole area?—Yes, but the exemptions under the section would be more applicable to the rural part than the urban.

Lord *Kenyon*.

1193. You thoroughly approve of these bye-laws yourself?—Yes, naturally.

1194. Do you think you could get nothing better?—We think not.

Chairman.

1195. Is Chelmsford different from Maldon?—There is very little difference. I do not know whether Maldon allows four houses to be built. We only allow two.

Chairman—continued.

1196. Is the area clearly defined— the rural from that which is urban?—No. What we call urban, is a portion of a district which joins a town, or in fact is a small town perhaps, such as Ingatestone and places like that.

1197. Do the rural bye-laws apply to those?—Yes. These bye-laws apply to the whole district, but the exemptions apply to houses which are built under certain conditions, and without sufficient space between them.

1198. That does not touch the point which I wanted to elicit which is this; I think you said that the exemptions applied only to the rural districts?—No.

1199. The bye-laws including the exemptions apply to the whole area?—Yes, to the whole area.

1200. How do you distinguish between the exemptions applying to particular districts, or is it to particular conditions?—What I mean by exemptions are those bye-laws (No. 4) applying to the construction of cottages of a certain class and certain dimensions.

1201. They are exempt from bye-laws Nos. 13 to 35?—Yes.

Lord *Burghclere*.

1202. As I understand a rural district, that is to say a legal rural district, may include an urban population as well as a rural?—Yes.

1203. You have sufficient exemptions laid down and approved by the Local Government Board in your bye-laws?—Yes.

1204. Any person wishing to build a house, under the conditions laid down has your approval by these bye-laws?—Yes.

1205. And you are not able as a rural district to discriminate—supposing the conditions are the same as laid down in your bye-laws—between one set of cottages proposed to be built and another. You are not allowed to discriminate because we had it from a Local Government Board official just now, that it is not an exemption but a law?—That is so.

1206. Would it not be better in these rural districts, if once the rural district council had the power of exemption, that they should also have the power of discrimination, so that they might approve in one part of the district, which was purely rural, and might on the other hand disapprove in the district which was not rural, and they, as the local authority, would be in the best position to determine which part of the district it should apply to as circumstances arose from time to time?—We find that those bye-laws act very well in this way, that those people who wish to build cheap cottages would not build them in an urban district because of the restrictions as to space.

1207. But you have no power to discriminate?—No.

1208. Supposing you had this power given you and the local authority had power to discriminate, that seems to me to be a wiser course than to lay it all down as a hard and fast law, applicable to all the parts of the district, whether rural or urban?—We have had no trouble.

1209. Is

Lord *Hylton.*

1209. Is it not the case that the district council object very strongly to dividing up their area. They say: "We cannot say which part is urban and which is rural"?—That is so.

Lord *Burghclere.*

1210. But the proposition I put forward would exactly meet that, because the district council, having the power at their back to act when they thought it necessary, would also have the power to apply or not apply the dispensing power to every individual case, and not have to cut their area up into a hard and fast district, which, I admit, is impossible in growing districts. If the district council had this power in their hands and were able to exercise it, or not exercise it as local circumstances arose, surely that would be better than to lay down a hard and fast law which they are legally bound to adopt under any circumstances?—Builders, I think, would not think of building a cheap class of house in an urban portion of the district.

Chairman.

1211. You mean they would require much more space?—Yes.

1212. Have you experience which will enable you to answer this question. Do you think, taking into account the additional space, that materials other than brick or stone for example or whatever is the cheapest kind enables the house to be built more cheaply than of brick?—Yes, of course.

Chairman—continued.

1213. Do you mean corrugated iron?—Or weather boarding or lath and plaster.

1214. Then I gather the wooden houses are not very substantial if they are cheaper?—I know some in my own parish of great age—older than any brick houses, I think, two or three hundred years old.

1215. Built of oak, probably?—No, ordinary deal.

1216. What do they do with them—whitewash, paint, or tar them?—Tar them generally, and if a board comes out they put in another. There is no difficulty with bricklayers, and there is very little expenditure.

1217. Are they dry?—Very dry. That is the chief recommendation. A boarded house, I consider, is much dryer than a house built with nine inch red brickwork.

Lord *Burghclere.*

1218. Are they warm in the winter?—Very warm and dry.

Lord *Zouche.*

1219. Are they constantly requiring to be repaired?—No, very seldom. The weather-boards last a considerable time tarred.

(*The witness handed in a copy of the bye-laws of the Chelmsford Rural District.*)

The witness is directed to withdraw.

MR. ALBERT D. GREATOREX, is called in; and Examined as follows:—

Chairman.

1220. You are the Borough Surveyor of West Bromwich?—Yes.

1221. You wish to give evidence against the Bill?—Yes. May I explain? We must apologise for not being able to send a proof of the evidence we wish to offer, but the notice has been so very short, as we only had notice yesterday that we could attend. I represent the Council of the Incorporated Association of Municipal and County Engineers. The number of the members of the Association is approaching 1,200. The members consist of the chief surveyors to county urban and rural districts. I should like to hand in a copy of the list of members (*handing in the same*). This Association, eighteen months ago, appointed a special Committee of members of the Council to go into the Local Government Board's model bye-laws for both urban and rural districts. They appointed six members to the Committee, who were surveyors to large towns and had had experience in dealing with bye-laws. They also co-opted three rural surveyors, so as to get more in touch with rural districts. The Committee had very many meetings—some twenty-two or twenty-three—and went into the whole question.

Chairman—continued.

1222. What whole question?—The question of the model bye-laws of the Local Government Board both for urban and rural districts.

1223. 4 and 4*a*?—Yes.

Lord *Hylton.*

1224. Where did you meet?—In London at our office, and also at Birmingham, as it was more central for many members. We also considered bye-laws submitted from various surveyors—I daresay 150, all told.

Chairman.

1225. Did that include Maldon and Chelmsford?—The surveyor to the Chelmsford Rural District Council was a co-opted member of the Committee. We had correspondence from all the surveyors who had any points to offer to the Committee during their consideration. The result was that the Committee prepared a report, which was submitted to the Council, and fully approved and handed in to the Local Government Board, who are now considering the report of the Committee. In this report the Committee made

Chairman—continued.

made certain suggestions as to the way in which both the urban and rural bye-laws might be modified, having in view chiefly the question of reducing, if possible, the cost of buildings, more particularly for the artisan class, and, at the same time, having due regard to the question of stability and sanitary matters. I hand in a copy of the report. The reason I represent the Council to-day is, that I have been a member of this Committee and have been the honorary secretary of the Committee, so I am pretty well up in the various points the Committee have considered, and I have been asked by the Council to represent their views to your Lordships. We have also two co-opted members—two rural surveyors, one representing Chelmsford, which is a very large area, and one representing part of Yorkshire—Mr. Massie from the Wakefield rural district.

1226. You have examined the Bill?—I have.

1227. What are the provisions in the Bill to which you take objection?—The first clause is Clause 2. I consider, and it is also the opinion of the Special Committee, that plans and notice should be sent in all cases of all new buildings, either in rural or urban districts.

1228. Will you define what you mean by plans and notices, because there has been some evidence, where there has been a distinction made hitherto between plans in one sense and plans in the sense of block plans?—Do you mean detail plans?—I mean a block plan showing the site and a ground floor plan; if it is one storey and a section; if it is a two-storey building a plan of each floor—no elevations. In fact the whole thing in an ordinary cottage or an ordinary house would be on one sheet of tracing linen or paper. From my experience as a surveyor there is not much difficulty in making the plan that is necessary. It is only a tracing, and is generally made by a junior in the office, and in many cases by the office boy.

1229. Do you prescribe the scale on which it has to be made?—It is usually on the one-eighth scale, which is really the scale architects use chiefly. There is not much in that so long as we have the plan.

1230. Do you think, therefore, that there should be deposited a block plan and, if the building is a one-storey building, a floor plan?—And a section showing the height of the rooms.

1231. If more than one storey, a similar section showing the other storey?—One section would show the two, and a plan of each floor.

Lord *Burghclere.*

1232. In every case?—In every case.

Chairman.

1233. Not necessarily the elevation?—No.

1234. Nor the thickness of the walls?—That is shown on the plans and sections. Then, I think, a notice should be sent. The notice is generally a printed form which is issued by the different councils to those intending to build, and, as a rule, it is not much trouble to fill in. It can be filled in, in fact, in the office.

Chairman—continued.

1235. What do you say with regard to construction?—As regards Clause 2, I think beyond the deposit of the plans and notice, the proposed exempting clause in the Bill ought not to be allowed. There ought to be a damp course. The site of the building, whatever the building is, if necessary, ought to be covered with an impervious material, such as concrete. We ought to know something about the construction of the chimneys, and the party-walls, and the foundation of the building up to six inches above the ground level. Then there is the question of the air space and ventilation which ought to receive consideration.

1236. It ought to be shown, you mean?—That is a matter which would be shown on the plans and sections. Then the sanitary bye-laws are dealt with by Clause 4.

1237. There is no change with regard to that. There is no exemption?—No, that is already provided for.

1238. As regards the others, is it your view that the Bill does not give protection which you mention in those cases?—I think the Bill, as it stands, is objectionable, because it takes away the protection which we think we ought to have.

1239. I see you have sent a letter to the Local Government Board in which you say that, under the provisions of the Bill, the operation of the bye-laws might be restrictive, and then you set out in detail the points you have already mentioned. Is it your view that the Bill, as drawn, would exempt, or does not provide for the deposit of plans and notices?—That is so.

1240. Nor would it show the construction of so much of the walls as is comprised in the foundations, and the six inches above the ground level?—That is so, because it exempts it.

1241. And the other points you have mentioned?—Yes.

1242. Therefore, you think that the Bill ought to be amended if it goes forward in those particulars?—I do.

1243. You have nothing to say on Clause 4, I assume, because it does not make any change?—No, it makes no change.

1244. Have you anything to say with regard to the proposed exempted buildings to be erected with fifteen feet of space?—Yes, Clause 2, Subsection 1, says that a factory, if one storey, might be erected without submitting plans and all the other conditions. I think that ought not to be the case. I think we ought to have the block plan, and also the ground floor plan, because there would be a question there of exits. You might have a factory employing 200 or 300 people, and it might be necessary to know exactly what exits there were going to be in case of fire. Under that clause we should have no power.

1245. You might have a weaving shed, for example, which employs a good many more than 200 or 300 people?—Quite so, and that could be built in the middle of a field.

1246. I understand you think that the section you have just referred to, enabling the proposed exempted buildings to be erected within fifteen feet

Chairman—continued.

feet of stables, and other office buildings, is objectionable, and unfair to adjoining owners. In what sense do you mean it is unfair to adjoining owners?—A man might build, under this exemption clause, a wooden building as a house, and have the condition of the space. Another man might come and erect another house right on the boundary, and he might erect his house against the outbuildings belonging to another house, and that is rather objectionable on sanitary grounds.

1247. I understand you to say, supposing a man built a cottage under the power of exemption proposed by the Bill with fifteen feet of space, and another man comes and builds on the adjoining land and puts his outhouses or his stables or other offices on the boundary, that would be unfair to the man who had built the cottage?—That is what I said.

1248. Have you anything to say with regard to the court of appeal suggested by Mr. Justice Grantham?—I think, in certain cases, a court of appeal might be useful in rural districts but I do not think it should be composed of the county council.

1249. Whom would you have it composed of?—I think it should be composed of, say, members of our own association—some of the leading members—leading surveyors and architects of experience.

1250. But you would want a court of appeal in each district?—You might divide the country into so many districts with such people appointed to act as a court of appeal.

Lord *Kenyon*.

1251. Would not that be rather an expensive tribunal?—I do not think it would be wanted very much. There is not that amount of friction throughout the country that has been made out.

Chairman.

1252. Would not there be a difficulty. You for instance, are a surveyor practising in the district, and would not that almost make you ineligible for either being a member of the court of appeal, or *vice versa* when you became a member of the court of appeal you would have almost of necessity—you and your firm, supposing you had partners—to give up work in that district which might be the subject of appeal?—I should get over that somewhat in the same way as you do in an arbitration case. You very often go right away for an arbitrator, so that he has no connection with the district at all.

1253. Then you are going to have a ourt of appeal assembled from a great distance in order to obtain a decision independent of local associations. That would not only add to the expense but considerably to the delay?—There need not be many members. Not more than two practical men.

1254. I take it that your preference for surveyors and experts is on the ground that they know, as experts, what possibly the members of the county council would not?—Quite so. Entirely on the ground of experience.

1255. Have you any choice or preference for the county council, or for those surveyors, against a magistrate's court?—Failing my suggestion, the clerk and surveyor to a county council would make a very good court of appeal.

1256. Are they wholly employed by the county council?—That is the difficulty. Many of them are not, generally the opposite in a county.

1257. Then they would be ineligible?—They would.

Lord *Hylton*.

1258. The medical officers of the county councils are obliged to give their whole time?—That is becoming the custom. The old ones are not. The new ones are.

Lord *Kenyon*.

1259. Surely no council would like to delegate that power to one of its own officers? I do not think any county council would stand that. Have they the legal power to delegate such an authority to their own officer?—They may not have, but this Bill may cover it.

Lord *Burghclere*.

1260. Would it not be possible for the county council to set up some committee of its own body which would be such as you would trust, failing your own plan being put into execution?—Certainly, guided by their own officers—the clerk and surveyors—they would no doubt make a very good body. My one point is that, from my experience of various districts—and I think it is the experience of very many surveyors holding appointments—there is not a great amount of friction, certainly not that amount which has been made out, considering the thousands and thousands of buildings erected throughout the country. I have never had any trouble myself.

Lord *Hylton*.

1261. Have you heard any of the evidence?—No, I have not. I came up last night.

1262. I think you would alter your opinion if you had heard it?—I am speaking from over twenty years' experience and following the cases very closely.

Chairman.

1263. I observe in this report that you made to the Local Government Board after consideration as you have described, you refer specifically to the bye-law No. 3 of the Chelmsford Rural District Council—the code which I presume is the one referred to by the last witness—as one for adoption?—Yes. We had the surveyor of that district on the committee and, of course, we had his opinions expressed, and we thought it was a very useful clause.

1264. Apparently

Chairman—continued.

1264. Apparently you shared his opinion? We did, but we have improved that clause you will notice.

1265. Improved it in the sense of restricting it or extending it?—Extending it a little. There is a copy on the table.

1266. The addition which you suggest is the following words: "Each external wall of which, except such part thereof as is subject to the condition hereinbefore specified, shall consist of some suitable material of adequate strength to secure perfect stability, and constructed to be weatherproof." Is that an addition or a substitution for something?—An addition.

1267. It is restrictive in the sense *qua* cost, that is to say, with these additional words inserted they would not be able to permit a building to be put up of materials other than as specified, and therefore it might lead to greater cost?—The intention of the committee was to allow of a building under certain conditions being erected of any material so long as the building is of proper stability and weatherproof.

Lord *Zouche*.

1268. It might admit of timber building?—It would do. That is the intention of the Committee. We quite thought it ought to be so.

Chairman.

1269. Would not the exemptions permit of wooden buildings as they stand without those words added?—We did not think it went quite so far as the Committee intended it should.

1270. Have you anything to say with regard to expense?—I say it is not the operation of the bye-laws which has altogether added to the cost of the erection of the buildings. The increased cost of material, and the increased cost of labour, and the making of streets, and the increased value of land have all added to the extra cost of buildings throughout the country to a large extent.

1271. With the exemptions provided by the Bill, supposing the Bill became law, what is the difference in cost of building a cottage of any given type with the advantages conferred, if any, by the legislation proposed by the Bill, compared with the cost of building a cottage of light character without the Bill?—The Bill, as drawn, would, in my opinion, allow of almost any sort of shanty being erected. If it was modified to suit my views a building would not be more than ten per cent. cheaper than if erected with bricks. I do not think, in a wooden building, you save much if you are going to make a proper building, or a decent one to live in.

1272. Wood is not much cheaper in point of fact than brick?—No; not if it is to have the foundations and damp courses and those sort of things. I do not think it makes a difference of ten per cent., and against that there is the upkeep.

1273. Does that apply to the cost of land?—It would not pay anybody to erect wooden buildings in urban districts; the land would be too dear. You could not sacrifice your land. It is all right in rural districts where the land is cheap.

1274. Taking a rural district under the Bill, a man would have to provide for each cottage a larger area of land, and therefore the ten per cent. saving would not apply?—It would be wiped out in the land.

1275. Is the ten per cent. in the sense in which you use it, restricted to the cost of the building?—It is.

1276. And includes both labour and material?—Exactly. I have not gone into it in detail. I am speaking generally.

1277. Have you anything further to say with regard to the expense?—I think not.

1278. With regard to friction, you do not share the view that there has been great friction?—I do not at all, because I have not had any trouble myself. I have had experience in four cities.

1279. The members of your association at this Conference must have been in touch with almost every district?—Yes, and we have not had many examples of much friction. I also might add that I read a paper, as the result of this report, giving my views only a fortnight ago at Norwich at the annual meeting, and in the discussion nothing was mentioned confirming much friction at all. Nobody said much about it.

1280. With regard to the unsuitability of the bye-laws, have you anything to say? What does it mean in the first place?—"The unsuitability of bye-laws to the needs of the district in which they are in force." I take it refers more particularly to the rural districts, and they would like to do away with many of the bye-laws. On the other hand the Association who I believe are promoters of the Bill have themselves prepared a set of bye-laws for rural districts very much on the lines of the model bye-laws.

Lord *Kenyon*.

1281. On the line of 4a?—Yes. In their second annual report they submit a copy of the draft bye-laws.

Chairman.

1282. I do not understand that they think it would be desirable to abolish bye-laws. I understand they do not put it higher than that, in some situations bye-laws, which may be very good, speaking of them generally, are either not necessary or are inapplicable to the particular circumstances. They propose to exempt certain parts of the bye-laws or certain bye-laws which affect the question of construction and material?—Quite so, and under certain conditions, as mentioned in our report, there is no objection.

1283. You say "the Bill, if allowed to become law, will open the door for the erection of buildings of a very objectionable class. Sanitation is scarcely sufficient in itself for the class of buildings contemplated. They should be watertight and healthy to live in." Have you anything to add to

Chairman—continued.

to that?—No, but one of our witnesses—one of the rural surveyors—will be able to speak on that point.

Lord *Hylton.*

1284. As to wooden cottages you said you thought they were not 10 per cent. cheaper to build than brick and stone. Presumably the old wooden cottages one sees in different parts of the country were built of wood and weather-boarding, and so on, because they were cheaper to build?—It does not follow.

1285. Why then were they built?—There may be many wooden buildings which were built because timber could be obtained easily.

1286. Then I suppose they were cheaper?—Those days are not now. Things are so different.

1287. There is still timber grown in this country in certain places?—Not much that you can rely upon for buildings in any district.

1288. The last witness spoke of weather-board cottages in Essex, and gave a very good character to them. Do you see any objection to them if people want to build them, and if people have a fad to build them?—Those are built under my suggestions. The bye-laws in Chelmsford are on the lines of what we suggest this Act should be. That is where the 10 per cent. comes in.

1289. If your contention prevails, where anybody has a fancy for building a wooden cottage he ought not to be allowed to do so?—No, we quite agree he should be allowed to build one or to build a building of concrete or of other materials. There are one or two other materials—"uralite" is one. I have had that in view myself. If allowed, it should be under the restrictions as regards plans, damp courses, foundations and concrete if necessary. If those conditions, which we lay down in our report, are carried out we see no objection, provided that there is proper air space and distance away from the adjoining buildings.

Chairman.

1290. Could not that be done under the Chelmsford bye-laws?—I take it, it could there, but not in many districts. I should do it under my bye-laws, which were made over fifty years ago. I can do pretty well anything under them.

Lord *Hylton.*

1291. I do not quite follow. When you speak of one man building a cottage, under this Bill for instance, and an adjoining owner coming and building an outhouse on the boundary, you said that would be unfair?—I think it would be better if another witness answered that question—the surveyor of Chelmsford, Mr. Dewhurst.

1292. You made a statement on that point, and I wanted to find out what it meant, because I do not understand that anybody can prevent his neighbour building up to his boundary. I have never found it so?—No, he cannot.

Lord *Hylton*—continued.

1293. Then, if this Bill became law, there would be no difference to the existing law on that point?—No.

Chairman.

1294. Unless you think fifteen feet too little?—We might vary on the question of distance.

Lord *Kenyon.*

1295. I understand it is not your point?—It is hardly my point, though I brought it forward. The Chairman was asking as to our letter—which gave the views of more than one.

Lord *Hylton.*

1296. You said you wanted to secure cottages or houses that should be healthy to live in, and, if any Bill of this kind became law, I suppose that opens up an immense question, because people may be unhealthy who live in very good houses, and *vice versa*?—Of course.

1297. Do you think any legislation can absolutely insure the people living in any class of house?—It perhaps does not do that, but it would insure the house being healthy to start with. If they made it unhealthy afterwards I am afraid you could not do anything to get over that. That is a matter that comes under the medical department afterwards.

Lord *Digby.*

1298. Did you say you had built cottages in "uralite"?—No, I said I had one under consideration myself. I was going to build myself a bungalow on those lines, but that was prohibited under the bye-laws.

Chairman.

1299. It is not very warm, is it?—I do not know by experience. I am told it is all right. I have built hospitals of corrugated iron.

Lord *Kenyon.*

1300. You approve of the Chelmsford bye-laws?—I do. I wanted to say that, as regards certain remarks made of late respecting the competency of officials—they may have been made during the evidence on this Bill—the association to which I belong hold an examination twice a year with a view of giving a certificate to say that those examined are competent to undertake the duties to which they are elected. I wish to mention that that is one of the objects of the association—trying to get competent officials throughout the country.

Chairman.

1301. You, in fact, give testimonials of competency to one another?—By examiners. The examiners are the old members and the practical men.

1302. In

Chairman—continued.

1302. In some of the rural districts and perhaps even in some of the urban districts, there is no professional man appointed as a surveyor?—That is so in many cases.

1303. That was the point that was referred to. There are cases, however, you would say, where, under the existing organisation, perhaps, the criticisms would apply?—Yes, that would be got over by amalgamating districts, and then you could appoint a competent man in the same way, as many districts are amalgamated now, for the appointment of medical officers of health.

1304. You would object probably to being told that you were to be amalgamated with Birmingham?—We should be too large for that.

The witness is directed to withdraw.

After a short adjournment.

MAJOR PATRICK GEORGE CRAIGIE, C.B., is called in; and Examined as follows:—

Chairman.

1305. You are connected with the Board of Agriculture?—I am Assistant Secretary to the Board and in charge of the Land Division in which the Lands Improvements Acts are worked.

1306. We have had some evidence which points in the direction that cottages built under the Board of Agriculture are exempt from certain bye-laws?—Perhaps I may explain the position. The Board is only concerned with cottages erected with borrowed money under the Lands Improvement Acts. When applications are made to the Board on these forms, of which I will put in a copy, the Board has to inspect the plans and inspect the actual work, and then sanction the charge made on the property on which the cottages are built. Only in those cases does the jurisdiction of the Board arise. So far as it concerns the interference of our powers of inspection with the bye-laws of local authorities, that again only arises in this way, where the bye-laws of the Local Government Board happen to have been adopted by the local authority containing a particular clause which I have here, which exempts from the operation of these building bye-laws such cottages as have been passed by the Board of Agriculture under the Lands Improvement Act.

1307. Is that under one of the recent models—4 or 4a? What is the date of it?—This is reprinted in 1901, part No. 4, page 9, under the heading "Exempted Buildings," Bye-law No. 2 of sub-head (*f*).

1308. "Any building erected or to be erected according to plans previously approved by the Land Commissioners for England or the Board of Agriculture or the Board of Agriculture and Fisheries under the Improvement of Land Act, 1864, or other Act or Acts for the improvement of land." Is that a bye-law issued by the Local Government Board?—That is a model bye-law which may be adopted by the local authority. In these cases where the local authority adopts, as many have done, these model bye-laws, then our inspector's examination exempts from compliance with the terms of the bye-law. I should explain our custom is to have regard to the permanence of the work. We are to look to the interest of the remainder-man on the property and to see that as regards any moneys expended on the erection of the cottages, that the cottages are well and permanently made for the benefit of

Chairman—continued.

the property over which the charge is to be spread for it may be forty years. I have here the instructions we issue for the erection of buildings.

1309. When you speak of inspection, do you mean inspection during progress of construction? The first stage is, the plans are submitted to the Board. These are inspected in our office and I have brought with me here our superintending surveyor in case the details of this inspection should be desired. They are then remitted, with such observations as the Board desire to make, to our local inspectors in the country, who inspect the site before the work is begun and make any further suggestion. They are again submitted to inspection before the Order is finally passed and approved, and, before any absolute Order is issued at all. So there are two inspections on the spot by the Board besides inspections of plans.

1310. So far as concerns the examination of plans and the care taken as regards the quality of the construction of the building, it would appear as though there was just as much examination and care taken with regard to your plans as with regard to the ordinary plans?—I should imagine rather more than the ordinary care, for each case is examined on its own merits.

1311. That would be the justification for the Local Government Board exempting these plans from the local authorities?—Quite so, because this is really, if I may say so, almost a council of perfection. We look to see that the work is very substantial and very good. It may be in excess of the local bye-law requirement.

1312. It has been urged upon us as though cheaper buildings could be erected in district A if erected under the arrangements which you have described than could be erected in the same district under the bye-laws but not subject to you. Why should they be cheaper in your case than in the other case?—My own impression would be that that would hardly arise in practice. We have been concerned at the Board, in the last few years, with the growing cost of cottage building. We used to have a maximum some years ago and we have gradually had to extend that maximum on pressure from landowners and others wishing to charge their estates with more and more expensive cottages. No doubt, owing to the growing cost of labour in building cottages, our maximum at present is higher than it was some years ago, but we make every endeavour we can to keep down

Chairman—continued.

down the cost, so as not to burden the estate unduly, having regard to the permanence of the work.

1313. Of course you are concerned in trying to keep down the amount?—To keep down the charge subject to the fact that it must be a substantial building.

1314. What is your maximum?—At the present time for a couple of cottages I think £520 is the highest figure we have ever gone to.

1315. Semi-detached?—Yes, in a block.

1316. That is high?—That is a high figure. Many, of course, come under that figure. I might mention that we have, from the beginning of the operation of the Act, sanctioned over £1,200,000 in cottage building. A few years ago the figures shown in our annual Report were pretty considerable for the year, but last year not much more than £6,680 for cottage building came before us under these Acts.

1317. When was the Act passed?—The Improvement of Land Act was passed in 1864, but the work of the Board, as successors of the Enclosure Commissioners, goes much further back, The first Act for the improvement of land was passed in 1845.

1318. Have you been passing these cottages for the last twenty years?—They have been passed since the year 1849. I have a table showing the amount passed each year. I will put that in if I may.

1319. What was the cost in 1840?—I am afraid I could not answer without seeing the individual details. The returns only give total figures for the year. I have here our superintending surveyor. If you would like to know, I do not know whether he can give it. Within the last fifteen years, I understand, we have increased from £450 to £520 for such a block as I speak of.

1320. That is £70 increase for the pair?—Yes, in about the last fifteen years, speaking roughly.

Lord *Digby*.

1321. That is the maximum—not the average?—The maximum. Of course many cottages are built for less than that figure.

1322. Is the tendency nearly always for them to reach the maximum?—There is a tendency now, I think, for them to approach the maximum, if not to go beyond it, and I have had, in several cases, to resist the application that the Board should go beyond the maximum.

Chairman.

1323. Do you ever send them back because they are too costly?—Yes, to have the plans revised or because the charge sanctioned would not reach the whole figure. That is the leverage we have in the matter, but the plans are very carefully examined, and, if we have any suggestions to make, our inspector not only points them out but consults with the local agent whether they might be improved in point of cheapness, and so on.

Chairman—continued.

1324. Does the maximum you speak of include the cost of land?—No. As a rule the cottage is on the estate.

Lord *Hylton*.

1325. Always?—Yes, the cottages must be on the estate.

Chairman.

1326. This £520, exclusive of land and possibly exclusive of roads, is surely a very high figure?—It is a high figure. I think so myself, but the construction of those cottages, built in that way, is not only done with a view to actual accommodation, but sometimes with a view to the appearance of an estate. Many landowners wish to have very good-looking cottages.

1327. Have you a minimum number of bedrooms?—I will put in the regulations which I have brought with me. They vary in different parts of the country. These are the building instructions which we issue for England and Wales. We say that "three bedrooms should be provided in each labourer's cottage, neither of them being a passage room to another." That is one of our regulations.

Lord *Kenyon*.

1328. Do not you make some exceptions for two bedrooms in certain cases?—There may be exceptional cases taken into consideration in some parts of the country, but they are very rare. We try to avoid exceptions if we can.

Chairman.

1329. According to what you have been good enough to tell us, I do not see any justification for the popular view that there is so much advantage in avoiding the bye-laws in order to build under you, so far as the question of cost is concerned?—I think there may be a consideration present to the minds of some of those who use that argument, that every individual case is considered by us on its merits, and not merely in reference to a compliance with a general rule. We have our instructions and every plan is also examined, and there may be local conditions which would weigh with us in passing it, which would not be considered in local bye-laws.

1330. Would you permit the erection of wooden houses?—No. They would not be sufficiently permanent for this Act. On that point perhaps I might read this regulation: "All buildings must be erected in a substantial and durable manner of good materials, a sufficient supply of water provided and the source fully described." Particularly, the quality of the stone must be set out, and in case of bricks, description and quality have to be specified.

Lord *Hylton*.

1331. I am afraid it is the fact that the system of paying back the capital and the interest in instalments is very costly for the tenant for life, and that

Lord *Hylton*—continued.

that accounts very largely for the decrease in the number of applications. Do not you think so?—To some extent that may be so. I think there are other causes at work; for instance, the work may be done under the Settled Land Act as well as the Improvement Acts, so it does not come to the knowledge of the Board in the same way now as it did many years ago. Our regulations are undoubtedly strict, and the period for repayment is provided by Statute.

Chairman.

1332. What is the period for repayment?—The maximum is forty years. The rate of interest varies from time to time according to the companies who advance it.

Lord *Hylton*.

1333. It comes out to about 8 per cent.?—Not quite that.

1334. And you get 2 per cent. for your money?—The companies advance the money, and make their own charges according to the rate of interest. We advance no money, but merely sanction the charge and pass the plans.

The witness is directed to withdraw.

MR. WALTER WEBB, is called in; and Examined as follows:—

Chairman.

1335. What position do you hold in the Board of Agriculture?—I am Superintending Surveyor.

1336. Major Craigie has told us what the maximum amount permitted is. Do you know at all what the minimum amount has been?—It varies in different counties. In Norfolk they build cottages about £350 a pair, and when you get to Northumberland it is £520. Northumberland and Cumberland are the dearest counties; Norfolk is the cheapest.

1337. Why is Northumberland so dear?—Because of the stone, for one thing.

1338. Stone is dearer than brick in point of building?—Yes. Then in Norfolk it is on gravel to a great extent, and there is no need for concrete. That is a saving.

1339. Are they principally brick cottages in Norfolk?—Yes.

1340. Do you permit any wooden houses to be built?—No.

1341. Is any concrete used except for the foundations and under floors?—We should not insist on concrete where the Inspector reported that the soil was so good that it was unnecessary.

1342. Does this cost include drainage?—Yes, everything to make the cottages complete.

1343. And it might include access from the cottage to the road?—It might, but, as a rule, they are on a farm road or highway.

1344. We gather that this cost is exclusive of the value of the land?—Yes, they are usually erected on the estate.

Lord *Stanley of Alderley*.

1345. Would it include a water supply?—Yes, The Board only sanction £520 to include everything really.

Chairman.

1346. The cottage would not be sanctioned unless a water supply was available?—That is so.

1347. It might not add anything to the cost in a particular case, but it must be there?—Of course, fencing is very often an expensive item—as much as £30 sometimes for a pair of cottages—good oak fencing.

Chairman—continued.

1348. Are they built side by side, semi-detached in that sense?—As a rule.

1349. Not back to back?—No. In a block of more than two we only allow £250 each; you get three walls to two cottages; whereas if you built twelve you only get thirteen walls, so there is a reduction of £10 a cottage in the case of a block.

1350. Do you permit more than two cottages in a block?—Yes, in the case of miner's cottages we have passed perhaps a dozen.

1351. Are you able to say whether the examination of the plans, and the requirements of the Department, would be as great as the local authority would require?—I should say so, quite as much as regards construction. If I might explain a case in point within the last few weeks where a difference arose between us and a local authority as regards passing the plans. This was a case where a landowner wished to build five houses fronting the village street, but at the rear was a blacksmith's shop, the angle of which would have just come within the fifteen feet from the back of the cottages. The local authority wished to object to the plans on that ground, but as the blacksmith's shop was only a one storied building with miles of open country behind the Board passed the plans. If there had been no Board the possibility is the cottages would not have been erected.

1352. Because they would have been contrary to the regulations?—Yes, the Board thought it a trifle unreasonable. It only projected a few inches—only the angle of the building—so there could not be any question of open space when there were miles of open country in the rear.

1353. With your experience, would you endorse the view that has been put forward that cottages built under the Board of Agriculture are cheaper, or can be cheaper built than under the bye-laws ordinarily?—I should not like to say that, but I think the money would, perhaps, be laid out to greater advantage. For instance, a bye-law might say that twelve inches of concrete was

Chairman—continued.

was required, and, if they went according to the local authority, it would be done, but supposing our inspector reported that the soil was such as did not require it, we should save that concrete.

1354. The point you claim for your system is that you do examine the particulars of each case, and in that sense there may be some little saving?—That is so.

1355. Whereas the local authority would apply a general regulation to all?—Yes.

Lord *Zouche.*

1356. Do you always insist on an examination of the site of the proposed cottage before you pass the plan?—Yes, the local inspector does that. The plans are examined in London and then sent to the local man in a particular district, and he meets the agent for the landowner on the site. There are many important points involved in the selection of the site. They very often report to us that they have found a better site, and we make a suggestion to the landowner, which he very often adopts.

Lord *Stanley of Alderley.*

1357. How many local inspectors have you?—For Great Britain probably fifty. There is one to every county or every two counties according to the size of the counties.

Lord *Digby.*

1358. Is fifteen feet the usual limit you allow between cottages?—Our regulations do not state the space at the rear at all—it is the local authority who say fifteen feet, but the case that I cited was in a village, and the blacksmith's shop came slightly within the fifteen feet.

Lord *Hylton.*

1359. You judge every case on its own merits, in fact?—That is so.

Lord *Kenyon.*

1360. To what scale have the plans to be drawn?—Eight feet.

1361. And block plans besides?—Yes, block plans, sections and elevations; quarter scale is of course better, being much larger, but the rule is that they must not be less than one-eighth.

Chairman.

1362. With regard to the examination of each case on its own merits and the special examination of the site of which you have told us, does the cost increase with the amount of work you do, or have you a scale of charges or percentages which cover all cases?—A scale of charges. The inspector gets three guineas a day whether he goes to see a pair of cottages which cost £500 or farm buildings that cost £5,000.

1363. Therefore, three guineas would be the charge against the pair of cottages?—That is so. It would be included in the charge on completion—all the contingent expenses. The Board charge a fee of 10s. per cent. on the value of the work for what they do.

1364. Therefore, the, person wishing to build the cottage and to borrow the money knows the amount of charge which will come against him?—Yes.

The witness is directed to withdraw.

MR. JAMES DEWHIRST, is called in; and Examined as follows:—

Chairman.

1365. You are the surveyor to the Rural District Council of Chelmsford?—Yes.

1366. What have you to say against this Bill?—From the standpoint of rural district councils I think the Bill is objectionable, because in the first place, it does not provide for the deposit of any plans. Take, for instance, Chelmsford, comprising an area of 70,000 acres. How am I to supervise the sanitary clauses provided for in this Bill, unless I have some intimation that the house is going to be built? If in an isolated district it might be begun and partially finished before I had an opportunity of seeing it. Therefore in my opinion, in the first place simple plans and sections ought to be deposited with the local authority. Some simple bye-laws, perhaps, ought to apply to every district and they ought to include the provision of sufficient air space and proper ventilation for the building, with its damp course, ventilation, under-floor, and possibly its stability. Unless plans are deposited, it is very easy, as we have experienced in Chelmsford before the adoption of our bye-laws, for persons to come down and erect buildings for human habitation made out of old packing cases with no floor whatever, and no sanitary conveniences. We have also had dumped down railway carriages which have been used for human habitation. Those were some of the cases which led to the adoption of bye-laws, and, under this Bill if it were to become law, such things can be done again. A man might erect a substantial house on one plot of ground and somebody might come down and on the immediately next plot erect a building of packing cases which would, of course, be detrimental to the man who erected a substantial building, and unfair to him. Then there is a provision with regard to a party wall between two houses where two houses are built together. The Bill provides that there should be a party wall of fire-proof material. I think that might be open to great abuse, because you might have

Chairman—continued.

have a party wall of asbestos a quarter of an inch thick. If a party wall is necessary between two buildings it ought to be of a substantial character.

1367. What purposes does a party wall serve?—To divide one dwelling house from another dwelling house.

1368. But, in this particular case, the two houses are built by the same owner; a party wall has to be left if you pull down one half of it?—Yes;—that would naturally arise if one house was pulled down, but, if a party wall of that description that I indicate was put up, you could not insure common decency between the occupiers of the two cottages. You might just as well be in the same room.

1369. Which is the clause you refer to when you speak about the possibility of asbestos?—Clause 2, sub-Section (4)—"For the purposes of this Act two dwelling-houses separated by a party division of fire-resisting material shall be deemed to be a single building."

1370. You think it might be construed that asbestos was a fire-resisting material?—Exactly.

Lord *Stanley of Alderley.*

1371. You say it ought to be a substantial brick wall?—Yes, between the two dwelling houses.

Chairman.

1372. What is your next point?—I think if the Bill could be amended on the line somewhat of the Chelmsford bye-laws, whereby a building other than of brick and stone might be erected, it would meet the case of rural districts. To some extent, in the district that I represent, buildings have been erected with proper foundations and with walls of materials other than brick and stone.

1373. What is the material?—We have had them erected of woodwork covered with weather-boarding, woodwork covered with corrugated iron, iron trellising filled in with concrete and wooden framework filled in with concrete.

1374. There was a point raised by one of the witnesses, which perhaps you can answer, about a clause enabling the proposed exempted buildings to be erected within fifteen feet of stables and other offices being objectionable and unfair to adjoining owners. Are you able to throw any light upon that?—The point that I raised was that where a substantial house was built, and, if this Act were passed, another owner of property immediately adjoining might build such a class of building, which would materially depreciate in value the adjoining house.

1375. He can do that with or without bye-laws?—Not to the same extent.

1376. But he could build a building which was hideous in appearance, or even a public house?—That is so, but not to the extent that a building built with packing cases would.

1377. We thought it meant something more than that—that the stables mentioned indicated that you might put objectionable buildings there, and there might be a nuisance; but you mean as regards structure?—Yes.

1378. Have you anything further that you want to call attention to or any other point you want to make?—I think not.

Lord *Stanley of Alderley.*

1379. What do you say as to Section 5—power for any five ratepayers, if they can, to persuade the Local Government Board to set aside the bye-laws in force?—My experience of the Local Government Board is such that I should have every confidence in appealing to them.

1380. You think they would be very unlikely to set side the wish of a local authority on the representation of five ratepayers?—So far as I have had experience of the Local Government Board, they have met every reasonable requirement of the district that has appealed to them. I mean with respect to new bye-laws or modification of old bye-laws.

1381. That is not quite the point—no doubt they will if the local authority apply to them; but are you in favour of allowing them to over-rule the local authority, if they can be put in operation by five people?—I think the number of five is too small.

1382. Have you thought about the question of appeal, if there is to be appeal from the local authority for a hard or unreasonable administration of its bye-laws, whether there might be an appeal either to the Petty Sessional magistrates or to the county council acting through a committee?—I think a court of appeal would be of the greatest assistance. As to what course it should take, I am afraid the county council would be influenced too much by local opinion. They would be living in the same district.

1383. Have you thought about the question, firstly, that there should be an appeal, and secondly, what the tribunal should be?—My own opinion is that the appeal should be to some body or bodies elected in various parts of the country, consisting of men of experience in building matters who would, from their profession, have no pecuniary interest in building.

1384. Something like the district surveyor and the other authorities in London; they pass plans and are not a court of appeal?—I mean, perhaps, members drawn from the Royal Institute of British Architects, and perhaps some other bodies not directly interested in bye-laws or in building operations.

1385. You do not think a county like Essex could appoint a committee of three or five of its members who could be a court to hear appeals from the administration of building bye-laws by the various districts councils?—I see no reason why they should not. I think there are sufficient expert people in Essex to constitute such a body.

1386. They would try to get five of the best and most competent people?—I think they would.

1387. What

Lord *Zouche.*

1387. What is your opinion about the five ratepayers putting the Local Government Board in motion ?—I have already said I consider five too small a number.

1388. How would you remedy it—by having a greater number, or by some other machinery ?—By having a greater number.

1389. About how many ?—I think that would be governed by the size of the district. Twenty, I think, ought to be the least number to set the Local Government Board in motion.

1390. One sees from the clause that, as it stands, the Local Government Board is obliged to act upon their suggestion, and to hold an inquiry ?—Yes.

1391. Would you alter that. As the clause stands, the hands of the Local Government Board are forced ?—I do not think there would be any great objection to that. They would simply send an inspector to hold a local inquiry and judge from the evidence he took as to whether it was a good thing to do or not.

Lord *Stanley of Alderley.*

1392. At present, if a local authority comes down upon an intending builder, and says : "You are over-riding our bye-laws," and if he defies them, they can take him before a magistrate and apply to have the whole thing pulled down, and the man who builds is at the mercy of the magistrates. The Bench may dismiss the complaint as frivolous, but they generally support the local authority. Would you think it desirable that the man should have the power of giving notice to the local authority that he challenged their interpretation, either as contrary to the law, unreasonable, or pedantic, and that before he goes on building he should be able to get at once the decision of a magistrate on that ?—I am afraid I do not quite follow the question.

1393. If a man begins to build and violates some bye-law, or is charged with having violated the bye-law—building perhaps one foot nearer the centre of the road or doing something—the local authority could give him notice that the plans had not been passed, and, if he builds, they take out a summons and ask the magistrate to order the pulling down of all that he has built ?—If it is contrary to the bye-laws.

1394. But sometimes if the magistrate thinks the thing too trivial he will refuse to make an order and dismiss the case ?—Yes.

1395. But the man has to run the risk in doing the building. Do you think the man ought to be allowed, if he wishes to challenge interpretations either as contrary to law, too pedantic, or too technical, to say : „ Take me before the magistrate before I start building"—and plead his case then ?—But, if a man begins to build before his plans are approved, he does so at his own risk.

1396. But at present the man has to run the risk of perhaps having to pull down the whole building. Do you think he ought to be able to say if there is a conflict : "They will not pass the plans, I will appeal at once to the magistrate" ?

Lord *Stanley of Alderley*—continued.

—I think in justice to him he ought to have the earliest appeal to any court possible.

Chairman.

1397. He has not an appeal at all in such a case. It is clear the local authority may prosecute a person who contravenes the bye-laws or proceeds with the erection of a building the plans of which have not been passed. They take him before the magistrate; but suppose they refuse to pass his plans, as Lord Stanley has said, has that man the power to say to the local authority: "You refuse to pass these plans. I believe them to be all right, and therefore I will take you to the magistrates and ask the magistrates to decide ?" Is there any power of that sort ?—No, my Lord. His course is to go on with the building.

1398. That is exactly the point put. There needs to be some remedy for the man aggrieved. The man says : "I believe these plans to be all right and satisfactory. You refuse to pass them. I want to have the case decided before I begin building." But there is not, so far as I know, any machinery to enable that to be done at present ?—No, none whatever. He goes on and lets the local authority take the first step.

Lord *Zouche.*

1399. What is the present procedure in the case of alteration of plans. Supposing the plans had been passed, and the work begun, and for some reason or other, we will suppose a perfectly justifiable reason—the plans want to be altered, what happens then ?—In my practice, if there is a very minor alteration and no building bye-laws are infringed, I see the architect, or builder if no architect is employed, and we agree to it between us, make the alteration on the plans, and endorse it.

1400. Supposing it were a substantial alteration ?—In that case I should see the architect or builder, and inform him that the alteration was of a substantial character and he ought to submit a supplementary plan showing the alteration.

1401. That would come before you or the authority for confirmation or not ?—Yes.

Lord *Stanley of Alderley.*

1402. But practically you use your own commonsense in a trivial thing and then report ?—I try to.

Lord *Hylton.*

1403. The last witness mentioned a case of a building which would be just contrary to the bye-law—a blacksmith's shop being just within the fifteen feet. According to your bye-laws you would not have allowed him to build ?—We should.

1404. Do you claim a dispensing power in Chelmsford ?—We do not claim it but we exercise it.

Lord *Hylton*—continued.

1405. Then you are doing what is illegal ?—Quite so.

Chairman.

1406. You are prepared to take the penalties of doing so ?—We are in a trivial case like that.

Lord *Hylton.*

1407. You were talking about a man who builds a good or fair house on a certain small plot of land, and you think it a grievance that his neighbour should build an inferior dwelling ?—No, not inferior, but a building without any pretensions to the laws of health or sanitation.

1408. This Bill provides for the case of sanitation ?—I do not agree. It provides for sanitation,

Lord *Hylton*—continued.

but there is no machinery made whereby the local authority shall know that a building is going up. How can they exercise supervision over sanitation if no notice of intention to build is given.

Chairman.

1409. That is a question of depositing of plans ?—Exactly.

Lord *Hylton.*

1410. Supposing a man builds on a plot of a quarter of an acre of land you recognise that he cannot exercise any appreciable influence over a large area adjoining ?—Yes.

The witness is directed to withdraw.

Mr. FRANK MASSIE, is called in; and Examined as follows:—

Chairman.

1411. I understand you represent more or less the same association as the former witnesses represented, and you have heard their evidence ?—I have.

1412. Do you generally endorse it ?—Yes, I generally agree with what they have said.

1413. Do you want to add anything to it. Are there any points that they missed that you want to make ?—I would like to add briefly that there is no real demand in the populous mining districts of the West Riding of Yorkshire for this Bill. We have very few complaints, and what complaints there are, are not so much against the brick or stone buildings but more especially against the strength of timbers. The strength of timbers is specially objected to in the case of roofs. The Local Government Board in the case of my district in 1890, insisted on particular strength of timbers; although we tried all we could to argue the matter out with them and to persuade them to grant us a personal interview to use even more persuasive powers than we could by letter, they distinctly refused. They said they were advised that those strengths were absolutely necessary and we must either take them or leave them.

1414. You wanted to adopt a lighter strength of timber ?—Much lighter—not only lighter but one that the builder can buy in the market any day. Not a particular strength which he finds has to be specially bought for him—what we call ordinary deals instead of what they call timber sizes. To get over it as a matter of fact I should like to say that we have allowed them, instead of providing eleven by six timbers in the case of purlins, to bolt two eleven by three deals together and use them in that way. It is perhaps not strictly right but it was stopping building, in a sense, altogether.

1415. It is a stronger truss than the other in fact ?—It would be if it had an iron plate in the centre, but we could not afford to insist upon the people having an iron plate. In corroboration of what I have said as regards the no great desire

Chairman—continued.

for this Bill, the rural district council of Wakefield invited quite recently eighteen different firms of architects to point out where the bye-laws infringed on what you might call the liberty of the architect in dealing with his building, and also where they became costly. Only six out of the eighteen responded, and, in those cases, the strongest objection was the strength of the timbers for the roofs.

1416. That would not have been touched by this Bill ?—No. All our bye-laws would be simply swept away by this Bill; I do think myself that where so-called rural districts are within the vicinity of large cities and towns, it is essentially necessary that the houses and buildings should be built as substantially and sanitarily as they would be in the town itself, because nobody can tell in how few years that portion will not be looked upon with a covetous eye by the large city or town with which it is immediately connected.

1417. You are now going rather to the root of the matter, and if that were your view you would hold that in any district, however free from population it might be, no building should be put up except with an eye to buildings suitable to all thickly populated districts ?—I would not go quite so far as that. Of course, the West Riding of Yorkshire is perhaps peculiarly different in some respects, and Lancashire as well, to the more rural portions of England. What is to-day practically a rural district in a few years' time is, to some extent, a small town and some time after becoming a small town is included in an adjacent city.

1418. When were the bye-laws under which you are working issued ?—In 1890, previously to which we had the old model bye-laws, dated about 1878.

1419. Are you familiar with the Chelmsford bye-laws ?—Yes, I was on the Committee of the Municipal and County Engineers' Association.

1420. Are they more elastic than the ones under which you are working ?—Yes.

Chairman—continued.

1421. Do you think that is an improvement ?—Yes, but I cannot get the whole of the members of my rural district council to agree. I had this matter only last week before them, and they then were by no means unanimous in the adoption of those exemptions that are contained in the Chelmsford rules.

1422. Is that lack of unanimity due to a difference of opinion as to the advantages to be gained by greater elasticity ?—The strongest objection amongst them was on the ground that the working man had as much right to protection and to have as good and substantial a building as anybody else.

1423. But the workman, if he could have reasonable protection at 1s. a week less, would prefer that ?—I am afraid a great many of them would.

1424. But is it not reasonable ?—It is, no doubt.

1425. If you have 3s., it is all very well to say the thing is cheap at 4s., but if you have not 4s. you cannot buy it ?—And there is no doubt many of the working class will live in a 3s. house even although they could afford a 4s. one.

Lord *Hylton*.

1426. You said your bye-laws would all have been swept away by this Bill ?—There would be so many exempted buildings.

1427. Are there a great many isolated cottages and buildings ?—My idea would be that most people would build under this Bill in my district.

1428. Build either single or semi-detached houses ?—Yes.

1429. Is land dear in your district ?—It varies, up to 2s. 6d. a square yard.

1430. Would not the provision of this space round the houses rather tend against it ?—No, I do not think it would, because I do not think it is sufficient. It is only five yards in width, and you have only perhaps fifteen or sixteen yards in depth.

1431. You think they would all take advantage of the Bill ?—I think a good many would until they found the buildings cost more in repairs.

1432. Surely it is cheaper to build in a row ?—Certainly, a little.

Chairman.

1433. Are not most of the miners' cottages built in rows ?—Yes, up to twelve. There is one case I know of where there are fifty houses in one continuous row.

Lord *Hylton*.

1434. You think it is only if this Bill became law the houses would no longer be built in rows. It is not done in your district now, there are no detached or semi-detached houses ?—I wish there were. I think they are very much nicer than in a long continous row.

1435. Then you would be in favour of the Bill ?—I am to some extent certainly.

1436. The Bill only proposes to grant exemptions

Lord *Hylton*—continued.

in return for air space ?—Yes, but the air space is only on the side of the house. You have it already now at the back.

1437. In the middle of a row the middle house has not much air space ?—Except at the back and front.

Lord *Zouche*.

1438. Do you object to fifteen feet in the curtilage according to this Bill ?—I think it is not sufficient.

1439. What space would you have it extended to ?—I would start at a minimum of twenty feet at least. I think it is not fair to put anybody under the chance of damage by fire by having a corrugated iron building or wooden structure within fifteen feet of your house.

1440. You do not think fifteen feet would be enough protection against fire and sparks going across ?—No, I do not, especially if they are going to be allowed to use thatched roofs or anything like that.

1441. You suggest twenty feet ?—As the minimum, but that should depend, I think, entirely upon the district in which they are going to be built.

1442. How would you settle that if you have a different space in one place to that in another ?—In a rural district each township or parish is separate, and under the present conditions the Local Government Board grant building bye-laws for each separate township. They do not give you them necessarily for the whole, but collectively for each township; that is, they name in your bye-laws for what particular parishes they allow those urban building bye-laws to be adopted. In this case, I think, this difference of distances might apply. I have a little township in my district of 300 inhabitants. I have another between 3,000 or 4,000 inhabitants. The two districts are quite different.

Lord *Hylton*.

1443. Have you different bye-laws for these districts ?—Not at present, but I would be in favour of each district being treated on its own merits.

Lord *Stanley of Alderley*.

1444. If you had a township in the West Riding, of which there are plenty reaching up to the moors of, perhaps, 3,000 or 4,000 acres with a population gathered in the valley, where the high road goes, in a compact village—you would not say there ought to be building bye-laws in force for a house built on the moors as for a house in a compact village ?—It depends entirely how far the words "building bye-laws" would go. I think it ought to be built as substantially and as sanitary in every sense.

1445. Its sanitary conditions is covered by the Bill ?—Sanitary in the Bill simply means the provision of privies and ashpits, and also drains, but there are many other necessary sanitary provisions in connection with the erection of a new building.

1446. It

Lord *Stanley of Alderley*—continued.

1446. It prohibits overcrowding ?—No, it does not. There is no building bye-law that I know of which prohibits overcrowding.

1447. Other regulations do ?—You must take proceedings after overcrowding has commenced. Many members of the rural council want to argue with me and say: "These rooms are too small." There is no provision about size. A man can build nine feet square if he likes. There is nothing that I know of to prevent it.

Lord *Hylton*.

1448. A brick or stone house may be more insanitary inside from overcrowding than a weather-boarded cottage where perhaps only a couple of children or so live ?—It depends entirely on how the house is used.

1449. And who lives in the house ?—Yes.

Lord *Stanley of Alderley*.

1450. If a man built a house on the moors far from any house, you would not object to his thatching it, whereas you would in a village ?—No.

1451. It is not a question of one house or township, but the situation of the house ?—Quite so.

Lord *Hylton*.

1452. That is in accordance rather with the principle of the Bill ?—Yes, but it is very difficult to define what is the best thing to be done; what I really want to say is, that there is no great call for this Bill in the West Riding of Yorkshire so far as I know, and I act for very many rural districts and small urban authorities, besides the one I am officially connected with.

Chairman.

1453. When you say there is no great call for the Bill, does that mean that, in your district, the inconveniences which the Bill is supposed to remedy do not exist ?—No. I think, myself, we try and treat the people who submit their plans and build houses in as reasonable a way as possible. They send their plans and notices in and we try, by quick attention to them, to encourage them to do so. Friction is very often the fault of the particular surveyor or the particular man who wants to build.

Lord *Hylton*.

1454. Do you mean it is encouragement to build ?—Encouragement to send their plans and notices to comply with the bye-laws.

1455. You can encourage them before the magistrates if they do not send their notices ?—I do not think we have had one case during the ast five years.

Chairman.

1456. Where does your district extend from, and to ?—North and south of Wakefield, and east and west of Wakefield.

1457. Outside the borough ?—Yes.

1458. It includes Ardsley ?—It did do, but they have taken it away and also the township of Stanley.

The witness is directed to withdraw.

Ordered—That this Committee be adjourned to Friday the 14th of this instant July at 11 o'Clock.