

**A DIGEST OF CASES RELATING TO
THE CONSTRUCTION OF BUILDINGS
THE LIABILITY AND RIGHTS OF
ARCHITECTS, SURVEYORS AND
BUILDERS IN RELATION THERETO**

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A Digest of Cases Relating to the Construction of Buildings the Liability and Rights of Architects, Surveyors and Builders in Relation Thereto by Edward Stanley Roscoe

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EDWARD STANLEY ROSCOE

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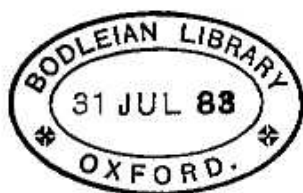
A Digest of Cases
RELATING TO THE
CONSTRUCTION OF BUILDINGS
THE LIABILITY AND RIGHTS OF ARCHITECTS, SURVEYORS
AND BUILDERS IN RELATION THERETO,
WITH NOTES;
AND AN APPENDIX
CONTAINING
FORMS OF PLEADINGS, BUILDING AGREEMENTS AND
LEASES, AND CONDITIONS OF CONTRACTS,
AND
Some Unreported Cases.

BY
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SECOND EDITION.

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PREFACE

TO THE SECOND EDITION.



THE First Edition of this Work having been received with greater favour than I could have hoped, I am consequently enabled to publish another and completer Edition. This contains not only various new decisions but also some older cases which add to the value of the book. The whole of the subject-matter has also been somewhat more systematically arranged so as to give the work a less fragmentary character, and I therefore hope that its usefulness to those who may have occasion to consult it will not only be maintained but increased. The cases in the Appendix which have never been published in the regular Law Reports seem to be of value to those who may have to consider legal points which arise out of the construc-

tion of buildings. I have not added any other conditions of contract to those printed in the First Edition, namely, the conditions agreed on between the Royal Institute of British Architects and the Builders' Society, and adopted by the Central Association of Master Builders of London, together with the additions approved by the National Association of Master Builders of Great Britain, and those drawn up by Mr. G. F. Trollope, which are but another version of what may be called the authorized conditions. Short forms are frequently obscure, and consequently lead to disputes, and as long as there are conditions approved by the representative bodies both of architects and builders they should, I think, be universally used throughout the country.

E. S. ROSCOE.

1, KING'S BENCH WALK, TEMPLE,
January, 1883.

PREFACE

TO THE FIRST EDITION.



THE following short Digest contains all the cases which have as yet been decided with regard to the erection of buildings. There are, of course, many decisions which affect building contracts, and the duties and rights of architects, which are not strictly what may be called building cases, although the legal principles contained in them are applicable to this subject. But in nearly all the decisions, which follow, some matter connected with building was directly involved. Any one, therefore, who is professionally interested in this subject, whether as lawyer, architect, or builder, will be able, within a small space, to find any point arising directly out of building operations, which has hitherto been decided after an argument in Court. And it is hoped that the notes which accompany the cases will help to make the legal points clear to business men who are not lawyers, and also to form the decisions into a slightly connected exposition of this branch of the law.

It should be observed, that decisions arising out of the Metropolitan Building Acts and local statutes

have not been inserted in this book; to have done so would have caused me to touch on ground already well occupied by previous works.

In the Appendix will be found some precedents of pleadings on the points which most commonly are the subject of litigation when disputes unfortunately occur in relation to the construction of buildings. The Forms of Agreements and Leases which follow are of proved worth, for they are taken from Davidson's "Precedents in Conveyancing,"—the mere name of which is a sufficient recommendation to lawyers,—with the kindly granted permission of the author, and of Messrs. Maxwell & Sons, the publishers, to whom my thanks are therefore due.

E. S. ROSCOE.

4, HARROUET BUILDINGS, TEMPLE,
October, 1879.

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