

## BOOK SEVEN

### THE TRIUMPH OF THE PUBLIC HEALTH MOVEMENT

#### CHAPTER I

##### THE PUBLIC HEALTH MOVEMENT IN 1847

WHY did Russell make this sudden concession to Chadwick? What made him retain the services of the very man whom he had publicly vilified? Certainly it was not due to any feeling of affection. Twelve months later Chadwick had still to complain of his displeasure.

The fact was that the Public Health movement was now approaching flood tide, and Chadwick, on Press and platform, was its hero.

Almost nobody now dared deny the need for sanitary reform. As Muntz, the Birmingham member, bitterly exclaimed: 'There was a mania now for sanitary measures'. The opponents of Public Health were mostly driven to use arguments hailing from Bentham's *Book of Fallacies*. They agreed that sanitary reform was necessary but denied that this was the time or this the way to achieve it. For now both Whigs and Peelites vied for the privilege of introducing a Bill. In 1844 Chadwick had despairingly asked, 'What part does the question play in the discussions of the House?'<sup>1</sup> Yet in the session of 1847 the Protectionists sneered that Russell's interest in the question was a mere ruse to pick up votes at the forthcoming General Election.

This surprising change of attitude had been brought about by the propagandists and notably by the now flourishing Health of Towns Association. Its importance is attested by the frequency with which it was mentioned in the Commons during the debates on Public Health in 1847 and 1848. Lord Morpeth, in charge of the Health Bills in both the parliamentary sessions, quoted its figures, approved its petitions, and praised its members (of whom he was one) as 'men of the greatest talent and information'.<sup>2</sup> The opponents of Public Health, on the other hand, could hardly restrain their wrath. The major contribution of Mr Divett to the debates of 1848 was that the Association's Report on his constituency of Exeter was 'palpably exaggerated'.<sup>3</sup> J. Stuart maintained that a famous report of the Association in which it had analysed the sanitary progress of some sixty provincial towns, was a

<sup>1</sup> E. Chadwick to A. Symonds, 18th July 1847.

<sup>2</sup> *Hansard*, Parliamentary Debates, vol. xci, 18th March 1847, col. 622; and vol. xcii, 11th May 1847, col. 669.

<sup>3</sup> *Op. cit.*, vol. xcvi, 5th May 1848, cols. 724-6.

put-up job, written by Chadwick to favour centralization.<sup>1</sup> Urquhart, the erratic and malign member for Stafford, accused them of 'calumnies the most vile, statements the most unfounded, language the most unseemly and propositions the most absurd.' He accused them of corruption—of being a conspiracy of doctors and engineers to get places which the Public Health Bills would create. Its members, he alleged, were the friends 'not of humanity but of pelf'.<sup>2</sup>

These changes of knavery and self-interest fell completely flat. For example: at the very moment that the old Poor Law Commission was dissolved, and (it seemed) Chadwick ousted from public service, Dr Lynch, the Poor Law doctor of the City of London, caught fever in the course of his duties and died leaving a widow and children unprovided for. Immediately a public meeting was convened to raise a subscription for the family, and Chadwick, who was in the chair, portrayed the dead man as a martyr 'who had died of fever in the course of exertions to alleviate the sufferings of the poor and to promote the cause of sanitary improvement in the Metropolis'. Nor was he, said Chadwick, the only victim; and here he listed the martyrs, Mr Walker of Manchester, Mr Johns of Liverpool, Mr Butler Williams of Putney, Mr Dyce Guthrie, and many others. The subscription list, opened by such notables as Buccleuch, Russell, Ebrington and Lord Ashley, lent a melancholy public significance to the event.<sup>3</sup> In the face of self-sacrifices such as Dr Lynch's, Urquhart's charges were not even found droll.

Yet despite all the strenuous exertions made since 1844, despite the findings of the Health of Towns Commission and three years' continuous parliamentary debate on the subject, the year 1847 had closed, like its predecessors, with no Public Health Act on the Statute Book. Lincoln had introduced the first Bill in 1845, then forthwith dropped it, having intended no more than its consideration during the recess. His second Bill, introduced in 1846, had been brushed aside by the Corn Law Crisis and withdrawn in April. Lord Morpeth's Bill, introduced on 18th March 1847, was hardly more fortunate in the political situation. Russell's administration held office only on the sufferance of the Peelites, and the session was overcrowded with the passing of the Ten Hours Act, the New Poor Law Act, and the relief and pacification of a starving and rebellious Ireland. It was faced by the most spiteful opposition this country had ever seen since the last days of the Stuarts and, without any such limitation of time, the most inane. Furthermore, Morpeth's Bill

<sup>1</sup> Op. cit., vol. xcvi, 8th May 1848, cols 789-90.

<sup>2</sup> Op. cit., vol. xcvi, 5th May 1848, cols. 716-17.

<sup>3</sup> Cf. *Report of the Speeches of E. Chadwick and Others . . . to promote a Subscription in behalf of the Widow and Children of J. R. Lynch* (1847).

was introduced late in the session, the affairs of Ireland supervened, and two months elapsed before any time could be found to debate it. He decided to lighten it by excluding the most intricate sections, those which applied the Bill to the Metropolis, but even so three months passed before the House began to debate it seriously. The exclusion of London, the cry of centralization, and the charge of patronage provided the Protectionists with endless material for recrimination. They dragged out the Committee stage tirelessly. In four sittings the House got through only twenty-one clauses. Russell, who had already announced his decision to dissolve, saw the hopelessness of protracting the session any further, on 8th July he announced the withdrawal of the Bill, and promised to reintroduce it in the session of 1848.

The only legislative outcome of these years, viz. the Clauses Consolidation Act, was a by-product of Chadwick's initiative. In 1846, at the height of the Andover Scandal, he had drawn the attention of Joseph Hume to the flood of waterworks projects that were coming before the House as private bills. He showed Hume that here was a speculators' ramp to evade the recommendation of the Health of Towns Committee, that paving, drainage, and water should all be consolidated under the same authority. Hume accordingly moved a Select Committee on Private Bills, and one of its terms of reference was 'to examine, especially in respect to the bills for the erection of waterworks, drainage, and paving and improvements, according to the recommendations made by the Commissioners of Enquiry into the means of improving the health of towns and densely populated districts'. Chadwick gave evidence before this committee. He maintained that the water bills were faulty because there had been no preliminary enquiries on their merits by 'competent and impartial officers'; Standing Orders did not permit drainage and waterworks to be combined; the Bills introduced competing companies *inside* the field of service, thus doubling capital expense, instead of enforcing competition *for* the field of service; and, finally, they made no provision for future government inspection. He explained that he wanted a system by which towns petitioned an appropriate government department, who would thereon advise the Parliamentary Committee; and furthermore, that the Department alone should be competent to sanction loans for the execution of the works. Until then, the present Bills should be deferred.<sup>1</sup>

<sup>1</sup> Parliamentary Papers, 1846, xii, Qq. 249-346. There had already been a serious brush over the principle in April 1845: the railway interest sought to repeal the Standing Order by which committees on railway Bills must specially report their reasons for rejecting the recommendations of the Railway Department of the Board of Trade. Cf. *Hansard, Parliamentary Debates*, no. lxxix, cols. 1055-89 (1845).

The Commons did indeed adopt one part of the Committee's First Report: to remedy the 'want of strict uniformity', Police, Waterworks, Town Improvement and other 'Model Acts' were prepared. They were, in fact, sets of model clauses designed to help the local legislators. But the Commons refused to adopt the Third Report and this contained Chadwick's scheme, viz. that local authorities might adopt the Model Acts without any recourse to Parliament simply by petitioning the appropriate department, and, after due local enquiry, receiving its sanction.<sup>1</sup>

From Chadwick's immediate point of view this result was negligible. Its only certain outcome was to provoke the undying hostility of Simpson and Hawkesley, the waterworks engineers: a matter that was to have a sinister outcome for Chadwick's career. For the rest, it neither curtailed the expense of private bill legislation nor provided for 'combined works' nor exercised engineering supervision over the local builders and contractors. It assumed the initiative of the local authorities: and it was precisely here that the passive resistances to sanitary reform were at their strongest. For except for seven or eight large towns such as Manchester, Leeds, Birkenhead, Nottingham, Liverpool and Newcastle, which had promoted Private Bills, the stream of sanitary reports had left the local authorities unmoved. Of the 67 towns which the Health of Towns Association canvassed in 1847-8, it was reported that only 6 had suggested adopting complete sanitary arrangements, 21 were doubtful and 38 had made no move. Similarly, though 18 had tried to secure purer and more abundant water, 42 had done nothing at all.<sup>2</sup> Moreover, private engineers and contractors were unmoved by, if not hostile to, the evidence put forward on new types of sewers and drains.

It appeared certain to Chadwick that without compulsory legislation such as the Health of Towns Commission had proposed, one might wait till doomsday for any response from the local corporations and improvement commissioners. And, by 1847, the lines on which such legislation should be drawn were firmly, perhaps too firmly, etched on his mind.

<sup>1</sup> H. of C. Paper, 705 of 1847.

<sup>2</sup> Report of the Sub-Committee on the State of Towns (Health of Towns Association), 1848.

## CHAPTER II

### THE CHADWICK PROGRAMME OF 1847

#### I

IN sanitary matters the formative period of Chadwick's thinking ceased in 1842. From then, the collection of new data and experience simply subserved a prearranged scheme. The doctrine was firm in 1847 and continued to harden thereafter. He was quick and ingenious to deny, confute, or explain away facts that damaged his system: he was so positive and so inflexible that he disdained ever to recast it. In 1847 his programme was two-fold—strategic, the medico-mechanical part, and tactical, the administrative part.

#### II

His medical and engineering approaches were now intimately linked. He no longer affected to ignore the academic disputes of the medical schools. Nine years' research had inevitably driven him back upon some theoretical justification for the particular sanitary measures he advocated. He now tacitly accepted the doctrine of the 'epidemic atmosphere'. This was not unnatural; the doctrine was fashionable, it was maintained by Dr Arnott and Dr Southwood Smith and it fitted in with his views of drainage. The theory was thus stated by Southwood Smith:

'The ultimate end of sewerage, drainage, and a supply of water adequate to the cleansing of sewers, drains and streets, is to maintain the air, wherever human beings take up their abode, in a fit state for respiration. . . .

'Wherever animal and vegetable substances are undergoing the process of decomposition, poisonous matters are evolved which, mixing with the air, corrupt it, and render it injurious to health and fatal to life. But wherever human beings live together in communities, these large masses of animal and vegetable substances, the refuse of food and of other matters essential to human existence, must necessarily be always decomposing. If provision is not made for the immediate removal of these poisons, they are carried by the air inspired to the air-cells of the lungs, the thin delicate membranes of which they pierce, and thus pass directly into the current of the circulation. It has been shown that by the natural and ordinary flow of this current, three distinct and fresh portions of these poisons must necessarily be transmitted to every nook and corner of the system in every eight minutes of time. The consequences are sometimes death within the space of a few hours, or even minutes; at other times a progressive and rapid, or a progressive but slow deterioration and corruption of

the whole mass of the blood ; a consequent disorganization of the solid structures of the body, and the excitement of those violent commotions of the system which constitute fevers, choleras, dysenteries and other mortal epidemics. . . .<sup>1</sup>

Chadwick put it brutally as : ' All smell is, if it be intense, immediate acute disease ; and eventually we may say that, by depressing the system and rendering it susceptible to the action of other causes, *all* smell is disease'.<sup>2</sup> Unfortunately he often acted as if the reverse was also true : that *all* disease is smell.

However put, the doctrine had distinctive—and to us very obvious—results in practice. It centred Public Health activity upon deposits and decomposition, and therefore it dictated a special sanitary programme. Accordingly cesspools must be abolished : if necessary, into the river with them ! The old arched sewers—picturesquely dubbed, times without number, as ' nothing but extended (or elongated) cesspools'—must be flushed clear of deposit, if nowhere else, then into the river. They must be replaced by pipes and sewers, of a new type that scoured themselves. Furthermore, since all smell was disease, one deposit was as bad as another : hence drains were as important as main sewers, indeed, more so, for the evaporating surface of a town's drains was far more extensive than that of its sewers. Hence it was common sense to replace the house-drains before one as much as thought of the outfalls. All this, it will be noticed, relegated pure water-supply to subsidiary importance. Bad water was only a ' predisposing ' cause of fever : the smell *caused* it.<sup>3</sup>

The engineering programme was part consequence, part precondition of this medical theory. In all but detail this system also was complete. The superiority of small sewers and drains to the traditional ones, the superiority of pipe to brick, and the interdependence of water supply and drainage were now affirmed as proved. From 1844 the only problem admitted was to determine exactly how *small* the pipes could be. Unlike the medical doctrine, these views were neither widespread nor popular. It is impossible to overstate the primitiveness of sanitary science in 1847. The first glazed earthenware drainpipe in England was baked at Chadwick's instance,<sup>4</sup> and so was the first hollow-brick. Even by 1849 the total length of drainpipe manufactured was only 104 miles ! The manufacture of sanitary appliances, such as soil-pans, had hardly begun.

<sup>1</sup> *Health of Towns Association Report on Lord Lincoln's Bill*, 1846, pp. 72-3.

<sup>2</sup> *Parliamentary Papers*, 1846, x (Metropolitan Sewage Manure Company Committee), p. 651.

<sup>3</sup> This view was only slightly modified even after the experiences of 1849—see below.

<sup>4</sup> *First Report Metropolitan Sanitary Commission* (*Parliamentary Papers*, 1847-8, xxxii), *Minutes of Evidence*, p. 156.

As an experimental science hydraulics could not be said to exist. The pros and cons of the different types of sewers were indeed argued in a welter of mathematical formulae. It is quite clear, however, that neither side knew what it was talking about. 'Notwithstanding all the experiments that have been made by mathematicians, and the data and formulae which they have deduced therefrom, we have not at present sufficient information from which to plan and work with confidence and accuracy in regard to sewerage',<sup>1</sup> said one witness, and another agreed : 'Even up to the present moment we have no real data upon which formulae can with safety be established for application to practice. Mathematicians have, for the most part, founded their calculations on partial experiments, frequently carried out on the smallest scale, in which the most important elements have been really overlooked and results arrived at strangely at variance with fact.'<sup>2</sup> 'Most of the tables and formulae given for pipes and their proportions are in error', testified a third.<sup>3</sup> Even a hostile witness began by confessing that 'the results of hydraulics depend indeed, more upon experiment than upon theory'.<sup>4</sup> Such experiments had indeed been started, but only at Chadwick's instance. There were now two sets of tables extant, one prepared by John Roe,<sup>5</sup> the surveyor of the Finsbury Sewers Commission, and the other prepared for the Health of Towns Commission by Thomas Hawkesley, the waterworks engineer. Both tables showed that the existing sewers and drains were far too large, despite the tradition behind them. As one witness put it sarcastically, 'According to the theories that have been promulgated it would appear that nature has not properly proportioned the capacities of the beds of rivers to the area of surface and the quantity of water draining into them and that they are hence very much smaller than they ought to be !'<sup>6</sup> By a *reductio ad absurdum* it was shown that the current practice of fitting houses with 9-inch drains implied that the refuse water and sewage of London must be five times bulkier than the Thames at Waterloo Bridge at high water, or 1000 times bulkier than a pipe conveying London's total water-supply ! Beyond this, unfortunately, the two tables conflicted. Hawkesley's experiments led him to a far larger sewer than Roe's. Chadwick took Roe's side and began consistently to discredit Hawkesley's tables. Thus 1847 saw the beginnings not only of a sanitary science but of a sanitary dogma. Already there was forming around Chadwick a school of architects and engineers who were fanatical devotees of pipe-sewers and

<sup>1</sup> *First Report Metropolitan Sanitary Commission* (*Parliamentary Papers*, 1847-8, xxxii), *Minutes of Evidence*, p. 53.

<sup>2</sup> *Ibid.*, p. 127.

<sup>3</sup> *Ibid.*, p. 156, and cf. p. 157.

<sup>4</sup> *Ibid.*, p. 80.

<sup>5</sup> *Ibid.*, p. 133.

<sup>6</sup> *Ibid.*

smallness: Austin and Rawlinson, the civil engineers, Cresy, the author of the *Encyclopædia of Civil Engineering*, and Ranger, civil engineer and Lecturer at the Putney College of Civil Engineering. Chadwick was very positive as to the results Roe secured for him: but where two sets of experiments differed so, one is left with the conclusion that practical hydraulics was a war of the one-eyed against the blind, with no real evidence as to which was which.

A significant motive for Chadwick's belief in the small-bore pipe was that it cost, of course, considerably less than the traditional brick arch sewer and barrel-drain. He was perfectly well aware that unless he could show England that sanitation was cheap he might as well show nothing at all. Hence his reiterated statements that the new system 'drained three courts at the cost of two'. The same motive underlay his inflexible belief that, by the utilization of sewage for farming, sanitation might even be made *profitable*. 'All smell is disease', he had said—but immediately added, 'All smell of decomposing matter may be said to indicate loss of money'.<sup>1</sup> For a time he made widespread converts to this point of view. In 1846 a company, called the Metropolitan Sewage Manure Company, secured leave to carry away for sale the sewage of London. Similarly in 1853 the promoters of the Great London Drainage Company proposed to drain and sewer London as a private venture, providing they were allowed to pocket the proceeds of the sewage. He himself carried out a series of experiments. The difficulty lay in the mode of distribution. He rejected 'water-meadows'—they would create a poisonous miasma. He then tried sending sewage through subterranean pipes to saturate the soil of the farm. Next he experimented<sup>2</sup> with a canal boat which puffed up and down a canal squirting the liquid manure on to the adjoining fields through a hose and jet.<sup>3</sup> None of these methods proved satisfactory. Nevertheless he persisted in experiment throughout his life. For the matter was not merely pecuniary. As he said, liquid manure was *the key*. The arterial system of drainage carried the sewage in suspension away from the town. What was to be done with it then? The disposal of sewage was the loose end of the arterial system: the use of sewage as manure was so neat a solution from the point of view of both economy and engineering that Chadwick refused to believe it was not—one way or another—a practical one.

It was Chadwick's tragedy that his severe obstinacy—the cause of all

<sup>1</sup> Metropolitan Sewage Manure Committee (Parliamentary Papers, 1846, x), p. 65.

<sup>2</sup> Helped by Whitworth the chemist, P. H. Holland, and Rawlinson the engineer.

<sup>3</sup> Memo. of 1849 (N.D.). E. Chadwick to Lord Blantyre, 24th January 1852.

his failures, as it was of his successes—should have petrified this medico-mechanical doctrine in 1847 at a period of rapid scientific and industrial change. Within a few years the true and the false elements were proved one way or the other. The utilization of liquid manure, a practical proposition in 1842, was being outmoded even as he experimented. Peruvian guano, some six to ten times as concentrated, was soon to be imported on a vast scale; J. B. Lawes was just beginning to manufacture superphosphates and then turned to other artificial manures specially devised for specific crops. Between them they reduced the value of sewage manure to a negligible quantity and limited its economic use to grass land. Similarly, by medical statistics combined with a rather more eclectic medical theory than Chadwick condescended to, the atmospheric theory of fever was quite exploded. In 1849 William Farr observed a positive correlation between cholera cases on the one hand, and elevation and water supply: in 1855 by the same procedure, the correlation with water-supply alone was proved: and in 1866 the links left incomplete were supplied, so said Farr, by 'a deplorable accident', viz. the existence of one polluted reservoir in London from which, statistics showed, practically every cholera case had drunk.<sup>1</sup> Similarly by 1869 Dr William Budd had popularized the true mode of propagation of typhoid.<sup>2</sup> On the other hand, some developments proved Chadwick right. Rapid improvements in the manufacture of pipe-ware soon boosted the production from 104 miles in 1848 to 2600 in 1853, and of such strength that the conservative railway engineers could no longer complain that they were fragile. The arterial system of drainage, after initial difficulties, was found by 1866 to work well and to have considerably reduced the death rate.<sup>3</sup> But from 1846 the open mind and the suspended judgement were not Chadwick's way. He *knew* what was right: his task now was to get it.

### III

Also complete in 1847 was Chadwick's administrative programme, both in its general application and in the measures peculiar to London.

His plans for a general measure were indeed expressed in their complete form as early as 13th December 1844, when he sent to Buccleuch, the Chairman of the Health of Towns Commission, a memorandum

<sup>1</sup> W. Farr: Address as President of the Health Section of the Social Science Association, *Transactions*, 1866, pp. 69 et seq.

<sup>2</sup> Royal Sanitary Commission 1869, Minutes of Evidence, Qq. 9209-9394.

<sup>3</sup> Reports of Medical Officer of Privy Council, 1866-7 (Parliamentary Papers, 1866, xxxiii, and 1867, xxxvii).



of observations and suggested recommendations for the Commission's Second Report, and a draft of outline clauses.<sup>1</sup>

The powers to be granted the local executive bodies were numerous, and designed to secure the consolidation under one authority within a single geological area of all powers necessary to secure the full arterial system of drainage. The nature of these powers was stated with such force in the 1842 Report, and in the Reports of the Royal Commission, that in themselves they aroused little controversy. The real points in dispute were three-fold, viz. who was to execute them in the localities, in what relation were the localities to stand to the central authority, and finally, what was this central authority to be?

The first problem was very complex. In 276 towns of more than 5000 inhabitants which had neither Corporation nor Local Act, a sanitary authority had yet to be created. In those which possessed Corporations, the necessary powers which ought to be consolidated under a single authority were in fact divided. Ninety-two Corporations had no powers over drainage, sewerage, cleansing, or paving. In another 158 the Corporation shared these powers with a number of independent Boards or Commissions. Besides, the Municipal Corporation had no jurisdiction over the suburbs which comprised part of its natural drainage area.

Chadwick's view expanded the thought developed in 1842. He cut through the Gordian knot of conflicting authorities and piecemeal powers by suggesting that the local authority should be an *ad hoc* one, nominated by the Crown but afforded by delegates from all the local bodies within the geological area, viz. the Mayors and Councillors of the Corporations, and the Chairmen and Vice-Chairmen of the Poor Law Unions. He was very firm on the need for having appointive rather than elective bodies. The representatives, he said, were generally the 'occupiers and other persons having sinister interests . . . and not generally of the educated class'; they were 'unavoidably of one class and that class the well-to-do class who do not look into the districts inhabited by the labouring classes and who do not believe anything stated about them'.<sup>2</sup> From such he feared either no action at all, or, if action was taken, a riot of corruption as soon as the time came to hand out contracts.

These new Crown-appointed bodies were not, however, to be forced upon all localities without their consent: on the other hand, if set up, they were not to be entirely independent of the central authority. Thus Chadwick tried to steer a course between a compulsory public health

<sup>1</sup> *Memorandum of Observations and Draft Bill*: E. Chadwick to Earl of Buccleuch, 13th December 1844.

<sup>2</sup> E. Chadwick to Josiah Parkes, 24th March 1848.

measure and unfettered local autonomy. The 1842 Report expressed itself in vague terms on these matters.<sup>1</sup> But the Royal Commission adopted Chadwick's scheme, in a generalized form, in its second and fifth recommendations.<sup>2</sup> In his memorandum he distinguished between the intervention of the central authority in setting up the new local body and its subsequent intervention in the work of that body. The central authority might force a Board upon a locality only where it was satisfied that the rate of mortality was so high as to justify this procedure. Everywhere else the process must begin by local petition either from the Council of the municipality or the Chairman, Vice-Chairman and Medical Officers of a Poor Law Union, or, in default of these, from a due and specified fraction of the inhabitants. Upon this the central authority, acting through its standing counsel, would direct a local enquiry. If then satisfied of the need, the authority would set up a local Board. The Board would consist of the *ex officio* delegates of all local elective bodies and nominees suggested in the course of the local enquiry. The Board would combine in itself all sanitary functions, any local acts or special bodies being superseded in its favour.<sup>3</sup>

Once in being, the Board would be autonomous *except* for its engineering works. To embark on these, the local body must first have the area surveyed by the Ordnance and examined by one or more engineers who would draw up a plan, an estimate and a report for local distribution and discussion. Thereupon the plans would go to the central authority for sanction: a process conceived by Chadwick as taking place publicly in a judicial fashion, and as involving not only the engineering aspects of the plans but also the objections and counter-propositions of local interests and individuals. Furthermore, even after the plans were sanctioned, the local authority was not to be allowed to execute them unless it made provision to spread the capital charges over a period of thirty years. This proviso, which must almost inevitably

<sup>1</sup> It demanded little but 'pre-arranged securities for possession of . . . qualifications' of local engineers (pp. 323, 333, and Conclusion IV on p. 371), and that local charges be spread over twenty or thirty years (p. 322 and Conclusion V, p. 371).

<sup>2</sup> Recommendation II: 'That before the adoption of any general measure for drainage, a plan and survey upon a proper scale, including all necessary details, be obtained, and submitted for approval to a competent authority.'

Recommendation V: 'That on representation being made by the municipal or other authority, or by a certain number of the inhabitants of any town or district, or part thereof, setting forth defects in the condition of such place as to drainage, sewerage, paving, cleansing, or other sanitary matters, the Crown direct a competent person to inspect and report upon the state of the defects, and if satisfied of the necessity, have power to enforce upon the local administrative body the due execution of the law.'

<sup>3</sup> Memo. to Buccleuch, 13th December 1844. Cf. Recommendation no. V of the Royal Commission (quoted above).

drive the authority to borrow capital against the security of its rates, was to be safeguarded by making such borrowing depend, in its turn, upon the sanction of the central authority.<sup>1</sup>

The final question was—in what department of state should this central authority reside? By this time Chadwick had reacted strongly against Board management. It was very much a personal reaction, based on what he considered to be the mismanagement of the Poor Law Commission under George Lewis, but it abutted in the same conclusion as Bagehot—'Boards are screens'. He was now all for 'single-seatedness'—a good administrative principle, but explained, in his case, by a desire to be free of colleagues who had to be placated or deferred to. At the same time he strongly opposed vesting the new authority in the Home Secretary. Apart from his overload of work, and apart from his necessary deference to political pressures, the Home Secretary could not carry out the sanctioning procedure in a manner sufficiently public and judicial.

'The same public dissatisfaction which has been expressed with the procedure in the Board of Trade in respect to works of railways—with decisions without reasons, insufficient publicity of procedure and judicial guarantees—is to be apprehended in respect to any delegation of the business of deciding to inferior and less known or less responsible persons.'<sup>2</sup>

His choice fell, to us rather unexpectedly, upon the Privy Council Office.

'... my original proposition was to carry out the work, to some extent in a manner similar to the measures of education, as a secretary to a Committee of the Privy Council. But I proposed that the Committee should be a quasi-Judicial Committee, for their functions would in fact be judicial. I believe it would be satisfactory to the local authorities to have the determination of their cases in open public sittings such as are given upon applications for municipal charters. It would be for the advantage of the cause that false or futile objections should be publicly shewn to be so. The public officer who brought forward the case in the way of a relator, would take care that it was so good a one as to be in no danger of failure with the local or general public, as well as with the judicial committee.

'This arrangement should follow in a beaten course. The Privy Council by old as well as by recent provisions are invested with functions in relation to the public health: and have special powers in relation to contagious diseases.

<sup>1</sup> Memo. to Buccleuch, 13th December 1844. Cf. Recommendations nos. VI and XI of the Royal Commission, and the 'Sanitary Condition of the Labouring Classes', p. 322 and Conclusion V, p. 371. Compare for this process, E. Chadwick's evidence before Select Committee Private Bills 1846, chapter 1 above.

<sup>2</sup> Undated memo. of 1846. (A draft of criticisms later published in the Health of Towns Association's Report on Lord Lincoln's Bill, 1847.)

The functions of the Privy Council in matters of quarantine extend over the whole empire.'<sup>1</sup>

More specifically: a judicial committee of the Privy Council was to be set up with a standing counsel (who would of course be Edwin Chadwick). The counsel would direct the local enquiries, both those where the locality petitioned for application of the statute and those concerned with the sanction of local plans; and on receiving the Inspector's Report the Committee would conduct a public judicial hearing of all the local interested parties.

The suggestion is an interesting one: and on examination it by no means appears impractical. The Council, constitutionally, was as much the breeding ground of new types of state activity as was the Home Office. It already had quarantine functions, and in 1832 had been recognized as the authority in charge of anti-cholera precautions. It was the natural source of Orders in Council, the constitutional mode, presumably, by which the 'sanction' of its Health Committee would be legally implemented. The constitution of sub-committees for special purposes was recognized practice: the Board of Trade had originated in this wise, and Chadwick could not but feel envious of the steady progress which Kay-Shuttleworth had made since 1839 as secretary of the Education Committee. Indeed, this might well have been the governing factor in his choice: despite administrative difficulties, Kay-Shuttleworth had been shielded by the Committee on Education and had been able to plough such a lone furrow as Chadwick now yearned for. The fact that in Whig administrations Lord Lansdowne habitually took the Presidency of the Council must also have weighed with him. *Against* the suggestion there was of course the lop-sided nature of the office: although the majority of its clerks were employed by Kay-Shuttleworth, they were technically subordinate, not to him but to Greville, the clerk of the Council. This was one of Kay's perpetual grievances.<sup>2</sup> Yet in 1856, after the Trevelyan-Northcote Report on the Privy Council Office, this particular defect was easily set to rights by the formation of a self-contained 'Education Department'.

#### IV

There still remained the gigantic problem of London. London was *sui generis*. Experience was to show that in the scheme of public health it could neither be assimilated nor expelled.

<sup>1</sup> E. Chadwick to Lord J. Russell, 14th May 1848.

<sup>2</sup> F. Smith, *Life of Sir J. Kay-Shuttleworth*, p. 213, and p. 216.

To exclude London was crazy, sanitarily and politically. It was 'stinking London, filthy London, where sanitary measures should begin'.<sup>1</sup> Its death rate in 1851 was 23.5 per thousand—above the average mortality of England and Wales. From a sanitary point of view, London in population and mortality was the equivalent of the sum of all the 67 towns investigated by the Sub-Committee of the Health of Towns Association!<sup>2</sup> From a political point of view too, exclusion had become almost impossible. The repeal of the Corn Laws had created a new 'country party' as the official Opposition. Unencumbered by the statesmanship of Peel, and full of spite against the towns, their jealousy and hatred of London was now given free reign, and sentiments were uttered that might have sprung from the Tory Opposition under William III. But while the Protectionists regarded a Public Health Bill as a penance which filthy London ought to undergo before their own spotless constituencies were touched, the Metropolitan members regarded it as a necessity of which they must not be deprived.<sup>3</sup>

In his Bill of 1847 Morpeth proposed to include London; whereupon Lincoln (who had excluded it from his own 1846 Bill) prophetically remarked that 'he admired his courage but deprecated his rashness'.<sup>4</sup> And indeed at the Committee stage Morpeth too was constrained to exclude it: the obstacles seemed insuperable. For what body or bodies would administer the Act in London? London—the Metropolis as it was then termed—was a purely geographical expression. It had no constitutional or administrative unity whatsoever. London connoted 300 parishes, improvement commissions and boards of trustees, operating under 250 local Acts, each constituted differently, with different powers from its neighbours. Some were self-elected, some demanded a property qualification from electors, some vestries were closed, some 'select', some representative. Few of the boundaries coincided. The incumbent of Christ's Church, Regent's Park, who asked the procedure for cleansing and draining his parish was told:—

'At present no public maps are known to exist by which the areas of the metropolitan local jurisdictions could in such cases be correctly ascertained. There appear to be upwards of 120 local Acts for the denser portions of the metropolis and 80 distinct local jurisdictions, many of which coincide neither with parish, nor union, nor police district, nor any other recognized division.

<sup>1</sup> Wakley: *Hansard*, vol. xcvi, col. 414, 10th February 1848.

<sup>2</sup> *Report of a Sub-Committee on the State of Towns* (Health of Towns Association), 1845.

<sup>3</sup> E.g. *Hansard*, Parliamentary Debates, 2nd July 1847 (Committee, Clause 13 (excluding London)), cols. 1173 et seq.—Duncombe, Wakley, and W. Patten voted with the Protectionists.

<sup>4</sup> *Hansard*, Parliamentary Debates, vol. xci, col. 642, 30th March 1847.

Even single streets are divided, often longitudinally, and paved and cleansed at different times under different jurisdictions. In the parish of St. Pancras, where you reside, there are no less than 16 separate paving boards, acting under 29 Acts of Parliament, all of which would require to be consulted before an opinion could be pronounced as to what it might be practicable to do for the effectual cleansing of your parish as a whole.<sup>1</sup>

The intricacies of its sanitary administration were labyrinthine. The vestries retained a *general supervision* over their districts. *Nuisance-abatement* was the duty of the Poor Law Guardians. *Paving and street cleansing* was split up between the vestries and numerous trusts and commissions. Thus in the electoral district of the Tower Hamlets, the parish of St Leonard's contained three distinct paving boards, one administering one mile of street, another 456 yards, the third 814 yards: all were self-elected for life. The parish of St George-in-the East had five paving boards and three lighting and cleansing boards. In Lambeth, the parish of St Mary Newington had two paving boards and four lighting boards and five other boards which overlapped neighbouring parishes: seven of these were self-elective. Meanwhile the *sewerage and main drainage* was administered by eight Crown-appointed Commissions; the Commissioners gave honorary service and numbered no less than 1065 persons. *Building regulation*, since 1844, was vested in a Metropolitan Building Commission employing a staff of fifty-two surveyors appointed by the J.P.s in Quarter Sessions: while *water-supply* was in the hands of eight private companies. So much for the consolidation of paving, drainage, building regulation and water-supply in the hands of the same body.

Since it was manifestly impossible to use the existing authorities to administer a Public Health Act, it was necessary to create new ones—or rather, since consolidation of sanitary functions was deemed essential—to create a single new one. But this ran up against the stormy course of Metropolitan politics. Since 1826 a vigorous democratic movement had been sweeping through the parishes of London. At that date, practically all were governed by close and packed vestries, and some, like Chelsea, Bethnal Green, St Leonard's, Shoreditch, and Bloomsbury fell into the hands of such mercenary racketeers that for decades the word vestry was in London associated with jobbery and rapine. The democratic reaction was not so much a move for cleaner government as for cheaper government, and its watchword was 'no taxation without representation'. It was not aristocratic in origin: on the contrary, it was the work of the narrowest and meanest class that England ever

<sup>1</sup> *Quarterly Review*, vol. 88, p. 455 (March 1851).



produced, a movement led by wealthy shopkeepers and tradesmen for the benefit of poor shopkeepers and tradesmen. Where the vestries were corrupt 'open' vestries, the reformers tried to substitute select vestries based on property qualification, as in St Giles's and St George's, Bloomsbury, or St Paul's, Covent Garden. Disappointed with the results, the agitators pressed on to substitute for 'select vestries' representative vestries where all ratepayers should vote. The Hobhouse Act of 1831 was the result of this agitation: as the shopkeepers' revolt broke out, first here, now there, the parishes one by one adopted this Act and set up their parish-parliaments.<sup>1</sup>

For 'parliaments' they deemed themselves to be. They aped parliamentary procedure, they affected parliamentary modes of speech, and they passed resolutions on all matters of public concern whatsoever—especially on foreign policy.<sup>2</sup> Nor did their influence stop short at their parish boundary; the vestries were committees of the most important local notabilities whose support under the £10 voting qualification no parliamentary candidate could do without. They were, in fact, ready-made political committees, and woe to the Metropolitan member who dared offend them.<sup>3</sup> Their political prejudices were therefore accurately represented in Parliament. The strange political tone of the so-called 'Metropolitan Radicals' is the tetchy anti-clerical, anti-aristocratic tone of the Metropolitan vestries.

The emergence of the democratic vestries proved to be the greatest single factor in destroying the Public Health Act of 1848. It forced the legislator into an impossible dilemma.

If in the name of 'sanitary consolidation' the vestries were to be ignored as the administering authorities, the alternatives were either a London Municipality or a Crown-appointed Commission. It is arguable whether the first would have proved acceptable to Parliament: the City Corporation, a mere fraction of the whole, carried a prestige which Ministers did not dare to affront, and there were many members therefore who feared that a London Municipality could be the City Corporation magnified by seventeen times. But the alternative was quite unacceptable to Londoners. Under no circumstances would they be taxed by a non-representative commission.

Now on this matter Chadwick held views which, even for a man so positive as himself, were of the very strongest. He hated the vestrymen. He hated the water companies. He hated the Commissions of

<sup>1</sup> Webb, *Parish and County*, especially chapter vii.

<sup>2</sup> Cf. Chas. Dickens, *Our Vestry* (Reprinted Pieces).

<sup>3</sup> Cf. the chapter on Sir B. Hall in Whitty: *Political Portraits*, 1851.



A MEETING OF THE HEALTH OF TOWNS ASSOCIATION  
At the table, Lord Ashley, the Marquis of Normanby, Lord Ebrington



THE BOARD OF HEALTH IN SESSION AT GWYDYR HOUSE

(Both from *The Illustrated London News*, 1848)

Sewers. He hated the tangle into which the Metropolis had fallen. He wanted to apply to it old Bentham's maxim, 'To call the same things by the same names and to do the same things by the same means choosing the best'; and the best was, in fact, to pull down everything that had been done so far and start all over again. These views he held fanatically.

He was indifferent as to whether London should be provided for inside some general statute or be given a special sanitary regime: the single point on which he tenaciously insisted was that no general measure must be passed which in one way or another did not make provision for the Metropolis. His obsession with its problems enabled him by 1846 to say not only what kind of a sanitary authority it should have, but how this authority should go about its duties.

He would cut through the tangle of vestries, paving boards, water companies and commissions of sewers and replace them by one single Crown-appointed Commission for the whole Metropolis. The Commission should be set up immediately, and house drainage, main drainage and street paving and cleansing should be consolidated under it straight-away. Its tasks would be, first, to procure an ordnance survey of the whole Metropolitan area, and next, to arrange to purchase the private water companies, since until it knew the contours of the geological basin and until it controlled adequate water-supplies it was pointless to proceed to the main drainage. Instead, until survey and water-purchase were both complete, it should begin to replace the brick drains with self-scouring pipe drains. These formed three-quarters of the evaporating surface of the area, and it was essential to move the decomposing deposits far away from the houses as soon as possible. It was true that these drains would shoot their contents into the 'extended cesspools', i.e. the sewers of deposit, but temporarily these sewers could be flushed with water into the Thames. Certainly this would pollute the river, but it was so polluted that it was in any case quite unfit to drink. The additional sewage would make very little difference, and for very little time, since once the Commission got control of the water companies its first task would be to secure other and purer sources of supply than the river Thames. The plan, then, was to abandon the Thames as a source of drinking water and to use it as a temporary rubbish-shoot, against the day when the survey was complete and a system of main drainage could be profitably begun: and by that time, it might be hoped, each house in the Metropolis would be equipped with its high-pressure water-supply, its sink and water-closet and its self-acting drains ready to discharge into the main system. The main outfall

would be the concluding segment, not the first, in the sanitary circle. This doctrine linked with the engineering and the medical doctrine: with the first because by Chadwick's hydraulics, you never knew how large the main sewer should be until you knew the sum of the capacities of house drains and capillaries: with the second because to get rid of deposits was the prime objective, and there was much more in the drains than there was in the sewers.

This doctrine threw a warning light upon the arterial system: water-closets without pipes, or pipes without sewers, or sewers without water—any of these would disrupt the cycle. The programme showed, in fact, the characteristic qualities and defects of Chadwick's approach: the quality of reducing innumerable fragments to a single organic whole, the defect that the public were forced to accept all or nothing. What Bentham's 'codification' was to common law, what his and Chadwick's concept of 'scientific' legislation was to partial reform, what the Poor Law Amendment Act was to piecemeal action—such was the 'arterial or venous' system to the drainage of towns.

## CHAPTER III

## LORD MORPETH

FROM the moment Russell told him he must work on the Metropolitan Sanitary Commission, Chadwick's fortunes were linked to those of the First Commissioner of Woods and Forests—Lord Morpeth. Heir to the 6th Earl of Carlisle, Morpeth was one of the most able, the most disinterested and the most popular of the Whig connexion. Up to the dissolution of 1841 he had been Irish Chief Secretary. From 1841, however, he was soon recognized as one of the Whig philanthropists. He joined the Health of Towns Association and became prominent in its work: in November 1845 his adhesion to the cause of Free Trade drove the Leeds audience, who first heard the news, frantic with enthusiasm and three months later secured him the uncontested seat of the West Riding. When Lord John formed his first administration after Peel's fall, Morpeth received the Commissionership of Works and Forests and a seat in the Cabinet. From this position he piloted his first Public Health Bill in the 1847 session. Chadwick was not consulted on that Bill, or at least he was not taken into the Ministry's confidence. But from 23rd August 1847, Morpeth made Chadwick his colleague, and for the first and last time in his official career Chadwick knew what it was to enjoy the full confidence of an amiable and sincere friend as his official superior. Morpeth was Chadwick's luck, his talisman. While the two were together, things went swimmingly: when Morpeth withdrew to the Lords on the death of his father, there came an unbroken series of disasters.

They formed a remarkable team, each complementing the other. Morpeth was fascinated by Chadwick's indomitability, his capacity for work and his undiluted intellectuality. Chadwick willingly conceded to Morpeth, even against his better judgement, what he would have yielded to no one else, because he completely trusted his motives, admired his sagacity and realized—a little shamefacedly, possibly—that Morpeth and Morpeth alone could manage parliaments and private individuals. Neither concealed his affection for the other, and neither prevaricated when he thought his colleague at fault. Morpeth deferred to Chadwick's intellect, and Chadwick deferred to Morpeth's parliamentarianism. From first to last there was no misunderstanding between them.

Nothing could be more revealing in this respect than the letters which passed between them at both the beginning and the end of their joint venture. When (in September 1848) Morpeth had at last set up his Board of Health, it was thus that he initiated the joint labour:

'I will set off with saying, now that we are about to be actual, as we have for some time been virtual colleagues, that you will find me, as I know I shall find you, prepared to act with a single view to the efficient execution of our charge. You will find me moreover, fully alive to your own unequalled qualifications for it, derived from capacity, industry and habit, and only requesting you to believe that whenever I may be inclined upon any occasion not fully to go along with you, it will probably arise from a wish to temper too sudden a strain after perfection by what I may feel to be the most practicable modes of dealing successfully with Parliament and Bodies of men. Thus understanding each other, I feel sure we need never go wrong with one another.'<sup>1</sup>

Nor did they. Morpeth had summed up Chadwick's weakness. 'No one', he wrote, 'could think of imputing to yourself any absence of fair play—only, possibly, too evident a strain after perfection which necessarily becomes one-sided in a world of so many mixed considerations'.<sup>2</sup> His greatness lay in his ability to accept men's weaknesses as facts. He was one of the few men who could laugh at Chadwick and not be snubbed:

'I should not be sorry to invest you and Rawlinson<sup>3</sup> with absolute power for one year, but then I know it would be a despotism that would beat Louis Napoleon hollow!'<sup>4</sup>

After three years' intimate co-operation, of unfailing good humour and cordiality, Morpeth, then the new Earl of Carlisle, found nothing to regret in their relationship:

'I will say nothing about myself. I have long wished, since my position has been changed, to have more leisure for my own affairs, but I shall always rejoice in having assisted to lay the foundations of the great work which I trust it is your own destiny to mature (despite temporary discouragements and drawbacks). I shall always think with pleasure on the pleasant mode in which we have worked together, and I shall always be anxious, both in the Cabinet and the House of Lords, to render to yourselves and the cause, all the assistance that may ever come within my power.'<sup>5</sup>

To Chadwick, Morpeth's departure came as a personal blow: what greater proof of his affection could there be than that this barbed,

<sup>1</sup> Lord Morpeth to E. Chadwick, 4th September 1848.

<sup>2</sup> *Idem.*, 4th October 1848.

<sup>3</sup> The Engineering Inspector to the General Board of Health. (See below.)

<sup>4</sup> Carlisle to E. Chadwick, 11th October 1852.

<sup>5</sup> *Idem.*, 26th March 1852.

this spiky man, could open his heart, even in so clumsy and embarrassed a fashion as this:

'Whenever I have been deeply troubled in spirit, and have received a note from you, it has produced a calming, soothing effect, and helped me on in the course of duty: and so it is now, but it is the promise that though somewhat separated officially, you will be present and aiding us in our needs which will be many. I have said amongst my friends that I never served with any one whose motives I felt to be more pure and elevated and therefore friendly.'<sup>1</sup>

<sup>1</sup> E. Chadwick to Carlisle, 27th March 1855.

## CHAPTER IV THE CAPTURE OF LONDON

1

ON the day when Russell gave Chadwick his new assignment, 23rd July, the election writs were moved, and it would be September before the election was over. This gave Chadwick two months to prepare for the Royal Commission on London. In this period certain important matters of principle were settled.

It was perfectly clear that Morpeth intended, Royal Commission or no Royal Commission, to supersede the existing Commissioners of Sewers and replace them by a single body for the whole Metropolis. Knowing this, Chadwick characteristically urged that it should take place at once.<sup>1</sup> Lord John would not agree, and the Chancellor alarmed both Morpeth and Chadwick by roundly condemning *any* supersession of the existing Commissioners. Morpeth thereupon suggested to Chadwick that their best plan now was to get the Enquiry set up, and produce a report 'as soon as may be, recommending a consolidation': the Chancellor could hardly fail to act upon *that*. Such strategy pleased Chadwick, who always made the famous academic distinction between 'My jobs and your jobs'<sup>2</sup> and he forthwith adopted it as his own.

This being settled the next two problems were what area the Enquiry should cover, and who should sit as Chadwick's colleagues. The first issue was soon settled, with Morpeth's active consent, not only as a 12-mile radius from Charing Cross, but also including the City of London.<sup>3</sup> The second took a little more time. Chadwick picked Southwood Smith and Professor Richard Owen as his two colleagues, and his favourite engineer, Henry Austin, as the secretary. The Government pressed on him two others. The first was to represent the City interest: he was Richard Lambert Jones, a Common Councillor, a fussy, busy, self-opinionated man, who had been much connected with street widening and sewerage in the City, where, in his enthusiasm for improvements, he had brought about the construction of a new London Bridge, and developed a passion for pulling down Wren churches.<sup>4</sup>

<sup>1</sup> Undated letter from Lord Morpeth to E. Chadwick, containing memo by Lord Chancellor Cottenham. Chadwick wrote a paper representing that the existing Commissioners would give no assistance to the Commission of Enquiry.

<sup>2</sup> *Microcosmographia Academica* (Cornford, C.U.P., 1950).

<sup>3</sup> John Roe to E. Chadwick, 6th August 1847.

<sup>4</sup> Cf. *Reminiscences of R. L. Jones* (1863), by himself.

The other was Lord Robert Grosvenor, son of the Duke of Westminster and the future Lord Ebury, who was supposed to be the member 'conversant with parliamentary feasibilities and with what is likely to go down with the general Metropolitan feeling'.<sup>1</sup> Morpeth also made a half-hearted attempt to appoint John Leslie.<sup>2</sup> Leslie was that Hanover Square vestryman and member of the Westminster Commission of Sewers who had caused such a stir by his 'exposures' before the Health of Towns Commission, and who had since followed up his attack by a scandal-mongering pamphlet.<sup>3</sup> Chadwick distrusted his motives, and in any case disliked him personally, and Morpeth's proposal dropped.

The last question was the terms of reference, and their very phrasing reveals the extent of the revolution Chadwick planned for London: they were more than topics of enquiry—they were in themselves his whole London programme. The Commission was to investigate house drainage and main drainage, street cleansing and paving, scavenging and water-supplies, in short, all the functions which Chadwick had decided must be consolidated under one authority. In addition it was to enquire into the 'best means of using existing works and of erecting new works', and finally into the most equitable modes of rating and assessment, particularly in respect to slum property.

As soon as the elections were fairly over and it was clear Lord John was staying in office,<sup>4</sup> the Royal Commission went out. On its way it received a cheery wave of good luck from *The Times*, and a tribute to Chadwick couched in the following ornamental terms:—

'There is one man at least among the intended commissioners who will bring their enquiries to a point and who will not rest till something is done. . . . We may depend upon it that he will give us a blue book of the very first class, full of genuine materials, handily arranged and expressed in a good racy style. . . . To investigate the source of a malaria or stench Mr Chadwick would swim through the stagnant pools of Avernus and enter the pestiferous jaws of Orcus itself: *per loca foeda situ* he would track the secrets of the nether world, to rescue his Eurydice from the reign of Black Dis.'<sup>5</sup>

II

Chadwick spurred on his colleagues to have their first Report ready before Parliament met in November. Suddenly there came the first faint but terrifyingly distinct muttering of the approaching storm:

<sup>1</sup> Lord Morpeth to E. Chadwick, 25th July 1847.

<sup>2</sup> 'Address to the Representative Vestries', by J. Leslie, 1845.

<sup>4</sup> The commission is dated 24th September 1847.

<sup>5</sup> *The Times*, 11th September 1847.

<sup>3</sup> *Ibid.*



Cholera! On 15th October a Dr Hall wrote an alarming letter to *The Times*. On the 20th he demanded instant action. *The Times* took up the cry. By November the pestilence had reached Russia. The news alarmed Chadwick, and the Commission immediately switched its investigations from drainage to cholera. 'Every day's delay of this report', he wrote in agitation, 'has been to me a subject of extreme annoyance as well for the delay in respect of the Commission as in meeting the public alarm on the subject of the cholera. Though I hope it will not come, the veering of the wind or possibly of an electric current might bring it upon us . . .'<sup>1</sup> For the approach of the cholera, even if it deflected the attention of the Commission from its terms of reference, gave additional urgency to the need to set up a new sanitary jurisdiction for the Metropolis. The engineering evidence had already been collected: officers of the old Commission had either made more 'exposures' or had been convicted out of their own mouths. The delay in the Report was due to Lambert Jones who tried to soften the strictures on the old Commissioners, and from Lord Robert Grosvenor's 'fidgets and groundless alarms', the result of parliamentary lobbying.<sup>2</sup>

But no sooner was the Report ready than Chadwick urged it must be withheld until the Lord Chancellor had finally agreed to supersede the eight separate Commissions of Sewers. Otherwise they would 'make desperate recrimination, at which, in their despair they would stick at nothing'.<sup>3</sup> If, on the other hand, it was decided to supersede the Commissions, speed was essential; the Commissions expired on 5th December, and there was hardly time to renew them. Morpeth exerted all his influence upon the Chancellor,<sup>4</sup> and soon the issue was narrowed to whether all the Commissions should be abolished<sup>5</sup> in favour of a single new one, or whether separate Commissions should be reissued but to identical persons. To avoid any legal dispute as to the old Commissions' debts and contracts, Chadwick and Morpeth preferred the latter. It was a stop-gap measure to last only until the status of London could be clearly defined in the promised legislation of 1848. The Chancellor thereupon gave way and on 30th November, simultaneously with the publication of the First Report, six of the Commissions of Sewers, comprising 600-700 persons, were superseded by the Crown.<sup>6</sup>

On 2nd December the names of the new Commissioners were made

<sup>1</sup> E. Chadwick to Lord Morpeth, 9th November 1847.

<sup>2</sup> Idem., 18th November 1847.

<sup>3</sup> Ibid.

<sup>4</sup> E. Chadwick to A. Doyle, 2nd December 1847.

<sup>5</sup> With the important exception of the City of London. This problem was temporarily shelved. (See below, pp. 328-9.)

<sup>6</sup> *The Times*, 3rd December 1847.

public. A vitally important point of principle had been raised thereby and this was only now settled. Morpeth, well recognizing the force of Metropolitan Radicalism, wanted a partly representative body, containing a delegate from each Poor Law Union and the larger vestries. This course was energetically propounded by the Hon. F. Byng and John Leslie, the rebel members of the Westminster Sewers Commission.<sup>1</sup> Chadwick would have nothing of the plan, and the matter was now compromised. All the members were to be Crown appointments, but Morpeth insisted upon Byng and Leslie sitting on the new Commission. With the possible exceptions of Lambert Jones and one or two others, the new body was packed with Chadwick's nominees. He himself was one of the new members, and with Lord Morpeth as the Commission's champion, he had now become the virtual leader of London sanitation.

This completed the first instalment of Chadwick's London programme, and he could confidently anticipate a complete statute for London for the next Parliamentary session. He began to organize the ordnance survey of London, and set afoot such sanitary improvements as were immediately possible<sup>2</sup>; simultaneously he turned back to the Royal Commission to prepare the public for the absorption of street paving and cleansing, and of water-supply by the new Metropolitan authority.

But the fear of a cholera epidemic still drove Chadwick, Owen, and Southwood Smith to take all the evidence they could on the nature and propagation of the disease. Furthermore, the session was almost at hand, with all the consequent anxiety about the new Public Health Bill. When the Second Report came out in February 1848 it almost exclusively dealt with cholera and the need for local Boards of Health. Some space was given to the drainage of suburban land: but all mention of London water-supplies, of street cleansing, of the status of the City was postponed for a further report. Thus the Metropolitan Sanitary Commission had no effect on subsequent legislation. Yet it must be stressed that Chadwick did not abandon the programme it was to have embodied. As far as he personally was concerned, the incompleteness of its work in February 1848 was to be made good later and the Second Report was merely of an interim nature.

Both the First and Second Reports enjoyed a very good press. Alexander Bain, whom Chadwick had appointed as Assistant-Secretary, was made to write leaders in the *Globe* and the weekly *Observer*.<sup>3</sup> the *Chronicle* was favourable as always until, in February, it was sold

<sup>1</sup> Lord Morpeth to E. Chadwick, 25th July 1847.

<sup>3</sup> Alexander Bain, *Autobiography*, p. 196 ff.

<sup>2</sup> See below, chapter v.

by its proprietor to a Peelite syndicate, notwithstanding Chadwick's efforts to persuade his brother-in-law to buy it.<sup>1</sup> From then it began to publish the vituperative letters of Joshua Toulmin Smith. But at this date, and throughout the whole of Chadwick's connexion with public health administration, only one paper mattered and that was *The Times*. Its annual circulation of over eleven million copies was greater than that of all the other London dailies put together; and at this juncture *The Times* was favourable to Chadwick.

<sup>1</sup> E. Chadwick to John Kennedy, 22nd January 1848.

## CHAPTER V

### THE LEGISLATION OF 1848

#### I

MORPETH'S new Public Health Bill made four main points. The central authority was a variant on the previous session's model. This time it was to be a Board of five members (two of them paid), presided over by a responsible member of the Government. The local authorities fell into two classes; in the corporate towns, members of the Corporation would exercise the health functions, and if co-terminous strips were added to the municipal jurisdiction, a number of their representatives would be elected and serve with the councillors. The non-corporate towns would elect representatives to form their local Board. Thirdly, the central authority would exercise some control over the Boards. A local Board would be set up when, upon the petition of one-fiftieth of its inhabitants, and a subsequent report by a central inspector favouring such a petition, the central authority promulgated an Order in Council. This Order would define the area of jurisdiction and designate the number of elected representatives. Once set up, the Boards were subject to certain compulsory provisions in the Act: they must meet, appoint a Surveyor and Inspector of Nuisances, procure an ordnance survey, make sewers, require owners and occupiers to provide house drains, cleanse the streets, remove rubbish, register slaughter-houses and lodging-houses and provide a sufficiency of water. (The Act also contained many permissive functions.) The central Board exerted a control in so far as the local surveyor might not be dismissed without its consent, and in so far as any local engineering plans must receive its sanction. When sanctioned, plans became mandatory on the local body. The local Board's authority to borrow money and spread repayment over thirty years was also subject to the central authority's sanction. Finally, London was temporarily excluded until the Metropolitan Sanitary Commission reported more fully.

The Bill met a mixed reception outside the House. *The Times* was strongly favourable. The *Lancet* welcomed the Bill provided that medical men administered it, but when Morpeth refused to give this assurance, became bitterly hostile.<sup>1</sup> But from the City of London, from

<sup>1</sup> The *Lancet*, 1848. vol. i, pp. 216 and 269.

some of the municipalities and from the press that supported them there went up one swelling anthem of protest: the Bill was *Centralization*! 'Even in Constantinople or in Grand Cairo where plague and cholera are decimating the population, it is doubtful whether such a Bill would be desirable', wrote a correspondent to the *Morning Chronicle* writing under the (highly original) pseudonym of 'Ratepayer'.<sup>1</sup>

Such wild charges were echoed inside the House from the Protectionist Benches. They objected strenuously to the exclusion of London. They clamoured that their constituents could not afford public health works. They cried out against patronage. And one and all without intermission declaimed against a Bill 'un-English and unconstitutional, corrupt in its tendency, (and) an avowal of a determination to destroy local self-government'.<sup>2</sup>

Chadwick correctly sized up the nature of the opposition—even his lobby-computation was remarkably accurate—and bade Lord John Russell stand firm:

'I cannot but believe that you are widely misinformed as to the real extent of your support on the Health of Towns measure. Before any discussion had been taken Mr Brotherton told me that on no question would there be so much hollow opposition: but that he did not think that more than thirty would divide against going into committee and that on other questions and the substantive propositions such numbers as sixty, seventy or eighty members might divide against it. Hearing that Mr Urquhart intended to oppose from the Town of Stafford: that "the people of Stafford" were against the Bill, and knowing something of the place, I did not believe that the opposition was more than from the corporation of Stafford. I got an enquiry made to ascertain how the fact was and the answer was put into Lord Morpeth's hands from the most respectable inhabitants, from every clergyman and every minister and every medical practitioner in the town. If I had been enabled to send down an agent with petitions for the working classes the answer would have been still more effective.

'The middle classes appear to have concluded from the Queen's speech that the measure must be carried and therefore there are few or no subscriptions to local voluntary associations. But such answers as have been given from Stafford may be obtained from other places if there be further delay, which is to be deprecated. If I could be provided with a moderate sum for expenses—I have already incurred much personal expense—answers might be obtained from within the City of London from merchant and traders and from the larger parishes of Marylebone.'<sup>3</sup>

<sup>1</sup> *Morning Chronicle*, 29th April 1848.

<sup>2</sup> *Hansard*, Parliamentary Debates, 10th February 1848, xcvi, cols. 385 et seq.; 21st February 1848, xcvi, col. 1022; 5th May 1848, xcvi, col. 710.

<sup>3</sup> E. Chadwick to Lord John Russell, 14th May 1848.

During the debates Chadwick came to personal prominence. Just before the House went into Committee on the Bill, he was surprised to find himself created Companion of the Bath.

'I was the other day surprised by a clerk coming to me from the Colonial Office to ask me how my name should be entered and with what additions for the Companionship of the Bath. All things, and Lord John's displeasure considered, I was not a little surprised at the honour. It was rather odd that I should not have had a line of communication from any one on the subject. However, I wrote to him a strong expression of thanks when in reply he stated that I owed the honour to Prince Albert.

'The Prince had made the recommendation as an observer—He had, I found, taken an interest in Sanitary questions and had read the reports.

'I have had an interview with him on the subject of the improvement of labourers' dwellings. I do not remember that I was better questioned. I must be strongly biased towards him, but from all I hear of him he appears to be a person who divested of his rank must take a very high position.'<sup>1</sup>

Hardly had he recovered from his pleasure than a set of personal attacks were made on him in the House. He was accused of writing the Health of Towns Association pamphlet 'Report of the sub-committee on the State of Towns'—which was in fact one of the few publications in which he had no hand.<sup>2</sup> Sibthorp accused the Government of creating a paid place for him and wanted to know what his salary was to be: 'he hated commissions, he hated jobs', added Sibthorp, 'and he distrusted all governments'.<sup>3</sup> Divett, the Exeter Member, was even more offensive. 'It was perfectly well known', he said, 'that the noble Lord had undertaken the important duty of effecting a reformation of the Commission of Sewers chiefly under the advice of Mr Chadwick to whom the Bill would give an important and powerful place'.<sup>4</sup> Chadwick was always tetchy on the rights of the civil servant:—'It is contrary to all rule to attack a subordinate in office who may be carrying out orders in which he does not agree (which has been too common in my case) and who cannot defend himself. It is striking at the defenceless, as it were striking a woman'.<sup>5</sup> He wrote to Lord Lincoln and to Lord John demanding protection: but still more in keeping with his character was a testy letter to his old friend W. E. Hickson in which he laid the

<sup>1</sup> E. Chadwick to ?, 29th May 1849.

<sup>2</sup> *Hansard*, 11th May 1848, xcvi, col. 872, and col. 790.

<sup>3</sup> *Ibid.*, col. 1174.

<sup>4</sup> *Ibid.*, col. 725.

<sup>5</sup> E. Chadwick to J. Ferrell, 6th May 1848.

blame on his C.B. 'I do believe it has tended to stir up a mass of jealousy against me in the House of Commons which has furnished the Government with the pretext of abandoning the Board of paid Commissioners and promising that it shall be carried out by commissioners who are unpaid'.<sup>1</sup> Indeed this last danger was only just averted in the Committee stage.

## III

By the time the Bill reached its third reading, Chadwick was appalled. The burial clauses by which local authorities might own and administer cemeteries were dropped on the advice of Sir George Grey who feared they would rouse the Dissenters. The anti-cholera clauses, which became more and more urgent as the Continent brought tidings of a new epidemic, were dropped for fear they would obstruct the passage of the main measure, and relegated to a hasty makeshift Nuisance Removal Bill. At the instance of Sir James Graham the power of local Boards to manage their own waterworks was seriously weakened to the advantage of the private companies. The central Board had been reduced from five members to three, of whom only one was to be paid. The mode of applying the Act to localities was seriously modified: only where local boundaries and local Acts were undisturbed would the General Board apply the Act by Order in Council; elsewhere it would act by a Provisional Order which the House would of course be able to debate. The local Boards would not be legally bound to submit plans of sanitary works: even if they did so, and received the General Board's sanction, they were not bound to go on and execute them.

All these modifications seriously weakened the central authority's grip, but they went along with two concessions which made the Act unworkable. Instead of the initiative lying with a petition of one-fiftieth of the ratepayers, it was now to lie with a petition of one-tenth; and while the local Boards were still empowered to spread loan charges over thirty years, the General Board lost its power to prohibit loans whose purposes it disapproved of. With these two concessions, the Bill had virtually become a permissive one, little better than the Towns Improvement Consolidation clauses of 1847.

The only change that Chadwick approved was the reduction of the central Board to three members. He had carried on an unremitting campaign against the 'honorary commissioners' who would sit on Morpeth's board, and there is more than a hint that he would have

<sup>1</sup> E. Chadwick to W. E. Hickson, 9th May 1848.

preferred to see one paid commissioner (clearly himself) rather than two, even if the second were to be Southwood Smith. In all this the personal motive is uppermost. His experience at the Poor Law Office had made him understandably impatient to carry out his own measures in his own way.

'The whole sanitary arrangement' (he told R. A. Slaney), 'depends upon the arrangements of the personnel. It is probable that I may have a sufficient salary secured to me: but that will not avail the public unless I have a position secured in which I might initiate and defend measures. I have no objections to a Cabinet Minister or a recognized chief, but I have strong and decided objections to acting under any honorary commissioner whatsoever.'<sup>1</sup>

'What is it but dividing and diminishing the responsibility of the really working or paid members of the Board? . . . What is it but encumbering them? . . . Unless there are very special qualifications of knowledge and zeal, every additional member of a Board is an additional trouble to inform and keep right. Unless there can be a well-defined division of labour, Boards are most difficult and dangerous instruments for executive work.'<sup>2</sup>

The reduction of the Board from five to three, with the provision that two members would be unpaid (of whom one was to be the First Commissioner of Works and Forests), was therefore welcomed by Chadwick as a move toward 'single-seatedness'.

But the rest of the Bill was wreckage, and in that state the initiation clause and the loan-sanction clause became the two bastions of central control.

'Really', he wrote to Morpeth, 'the concession of the privilege to the Local Bodies of spreading charges over periods of time [i.e. without the sanction of the Board] is fraught with so much mischief, and is in itself so large a dereliction of principle, it forms so important a key point for the central control, the opposing parties are themselves aware of its importance, and they could make so slight a fight for it, that the provision should be in some way or other replaced, or the privilege of spreading the charges struck out.

'It may be said "Oh it may be set right—it may be provided in the provisional order"'. But the provision will create jobs: men seeing it in the Act will lay down all sorts of schemes on the presumption that the expenses may be spread and will fight with all the rage of men who are about to have a money loss inflicted upon them, against the privation. It will create conflicts which the Central Board will not be inclined to undertake, or to be unkind to save the money of indefinite persons. The expenses thus incurred will act as barriers, or in reproach of measures of sanitary improvement. The doctrine of the necessary safeguards have been so widely preached and are now so well understood by those out of the house who take an interest in the question, that the

<sup>1</sup> E. Chadwick to R. A. Slaney, 16th May 1848.

<sup>2</sup> E. Chadwick to Lord Morpeth, undated, 1848.

whole responsibility of the consequences will be thrown upon you unless you protest.'<sup>1</sup>

He also urged that the new initiation clause, requiring a petition of one-tenth of the ratepayers before the General Board could intervene, would make the Act almost inoperative.

'I know places in the North where two or three manufacturers may by their influence with the ratepayers, almost effectually prevent any application whatsoever. Then all the butchers, all the fishmongers, all the poulterers who are to be subjected to inspection, all the lodging-house keepers, all the owners of the classes of houses having cellar tenements, and persons carrying on trades which are nuisances, must be in array against the Bill—all these are ratepayers: and the others of the middle classes who will be frightened with stories of the increase of rates; and yet we are to expect unheard-of combinations amongst them for the introduction of measures which are to benefit chiefly the working classes!'<sup>2</sup>

'As it stands I see no probability whatsoever of the introduction of the measure into the most important places. It would require three or four thousand ratepayers in Liverpool or Manchester to be moved and to sign for the introduction of the Act. Some of the trades unions and some of the chartists have begun to notice the measure. It has been called, as it is properly, a poor man's measure, and it will not escape them that the initiation of it is given to another class, the ratepayers, who will not feel themselves aggrieved, or have any particular interest in it, and are yet biased against it from a dread of the increase of the rates.

'I do not see how any one could get up in the Commons and contend that where there was a heavy infantile slaughter, or where the labouring classes are grievously ravaged by epidemics there shall be no intervention except on the initiation of the middle classes.

'I think it would be well that the provision as it now stands, which I believe came from Mr Henley and the protectionists, should be distinctly placed to their account, as in a new position, as *protectionists of epidemics and excessive mortality*.'<sup>3</sup>

Failing to get the Commons to reinsert the clauses, Chadwick had recourse to his friends in the Lords. Ellenborough and others were willing to sponsor the loan-sanctioning clauses, and this duly became one of the Lords' Amendments. The Lords also inserted two amendments which Chadwick did not want. One made the General Board responsible for sanctioning local contracts. The other made it mandatory on Local Boards to prevent smoke nuisance. The latter terrified Chadwick, who feared it would bring the whole manufacturing interest against the Bill.

In addition Bishop Blomfield carried an amendment by which the

<sup>1</sup> E. Chadwick to Lord Morpeth, 3rd June 1848.

<sup>2</sup> E. Chadwick to Lord Lansdowne, 13th July 1848.

<sup>3</sup> *Idem.*, 21st July 1848.

General Board might force the Act upon localities where the mortality exceeded a given figure. In its first form, two tests of such mortality were given: one, where the deaths of children under five years of age exceeded 38 per cent. of total deaths, the other where deaths from epidemic disease exceeded 20 per cent. of the total.

When the Bill came down from the Lords, rumour ran that the Lords would insist on their amendments: rumour also ran that the Opposition would resist. Chadwick exploded with rage: 'Surely 38 per cent. of the infantile deaths and 20 per cent. of deaths from epidemics to be protected against authoritative intervention ought, if not the Commons, to satisfy Moloch himself! What a piece of evidence of our barbarism must not this hereafter appear to be!'<sup>1</sup> The danger was increased by a sinister opposition from 'the Water Companies and some of the Corporations'<sup>2</sup> to the loan-sanction clauses, and from the expected opposition of John Bright to the smoke clauses.

At the last moment Lord Morpeth, who had been struggling with the complexity of Bishop Blomfield's clause, rejected it and proposed an amendment of his own: the test of local mortality should be, not the proportion of infantile or epidemic mortality to the whole, but, simply a seven years' average death rate of over 23 per thousand. (The average for England and Wales was then 21 per thousand.) Chadwick was quite astonished at this sagacity!

'MY DEAR LORD,—Your amendment in the Bishop of London's Clause will I think be a very decided improvement: I have had it tried over, and I believe it will give more places. The infantile mortality would really have been the best test, but for the uncertainties of the registration, and the possible falsifications as to the causes of disease which I mentioned. This amendment I think a great thing in every way. The one-tenth of the ratepayers, was in every respect a disastrous mistake. If you have preserved control over the mortgages of the rates, I think we are well without the smoke clause this year, and also I am inclined to think, the contract clause—'<sup>3</sup>

All did, in fact, go on as the letter had hoped. Bright and the chimney-owners struck out the smoke clause.<sup>4</sup> The contract clause was lost. But the loan-sanction clause went through, and although Henley and the opposition resisted the new initiation clause, they dared not divide. The only difficulty now was the possibility that the Lords might still

<sup>1</sup> E. Chadwick to Lord Morpeth, 12th July 1848.

<sup>2</sup> E. Chadwick to Delane, 3rd August. Cf. *The Times*, 7th August 1848—E. Chadwick's appeal to Delane on the 3rd was responded to in this number.

<sup>3</sup> E. Chadwick to Lord Morpeth, 8th August 1848.

<sup>4</sup> '100 Years of City Government', Shena Simon, p. 203.



insist on their rejected amendments and 'so endanger the whole'<sup>1</sup>; but with sundry reflexions on the cowardice of the Government and the arrogance of the 'great chimney-owners' they acquiesced, and on 16th August gave the Bill its final reading.<sup>2</sup> The General Board had been given some teeth. It could compulsorily set up a Board where the average crude death rate was over 23 per cent. The local surveyors might not be removed, nor loans be raised, without its consent. Any individual aggrieved by the local Board might appeal to the central authority. The life of the Board was limited to five years: but this limitation Chadwick resignedly accepted.

## IV

In the meantime the London project misfired. The session began with Morpeth laying plans for his promised supplementary statute. He put the alternatives to Chadwick very clearly and very firmly. There might be a mixed commission, consisting of Crown nominees and elected representatives. Alternatively there might be *either* continuance of the present Crown-appointed commission *or* a fully representative one. In the last instance, each Union or Select Vestry would send along representatives: or alternatively, the vestries could be divided or united according to a schedule, and send along representatives in proportion to population. He made no secret that he favoured a representative body. But while he was willing to defer to Chadwick on the matter—in an evil hour for both, as the event turned out—he warned his colleague roundly that he could not both have his cake and eat it. If the Commission were representative then it could be made subject to the control of the General Board of Health like any other local Board; on the other hand, if the Commission were nominated, as Chadwick strongly desired, then clearly it could be subject to no such control. That control would in fact be exercised by Chadwick and Morpeth, as members of the proposed General Board, over Chadwick and Morpeth, as members of the Commission of Sewers. 'So that', added Morpeth, 'if they were in a minority the appeal from the majority must be carried to them!'<sup>3</sup>

This logic was very unwelcome to Chadwick but it *was* logic. By June when Morpeth began to prepare for his London Bill<sup>4</sup> he had chosen his alternative—the continuance of the nominated Commission. In the

<sup>1</sup> Lord Morpeth to E. Chadwick, 8th August 1848.

<sup>2</sup> '100 Years of City Government', Shena Simon, p. 203.

<sup>3</sup> Lord Morpeth to E. Chadwick, 21st February 1848. Cf. Lord Morpeth to E. Chadwick, 20th February and 21st February 1848. <sup>4</sup> Lord Morpeth to E. Chadwick, 7th June 1848.

first place the incapacity of the Commission's staff was becoming more and more marked, and Chadwick decided they could not cope with the multifarious business of street paving and cleansing. Nor was the Royal Commission on London Sanitation ready to report on the matter. The wretched Alexander Bain was still slaving away to abstract the various Metropolitan paving acts on a uniform plan.<sup>1</sup> 'We can give you no effective supports at this time for any new powers tending to that part of the consolidation in the Bill', wrote Chadwick to Lord Morpeth.<sup>2</sup>

In the second place, the investigations into water-supply were still less advanced. Enough had been done to convince Chadwick that 'the pipes of some companies . . . were not worth taking out of the ground and that their supplies ought not to be endured for one day',<sup>3</sup> and that as a result their claims for compensation were an impertinence.<sup>4</sup> But all he could provide so far were the draft heads of the Report; 'further, more close and most laborious examinations' were still to come.<sup>5</sup> Furthermore, it was useless to act against the companies until new sources of water-supply had been opened up, and although enquiries were proceeding, nothing material had been discovered. Water from deep drainage and surface water from heavy clays had been analysed and found twice as soft as Thames water.<sup>6</sup> The waters of Bexley had been tested, and tests had started at Epping, Windsor, and Richmond.<sup>7</sup> But there was not enough staff to make the enquiries and Chadwick warned Morpeth they would take a long time.<sup>8</sup>

Since the water companies were to be given a temporary amnesty and no new functions were to be taken over from vestries and paving boards there seemed to be no popular colour for making the Commission of Sewers a representative body. And since no popular clamour could be raised for such action Chadwick was well content that the Commission should stay as it was. The truth was that an anti-Chadwick opposition had sprung up in the Commission of Sewers, few in number but factious and obstructive in manner: and its members were all vestrymen whom Morpeth had nominated to placate Metropolitan feeling. Chadwick warned Morpeth that this opposition was wearying the other members and they were beginning to quit.<sup>9</sup> He concluded with the strongest of hints as to his personal feelings in the matter:

'Leslie [the opposition leader on the Commission] has driven several away from attending at the General Purposes Committee: and if there were an

<sup>1</sup> A. Bain, *Autobiography*, p. 196 ff.

<sup>3</sup> *Idem.*

<sup>6</sup> *Idem.*, 14th June 1848.

<sup>8</sup> *Idem.*, 14th June 1848.

<sup>2</sup> E. Chadwick to Lord Morpeth, 30th May 1848.

<sup>5</sup> *Idem.*, 9th June 1848.

<sup>7</sup> *Idem.*, 31st July 1848.

<sup>9</sup> *Idem.*

admission of elected representatives who are expected to be at best of the like stamp, you would have other absences or resignations. I have been already told so. I would not answer that I could attend to work it myself. In the present position of the Commission there is more of danger than I can convey to you and I am very uneasy about it.<sup>1</sup>

His solution therefore was to retain the Commission as a Crown-appointed body, to postpone the consolidation of water-supplies, and of paving and street cleansing, but to give it additional powers in three major respects. In the first place the separate districts must now be abolished and the new Commission recognized as having jurisdiction over one single metropolitan area. At the same time it should receive additional power to raise loans, and new powers to control privies, water-closets and cesspools, to remove nuisances, to regulate paving in respect to drainage works, and to control the laying of gas and water pipes. In the third place the consolidated Commission must include the City of London.

On this last point he stood adamant. Morpeth too was committed to the principle. But the City Corporation was a power in the land, and its parliamentary representative was the Prime Minister.

The City Corporation was angry and obstinate. When the Royal Commission on London Sanitation began its work in September 1847, Chadwick had decided to spare the City an investigation. The First Report recommended one single sanitary jurisdiction for the whole Metropolis, and Lambert Jones felt reluctant to demand a separate jurisdiction for the Corporation. But a little later Chadwick decided that the detailed examination ought to be made. In alarm the Corporation beat Morpeth and Chadwick to a parley, proposing in fact to buy off the investigation by a draft Bill which they expounded as an earnest of their future good behaviour. As Chadwick thought little of their Bill, and as the deputation insisted upon an independent jurisdiction, Morpeth refused to compromise and told them they must be included under the Consolidated Metropolitan Commission of Sewers.<sup>2</sup> To the annoyance of the City the investigation began. Simultaneously they found themselves held up to contempt by a thoroughly insulting Report put out by the Health of Towns Association.<sup>3</sup> It was suspected that Chadwick had had a hand in the Report.<sup>4</sup> The Corporation protested to the Association and the Association

<sup>1</sup> E. Chadwick to Lord Morpeth, 20th June 1848.

<sup>2</sup> E. Chadwick to Lord J. Russell, 1st May 1848. E. Chadwick to Delane, 24th February 1848.

<sup>3</sup> Report of the Sub-Committee on the State of Towns, 1848.

<sup>4</sup> He admitted that the facts were his: E. Chadwick to Delane, 24th February 1848.

replied with an even more insulting pamphlet in which terms like 'patronage', 'jobocracy', 'oppressive taxes for most inefficient work' were freely sprinkled.<sup>1</sup> A party in the Corporation now decided to wage war on the Public Health Bill by crying 'centralization'. They printed handbills, inserted letters in the *Morning Chronicle* and got up meetings in the city parishes.<sup>2</sup> Finally they approached Russell to prevent the absorption of his constituency. Russell consulted Chadwick, who related the history of the matter and said what was true enough that 'natural barriers prevented the drainage areas being separated'.<sup>3</sup> Russell thereupon announced to the Commons that he proposed to consolidate the City with the Metropolitan Commission.<sup>4</sup>

Still the Corporation would not give up, and towards the end of the session Russell began to weaken, until he suggested that Morpeth should postpone the Sewers Bill till next session. Chadwick urged that this would be a mistake. If the City were assaulted this year they would be without allies. Next year, they would be able to make common cause with the paving boards and the water companies, for by then the Commission would be ready to absorb them. Russell's alternatives were a small conflict this session or a very large one in the session to come.<sup>5</sup> Russell told Morpeth to proceed, but the tenacious Corporation had unexpectedly introduced their Bill into the Lords, where it reached its third reading unbeknown to Morpeth. It provided a set of powers, including that of appointing a medical officer, to amend and improve those already possessed by its Commission of Sewers. A head-on clash in the Commons appeared unavoidable when Morpeth intervened and forced the City to a compromise. The City might retain its separate Commission of Sewers if, in return, it sent four representatives to the Metropolitan Commission whenever the main drainage was under discussion, or any other matters affecting the City's jurisdiction. It was to be understood that in such matters they must be prepared to abide by a majority decision. The City deputation agreed to the terms, and the two Bills, the City Sewers Bill and the Metropolitan Commission of Sewers Bill, went on their way side by side.<sup>6</sup>

Thus the session ended with the Metropolitan Commission on much the same footing as it had started. Yet it would be the worst of mistakes

<sup>1</sup> *The Sanitary Condition of the City of London* (Health of Towns Association, 1848).

<sup>2</sup> E. Chadwick to Lord J. Russell, 17th July 1848. Cf. 'The Public Health Bill: Opinions of the Public Journals', by A Citizen.

<sup>3</sup> E. Chadwick to Lord J. Russell, 1st May 1848.

<sup>4</sup> *Hansard*, Parliamentary Debates, 5th May 1848.

<sup>5</sup> E. Chadwick to Lord J. Russell, 17th July 1848.

<sup>6</sup> *The Times*, 15th September 1848.

to suppose that Chadwick had in any way abandoned his London programme. Everything shows that it was a postponement only till the next session. Receiving the Secretary of the Society of Vestry Clerks, Chadwick told them :

'I was confident there must be a consolidation of the paving boards . . . that the only question was one of time. . . . I advised them in a friendly manner . . . to put their houses in order. I asked him to direct the attention of the society to the services they might render under a consolidation. . . .'

In a like manner he was convinced that next session would see the absorption of the water companies. He even tried to persuade Morpeth that till then the Lambeth Company should be refused parliamentary sanction to enlarge their works.<sup>1</sup> 'We must', he told Morpeth as the session was closing, 'prepare for an eventual fight with the Companies; the public are increasing in discontent with the qualities of the supplies, with the modes and with the charges for them. It would be well to feel what is their strength in the House if you can spare the time, and not give away or say anything more than Sir William Clay speaks. All our sewers arrangements must be made on the presumption that supplies of water for that purpose at the least (are available)'.<sup>2</sup> And even to the Prime Minister he spoke confidently of the next session as the time 'when the question of waterworks, water-supply and paving and cleansing works will come up.'<sup>3</sup>

The curious twist which events and Edwin Chadwick had given to the sanitary status of London was due to have great consequences. The session had begun with Morpeth hoping for a representative body charged with water, drainage, paving and cleansing, and under the general control of the Board of Health. Instead it saw the General Board of Health running in double harness with the Metropolitan Commission of Sewers, Morpeth and Chadwick supplying the motive power of both. There is no reason to suppose that Chadwick was in any way displeased at this paradoxical arrangement. It has usually been assumed that the failure of the General Board was due to weaknesses in the Public Health Act: these were a trifle compared with the failure to complete the sanitary status of the Metropolis. The dualism of the two bodies, the efforts of the General Board to retain its control over the Commission and to expand it to include water and burials was the most important single factor in the fall of the Board. Chadwick's confidence

<sup>1</sup> E. Chadwick to Lord Morpeth, 28th April 1848.

<sup>2</sup> E. Chadwick to Lord Morpeth, 10th August 1848. Sir William Clay, M.P. for Lambeth, was the director of three of the eight companies, but at this time Chadwick's ally.

<sup>3</sup> E. Chadwick to Lord J. Russell, 17th July 1848.

that he could by next year complete the powers of the Metropolitan Commission betrayed an excessive optimism. It assumed that the General Board would have time to devote to water-supply and paving boards, and that Chadwick could retain his grip upon the Metropolitan Commission. But even as the Public Health Bill was in its last dilatory stages, the first supposition was being falsified; the cholera was loose in Europe again, and had nearly reached Berlin.