

BOOK NINE
THE STRUGGLE FOR LONDON

CHAPTER I

LONDON BREAKS AWAY
(1847-1849)

I

IN November 1847 Chadwick's position as the real leader of the Metropolitan Commission of Sewers appeared impregnable. This new body, replacing six separate Commissions, had jurisdiction, with the exception of the City of London, over the whole Metropolis. Six or seven hundred former Commissioners were replaced by a small body of twenty-three, who, with few exceptions, were nominated by Chadwick. First there came a group of six names already familiar, viz., Lord Ebrington, Joseph Hume, R. A. Slaney, Neil Arnott, Southwood Smith, and Professor Richard Owen. There followed a miscellaneous group, also hand-picked. It included Sir James Clark, the Queen's physician, because he had written on 'Climate', and Sir Henry de la Beche, the director of the ordnance survey. There were two ecclesiastics, the Reverend W. Stone and the Dean of Westminster, the latter being selected because he was impressed by Chadwick's new drainage at Westminster School. Two philanthropists, Sir Edward Buxton and John Bullar, were also nominated, as well as the young John Walter III, the new proprietor of *The Times*—this last a choice that proved disastrous.¹ A third group was in fact the embryonic General Board of Health, viz. Ashley, Chadwick, and Morpeth. Altogether there were not more than five persons on whom Chadwick could not rely for consistent support. In addition, public opinion strongly approved this compliant 'machine'. But within eighteen months these supreme advantages were frittered away.

His ulterior plans were those already described as his 'London programme',² i.e. the ultimate unification of main drainage, house drainage, paving and street cleansing and water-supply under one body

¹ This group also included T. Puckle, a former member of one of the superseded Commissions.

² See pp. 309-10, for the detailed plan which he had in mind.

dominated by himself. Even the main object of the Commission, the main drainage, must be deferred until the Ordnance surveys were complete. In the meantime the Commission would have a two-fold task, first to alleviate the worst evils by flushing the sewers and by undertaking piecemeal works in the worst slum-areas, and secondly, to carry out experiments on matters which the Metropolitan Sanitary Commission had shown to be insufficiently established. One such problem was to find the cheapest and most convenient types of sanitary apparatus, another was to determine empirically the rate of flow of liquids in pipes, a third was to discover the best modes of utilizing liquid sewage-manure.

Chadwick made it clear again and again that there was no hope for new main drainage until the surveys were complete, but this cardinal feature of his programme seems to have been widely misunderstood. As the months went by metropolitan opinion became first impatient, then critical, and then bitterly hostile. This criticism could have been met only by a united and resolute body: unfortunately the Commission contained a handful of malcontents who made capital out of the situation.

Their ringleader was a man who has already entered the narrative once or twice, John Leslie.¹ Leslie was the typical London vestryman. By profession he was a fashionable tailor with a shop in Conduit Street, in the parish of St George's, Hanover Square: by predilection he was a politician. He was one of the local agitators who in 1831 overthrew the Select Vestry.² On the passing of the Poor Law Act he became one of the parish's Guardians and justified the Act in a pamphlet of such force that a body of local notables printed six thousand copies at their own expense and distributed them gratis to all the ratepayers.³ In 1837 he was appointed a member of the corrupt Westminster Commission of Sewers, and after campaigning unsuccessfully against its ruling clique, exposed their malpractices before the Health of Towns Commission⁴ and then, more vituperatively, in a public pamphlet.⁵ Though many respected his talents, few loved him. He was a thoroughly unpleasant man, spiteful, offensive, and ungenerous. He was very fiery and very positive, and had an opinion on everything. When the law officers of the Crown rendered an opinion which put him in the wrong, he

¹ See above, p. 315.

² *Report of the proceedings at a public meeting of ratepayers, St George's, Hanover Square, 1831* [Bodleian: London, 8° 1215].

³ *Principles of the Poor Law Amendment Act, as exhibited in St George's, Hanover Square, London*, by J. Leslie, 1835.

⁴ Second Report, Health of Towns Commission, Minutes of Evidence, Qq. 211-227.

⁵ *A short address to the Representative Vestries*, London, July 1845. Cf. also House of Commons paper, no. 686, of 1846, for the Commission's reply and Leslie's rejoinder.

refused to accept it on the grounds that 'he doubted their opinion.'¹ When four distinguished geologists affirmed that the London clay did not extend beyond a certain point, he rejoined that 'no class of philosophers rode their hobby horses further than geologists'.² When an engineer produced plans and estimates for some main drainage, he undertook to show that they could not be carried out.³ He was, it must be admitted, very quick and shrewd, but this made him all the less endearing. He owed his position on the Commission to Morpeth's favour in the teeth of Chadwick's strong objections. Morpeth said Leslie had done good service in exposing the old Westminster Commission, had practical experience, and, being a vestryman, would placate parish opinion.⁴ Chadwick disliked and mistrusted him from the first.

Leslie was protected and patronized by a powerful ally: indeed without such protection he must rapidly have been silenced, so great was the hostility he aroused. His colleague was that most improbable character, the man-about-town, the Hon. Frederick (Poodle) Byng! He was famous among London's smart set for his innumerable acquaintances and (according to him) almost equally innumerable love affairs.⁵ He had had an extraordinary and variegated career. Born in 1784, the youngest son of the 5th Viscount Torrington, he had been a cornet and ensign in the Army, and then a clerk at the Foreign Office. He became a vestryman of St James's and a member of the Westminster Commission of Sewers, and on retiring from the Foreign Office in 1839 devoted himself enthusiastically to the sanitary movement. He joined the Health of Towns Association, took out a share in the Association for the Improvement of the Industrious Classes, and lobbied indefatigably in the House of Commons. He was now sixty-four years old but appeared a mere youngster, and indeed on one occasion he drove Henry Reeve to hilarious incredulity by alleging that he had been a page of honour at Prinny's wedding in 1791!⁶ Byng was wonderfully eccentric. He was intensely inquisitive and such a gossip that he was nicknamed 'Paul Pry'. Landseer, on hearing he had become a Commissioner, drew a picture of a poodle poking its inquisitive nose into a sewer. Numberless stories abound of his social gaffes, such as openly

¹ *The Times* ('Metropolitan Court of Sewers'), 26th May 1848.

² *Ibid.*, 27th July 1849.

³ *Ibid.*, 27th September 1849.

⁴ Lord Morpeth to E. Chadwick, 31st December 1847.

⁵ It is generally said that the name 'Poodle' was given him on account of his curly hair by George Canning. Byng himself told the Hon. F. Leveson Gower that it was given him 'by some charming lady he had courted'. (Hon. F. Leveson Gower, *Bygone Years*, p. 99.)

⁶ All Byng could properly recall was the mighty thickness of Prinny's calves. His youthful behaviour continued to the end of his life. He became a Queen's rifle volunteer in 1859 at the age of 75!

complaining to his hosts about the food that was served him, or giving them unsolicited opinions or unacceptable advice as to their establishments and their servants. His most marked trait was his quixotry. It was this which impelled him to marry his mother's maid after she had borne him a child. It also accounted for his reforming enthusiasm, and undoubtedly led him to throw his buckler over John Leslie. They had worked together on the Westminster Commission where Byng conceived a great respect for him: now, seeing that the other Commissioners despised him and drew away from him, Byng stepped in as his protector and champion.¹

Leslie and Byng usually stood alone against Chadwick's majority, but on some issues they attracted a few allies, namely, Hutton the geologist, John Bidwell, a former Commissioner of Sewers, and Richard Lambert Jones.² Their power to do mischief sprung chiefly from their hold over some of the permanent staff. When the Commission was consolidated, the chief officers of the Westminster Commission and of the Finsbury Commission were given a prominent place, Hertslet of Westminster becoming clerk of the new body, John Roe of Finsbury and Phillips of Westminster becoming the chief surveyors. Now both Hertslet and Phillips were under obligations to Leslie. When Leslie exposed the Westminster Commission in 1844, Hertslet's ill-concealed agreement with his point of view had made him the target of the ruling clique, and Leslie had protected him.³ Phillips had even greater obligations. He had been a mere clerk of works until Leslie had sponsored him as surveyor and carried the proposition by 19 to 17 votes against the fierce opposition of the older commissioners. These unrelentingly pursued Phillips with insult and sarcasms under which he writhed, and he only kept his post by Leslie's active support and vigilance.⁴ Thus while Hertslet and Phillips looked to Byng and Leslie for support, John Roe was moved to seek a protector in Chadwick.

II

Chadwick complained of Leslie's manner from the start. 'I am sorry to say', he wrote to Lord Morpeth, who had been elected Chairman, 'that on the Committee Mr Leslie has been opposing matters of general principle in a manner which has given offence to several members,

¹ For Byng, see Boase, *Modern Biography*; Hon. F. Leveson Gower, *Bygone Years*; and all and indeed any of the memoirs of the time.

² For R. L. Jones, see above, p. 314.

³ First Report Metropolitan Sanitary Commission (Parliamentary Papers, 1847-8, xxxii), Minutes of Evidence, pp. 33 et seq.

⁴ *Ibid.*, pp. 42 et seq.

myself included, and that there is every appearance of obstruction and difficulty in working with him.'¹ The first issue that provoked a cleavage in open court was the ordnance survey. The Commission sanctioned this on 13th January² on Lord Morpeth's undertaking that the Government would pay the cost. But on 24th March Parliament refused to vote the money, arguing that London ought to pay its own expenses. Chadwick therefore suggested to the Commission that they should levy a rate for the purpose. John Bullar and W. J. Broderip³ assured their fellow-Commissioners that this would be perfectly legal, and all would have gone smoothly but for Leslie who flatly contradicted them. The matter was referred, at some expense, to the law officers of the Crown who agreed that the levy was quite legal: whereupon Leslie once more opposed the levy of a rate, exhibiting what Chadwick called 'equally ignorant and insolent contempt',⁴ by declaring that 'he doubted the law officers' opinion'.⁵ He was voted down, of course, but with some justification the two lawyers whose opinion he had impugned henceforth treated him with marked aversion. Furthermore, six precious weeks of good surveying weather had been lost.

A far more serious set of disputes arose over the status and salary of the permanent officials. Roe was technically senior to Phillips, but Leslie defended his protégé so actively that Chadwick agreed at last to give them equal status in their separate districts. This arrangement soon proved inconvenient. Roe, who approved steam-pumping sewage from districts below water-level, refused to recommend the principle for Westminster because it might interfere with Phillips, and Phillips, who shared Chadwick's distrust of the way sewer-flushing was carried out, refused to undertake it himself because it might interfere with Roe. Soon Chadwick was wringing his hands over the inability of the two surveyors to adapt themselves to the new conditions. 'Neither Roe nor Phillips have advanced their position', he reported. 'The latter sent in a report in respect to Marylebone which would have exposed us seriously and I was obliged to stop it and have it altered, and the former gave in a report the other morning which appeared to be almost insane, and the Committee at once decided on its entire suppression. We cannot suspend either, both have considerable merit but require an excessive amount of watching'.⁶ Any intervention was obstinately

¹ E. Chadwick to Lord Morpeth, 30th December 1847.

² *The Times*, 13th January 1848.

³ The author of *The Statute of Sewers*. Both were lawyers.

⁴ E. Chadwick to Hon. F. Byng, 11th September 1848.

⁵ *The Times* ('Metropolitan Court of Sewers'), 3rd April and 26th May 1848.

⁶ E. Chadwick to Lord Morpeth, 30th May 1848.

resisted by Leslie who was clearly hoping to buttress his position, as he had done in the Westminster Commission, by coming out as the champion of the permanent officers. 'From the course of carping and the obstructions created to the trial arrangements of the paid officers', grumbled Chadwick, 'it might be considered that the whole object of the Government measure of the *supersedeas* was a change of Commissioners merely, and that change for the benefit of the paid officers.'¹ To improve the flushing of sewers and the cleansing operations, in which bad work and accidents were occurring, Chadwick proposed to introduce superintendents with chemical knowledge like Grainger and Bowie; but Leslie and Byng forced him to withdraw.² He suggested that while the sewers were being flushed, the run of the sewers might be gauged and so provide data for the sizes of sewers required in their future works. Leslie opposed this 'violently', and later obstructed it in Committee, on the ground that it was a mere waste of the officers' time.³ Finally, losing confidence in Roe and Phillips, Chadwick brought Henry Austin into the Commission to check the discrepancies between the reports of the two surveyors and to co-ordinate their work; although they received him most amicably, Leslie took furious objection to the proceeding as though Chadwick were 'promoting some job or invading the vested rights of the two surveyors.'⁴

Byng and Leslie also pressed for an increase in the officers' salaries. This both Morpeth and Chadwick were loth to sanction, as the establishment was clearly unsatisfactory and much adjustment was needed for it to function smoothly.⁵ To fix salaries and duties now would be to obstruct any change in the future. Byng and Leslie argued that the officers had to work harder and longer than before: but this drew from the indefatigable Chadwick a thundering retort that the one could not justify proportionate increases of pay *now* because officers had been allowed to be idle *then*.

'I think', he concluded, 'there is ground for complaint of gentlemen who have not proposed measures, who do not know the extent of Instructions which may have been given to officers or how far they may have fallen short, coming forward and dogmatically assigning the reward done for them, or casting blame on the opposers for niggardliness and want of due consideration for high service.'⁶

¹ E. Chadwick to Hon. F. Byng, 11th September 1848.

² E. Chadwick to Lord Morpeth, 30th May 1848.

³ E. Chadwick to Hon. F. Byng, 11th September 1848.

⁴ Ibid. E. Chadwick to Lord Morpeth, 21st June 1848.

⁵ E. Chadwick to Lord Morpeth, 30th May 1848. Lord Morpeth to E. Chadwick, 7th June 1848.

⁶ E. Chadwick to Hon. F. Byng, 11th September 1849.

Leslie's 'captious opposition',¹ 'ignorance and prejudice',² as Chadwick called it, improved the temper neither of Chadwick nor his fellow-Commissioners. He had almost no support, except from Byng and Lambert Jones, but he wasted time, diverted attention and exasperated everybody. He was a master of obstructionism. For example, in order to permit Arnott and Sir James Clark to collaborate in a Report on House Drainage, it proved necessary to convene evening meetings, as neither could attend in the daytime. Leslie, supported by Byng, 'resisted violently' and then, as the proposal was carried, 'declared violently that he would not attend'. 'He did attend, however, and attacked the officers for their report and interrupted the proceedings in such a manner as to show vindictiveness at having been overruled . . .' His unwearying persistence bored his colleagues and drove them from the Committees. De la Beche point-blank refused to have him on the Survey Committee.³ The more hot-blooded were stung into recrimination and time was wasted in futile bickering.

Even Byng admitted he was 'dogmatic, vulgar and abrupt.'⁴ A twelvemonth of him unnerved Chadwick. 'I never was at any Board', he said, 'where I sustained so much provocation and was so much disturbed'.⁵ 'Your manner', retorted Byng to Chadwick, 'has all the appearance (—I speak of Committee) of impatience and anger at the smallest opposition from him—and as no doubt he is quick of sight he may have observed what has struck me—a certain aristocratical bearing among his colleagues to the Tailor.'⁶

Thus the atmosphere was very highly charged and the Commission in some danger when the time came, in July and August 1848, to consider the completion of Chadwick's London programme and drawing the permanent statute of London. An earlier chapter has dealt with the events in detail—how the enquiries into water-supply and paving were too behindhand to permit the consolidation of functions to go forward immediately and how, angered and perplexed by the Opposition, which was all composed of vestrymen, he prevailed on Morpeth to forgo the representative principle for the future Commission. The new Statute extended the Commission's jurisdiction over house drains, gave it extensive borrowing powers for the engineering works which Chadwick hoped to begin within the year, and contained a special

¹ E. Chadwick to Lord Morpeth, 14th June 1848.

² E. Chadwick to Hon. F. Byng, 11th September 1848.

³ E. Chadwick to Lord Morpeth, 19th October 1848.

⁴ Hon. F. Byng to E. Chadwick, 11th September 1848.

⁵ E. Chadwick to Lord Morpeth, 19th October 1848.

⁶ Hon. F. Byng to E. Chadwick, 11th September 1848.

clause empowering the Commission to work by Committees. By July 1848 Chadwick had, in fact, lowered his sights. He postponed the larger ambitions of 1847, accepted the limitations of the situation—and set to work to eliminate Leslie.

For the new Statute of 1848 made necessary a *supersedeas* to the existing Commissioners, and the issue of a new Commission.

Lord Morpeth and Chadwick were at cross purposes on the issue. Morpeth wanted to retain all Commissioners who expressed a wish to continue, and to add new members drawn from the Metropolitan Vestries. Chadwick wanted to exclude Leslie and possibly Lambert Jones, and to add nobody.

Morpeth took account of Metropolitan Radicalism. He had an insight where Chadwick had only a prejudice. While Leslie and Byng cut capers on the Commission, they kept the vestries sweet. The obstructionists themselves were the first persons to recognize this fact, and it was this that gave them their blithe self-confidence.

'Does not this occasional difference of opinion lead the Publick to suppose that matters *are* discussed', wrote Byng to Chadwick, 'and that we are not a packed jury under such an able foreman as yourself? It will be very difficult to persuade the Metropolitan Rate Payers to be highly taxed by any but a Representative Commission. If they are passive, it will be owing to their fancied security in other names and therefore should I be glad to see them repeated though they have not given hitherto any assistance. Leslie's is an essential one as a security to the great body of St. George's. Even I am the means of keeping St. James quiet.'¹

Chadwick's response was most typical. He once said (about the reorganized Poor Law Board of 1847), 'I care more for the good of the service than for bringing it into so-called harmony with Parliament'. At this juncture he was far more concerned with making the Commission efficient than making it acceptable.

'I think', he wrote, 'the Chancellor's view was a thoroughly sound one of confining it as much as possible to government subordinates. At this time with such subordinates we might give evidence of political importance: that it was possible for such subordinates to carry out a reform such as local representative bodies had never dreamed of: to beat commercial companies in efficiency and even private builders in respect to the economy of works and win the approbation of the public to the extension of new powers without the ordinary cumbersome machinery. Two or three more Leslies would, however, frustrate any design of the kind.'²

¹ Hon. F. Byng to E. Chadwick, 14th September 1848.

² E. Chadwick to Lord Morpeth, 11th September 1848.

'There is so much to be done requiring steadiness, skill, science and zeal', he wrote on another occasion, 'and so little available force there to do it. The officers have failed more than I expected and my expectations were not high. They have failed in suggestions as to the details. They do nothing without instructions. Everything has to be reorganized. All their former habits have to be changed; all their "practical" experience, i.e. routine, inapplicable to new conditions, is wrong.'¹

In these circumstances, he said, to add new members, and to have to devote time to instructing them in first principles, would be lunacy.

At this Lord Morpeth gave way, and although new members were added to the Commission, their names, with one exception (which was an accident), were all submitted to Chadwick's veto.² But on the question of Leslie, Morpeth proved adamant.

Leslie, going about in great umbrage, had remarked to his crony Hertslet (the Chief Clerk) that he hoped he would not be included in the Commission. This silly piece of gossip Chadwick accepted as evidence of a firm resolution not to serve. He forthwith wrote Leslie a note on this assumption, saying that in view of their differences of opinion and the fact that the majority was against him, such a separation would be well advised. 'It was a note', commented Chadwick with elephantine tact, 'tending as I thought to conciliate him and at the same time confirm his resolution'!³ In reply Leslie sent a curt note in the third person denying that Hertslet had any authority to make the statement, and doubting whether he had made a correct one.⁴ To a further enquiry from Chadwick he returned no answer at all. Meanwhile Byng had written to Lord Morpeth, and Chadwick was mortified to realise that only his foolish initiative had, in the last resort, kept Leslie on the Commission. 'Whatever Leslie may have thrown out in conversation with Hertslet', wrote Morpeth, 'you see he will not now be a party to such an understanding and his exclusion would now be a personal affront.'⁵

'I am entirely convinced of the *Public-natured* spirit of all you do', he told Chadwick, 'and I can quite understand how particular people may thwart, annoy, offend, obstruct: but where is the work we can expect to do without a mixture of these elements; I sometimes think that people who have not been in Parliament are more intolerant of this species of opposition and obstruction than we who are seasoned to it. . . . I am sure that it is right and necessary to

¹ E. Chadwick to Lord Morpeth, 14th October 1848.

² Lord Morpeth to E. Chadwick, 19th October 1848. The exception was Hobhouse.

³ E. Chadwick to Lord Morpeth, 19th October 1848.

⁴ Ibid.

⁵ Lord Morpeth to E. Chadwick, 20th October 1848.

abide by the rule which had been laid down, that all upon the present Commission should continue, unless they signified their own desire to be relieved. I am sure you will not think I have been backward in acting upon all you have suggested with respect to future additions but as to the past, I feel my character committed to the course I have mentioned. So pray let there not be any more bad blood raised about it. Byng would go, if Leslie is omitted. . . .¹

With this kindly lesson in worldliness and generosity Chadwick had to be content. In November the new Commission went out, this time addressed to thirty-four members. Chadwick's majority had risen, with the increase in his personally selected colleagues. The opposition was weakened by one voice, that of Puckle, who had retired. But the arch-instigator was there and was soon to find a far more vocal ally than poor Puckle—none other than John Walter and his *Times* newspaper.

III

The new Commission was selected to perform a wider variety of tasks than the first one. Chadwick hoped to be in a position to consider plans for Metropolitan drainage by about July 1849, and for the worst areas, and for Westminster (where the survey was very advanced) still earlier. This involved knowledge of sewage disposal, the sizes and materials of sewers, and called for a high degree of engineering experience. The new members were selected for their mastery of such subjects. Three important newcomers were Army Engineers, viz. Sir John Burgoyne, Captain Vetch (a member of the Tidal Harbour Commission), and Captain Dawson of the ordnance survey. There was also a group of specialists made up of Professor Airy, the Astronomer-Royal, Cuthbert Johnson, an authority on manures, and Morgan Cowie the head of the College of Civil Engineers. Two more lawyers, viz. E. Lawes and Hodgson, were added. The rear was brought up by two more 'brute votes' for Chadwick, namely, Alexander Bain and Southwood Smith. Thus the whole of the General Board of Health and its Secretary was represented on the Commission, while Henry Austin, the engineering secretary of the General Board, played an increasingly prominent part as the Commission's Consultant Engineer.²

The dissonant note was struck as soon as the new Commission met on 10th January 1849. Lord Morpeth was in the chair, and in the course of a speech in which he begged for mutual forbearance in the face of differences which he knew were bound to arise, he made significant

¹ Lord Morpeth to E. Chadwick, 18th October 1848.

² An official post to which Chadwick had him elected.

reference to the fact that the new Commission would work by committees and sub-committees.

This was a matter on which Byng and Leslie felt strongly. They wanted to continue the procedure of the old Westminster Commission, and pass all business in Open Court. This was clearly inapplicable to the more extensive business and the technical problems confronting the new Commission. At Chadwick's instance, therefore, the new Statute of Sewers contained two explicit clauses allowing the Commission to set up committees for any purpose providing that their acts were reported to the parent body. His first business, once the Commission had convened, was to draw up with Bullar and Hume an elaborate scheme of these committees and a definition of their terms of reference. This was referred to a Byelaws Committee for presentation to the whole Commission; in the meantime the scheme was set up provisionally and the members allocated to their respective committees. Apart from the General Purposes Committee which was a committee of the whole, there were three standing Committees, viz. Byelaws, Finance, and Works. Of these, Works was by far the most important—it was indeed the executive committee of the whole body. In the first place, it was responsible for the survey, for materials and sizes of sewers and for sewage utilization, a field so extensive that it set up three sub-committees to deal with them. Secondly, it had a firm grip on the salaried staff; it was seized of immediate control over the engineers and surveyors, and also over their salaries. Thirdly, works and engineering projects might be discussed in Court only upon its prior report. Finally, it might sanction the execution of all works costing less than £20 without reference to the Commission.

As soon as this provisional system was set up Chadwick utilized it to disarm his opponents. Incapable of managing them, and knowing that since the affair of Leslie's reappointment they both bore an intense personal rancour against him, he now did exactly what Frankland and George Lewis had done to him in similar circumstance! All his friends and allies were put on the Works Committee and its sub-committees. All his opponents—Byng, Leslie, Jones, and Hutton—were thrust away on the Finance Committee. This, with weak powers, with no control over the surveyors' salaries, could do little more than find ways and means in the wake of the all-powerful Works Committee.

Byng and Leslie instantly raised a clamour and began to fight Chadwick's scheme at every step, first when it was reported from the Byelaws Committee to the General Committee on 9th February, then when it was discussed in the General Committee for sanction in Open

Court at the end of the month. But they were voted down by sheer numbers, and at last played their last card by arguing that the plan was illegal and demanding the law officers' opinion.

The law officers played havoc with them. Certain formalities must be observed: for instance, Byng and Leslie were right to argue that committees must be *ad hoc*, and that no power to set up sub-committees was granted. 'Practically', the opinion concluded, 'this limitation of the powers of the Committees leaves a wide scope; . . . observing these formalities the Committees may be in effect permanent and may . . . from time to time . . . suggest plans, consider reports of officers, prepare and arrange details of works and regulate and arrange matters referred to them specifically by order of the Court.'¹

As soon as the case had been read, the Byelaws Committee introduced into their scheme the modifications made necessary. They were very simple: the sub-committees of the Works Committee were turned into full Committees, styled respectively Ordnance Survey, Trial Works, and Sewage Manure—and the matter was done. These changes Byng and Leslie opposed. A fortnight later, when further modifications were made, they returned to their old case, argued that the changes were *ultra vires* and demanded re-submission to the law officers. By this time their colleagues were inflamed against them, and voted the proposition down by 13 to 2.²

Three weeks later, with some experience of the new system in operation, Poodle Byng made his *gran rifiuto*. It was in Open Court and John Bullar had mentioned that a certain matter had not come before the Commission but had been considered by the Works Committee. At this, Byng rose.

'The question of the Works Committee has been alluded to [he began]. I think that in fact this Committee may be designated the Court itself. This Committee is in fact, though not quite in actual numbers, a majority of the Court itself. The Court knows nothing whatever of the Works until informed by its report. . . . When Mr Chadwick boasts of this Committee as a subdivision of labour I cannot help observing what is imposed on that Committee and what it imposes on itself and thinking that the term is rather droll. . . . This is not a subdivision of labour; it is rather a concentration of labour.

'I find [he went on] that my attendance at this Court is considered irksome. . . . I appear to have shown a determination to resist the proceedings of the Court and this fact has created dissatisfaction. It cannot be said however

¹ Reports of the Metropolitan Commission of Sewers, at 9th February 1848; 24th February 1848; and 12th March 1848 ('Case and Opinion of Counsel as to conducting business of the Commission').

² Minutes of the Metropolitan Commission of Sewers, at 15th March and 24th March 1849.

that I withdraw from the fear of just opposition—my reasons for retiring are my consolation. . . . I have, in this Court, been threatened with being superseded if I offered opposition to what was going forward. Subsequently I have been informed by Mr Chadwick that I had better withdraw if I could not agree to the usual course of things. I do not take Mr Chadwick's advice but my own; and I do so because I have come to the conclusion that Her Majesty's Government entirely approves of the views entertained by Mr Chadwick on all questions of sewerage and the manner in which the business of this Court is carried on.

'I see in the proceedings of this Court great illegalities and an unwarrantable outlay of money in the prosecution of matters for which the Commission was never intended. I also object to the principle on which it acts. . . . For example the Court had published pamphlets on sewage-manure by Mr Cuthbert Johnson and Mr Chadwick¹: the Court is not justified in going into these matters. . . . With regard to the legality of the proceedings I think some of them would be disputed in the Court of the Queen's Bench.'²

An angry tumult followed this speech, which Lord Morpeth found it difficult to quell. Byng withdrew; but it was obvious that he intended his 'resignation' in a thoroughly Pickwickian sense, for he soon re-appeared. For the moment it looked as if the Opposition was silenced. But this was not to reckon on the Byng-Leslie faction among the salaried officers. Within a month the roles were reversed and it was the majority that was on the defensive.

IV

The fact was, the survey had advanced so far that the time had come to consider the main drainage of Westminster in detail. It was also possible by now to lay down the general principles for the whole Metropolis. This was an opportunity which Phillips had long awaited. He had prepared a scheme for Westminster as early as 1847, and even made drawings of his sections, and estimates of the cost. The essence of the plan was: 'the purification of the Thames water is a subject of first consideration; to effect which an intercepting sewer must be made near to and parallel with the river, to deliver itself some distance below the town'.³ Now in January 1849 John Roe had retired on a pension and Phillips became Chief Surveyor. He naturally expected to be treated as the Commission's chief consultant. In this he was bitterly

¹ Sewer Manure: A statement of the course of investigation, etc., by E. Chadwick, London 1849.

² The Times, 19th April 1849. I have taken the liberty of putting the speech in the first person.

³ Metropolitan Sanitary Report (Parliamentary Papers, 1847-8, xxxii), Minutes of Evidence, pp. 58-9.

disappointed. Chadwick had lost confidence in him, and took the opportunity of confirming the appointment of Henry Austin as Consultant Engineer.

The two men were entirely dissimilar. Phillips appears as a theatrical and lachrymose melancholic. Henry Austin was quiet and reserved, with little presence and little apparent ambition. Furthermore, their conceptions of main drainage were entirely different. The immediate problem—that of Westminster—posed this question: how could one discharge sewage in a district lying *below* water-level? Phillips's original plan was in effect to create an artificial Thames parallel to the real one, to discharge the sewers into it by gravity, despite the absence of any perceptible fall. Austin's answer was beautifully imaginative. He had worked it out in terms of the low-lying south bank in 1847 and was now prepared to apply it to the Westminster one. He argued that it was absurd to rely on gravitation. In a flat district the sewage must be pumped. Having accepted this disadvantage, it was as well to make the best of it with a view to introducing pipe drainage wherever possible, and to the best utilization of the sewage as manure. He suggested therefore that sumps should be constructed at the points best suited for access to the countryside. Short and small-bore pipe sewers would converge from all sides into these sumps, and as the latter could be sunk very deep, so the sewers that fed them could be given as sharp a declination as one desired. These convergent sewers would therefore be self-scouring. The sewage, as it flowed into the sumps, would be forced away by steam pumps along outfall sewers in any direction required. It was quite unnecessary to follow the river line and discharge it near the river mouth as in Phillips's intercepting system. On the contrary Austin's outfall sewers could radiate to all points of the compass, carrying the liquid manure to the farms on all sides. In the wet weather, when there was no demand for liquid manure but a heavy flow of sewage water, the pumps would raise this extensive bulk high enough to discharge it from the district. Yet, in the dry weather, when there was a heavy demand for liquid manure, and a light flow of sewage, the same engine-power would still be required; for although the bulk to be raised was less, it would have to be raised *higher*. Thus the problem of idle steam-pumps seemed also to be solved. One question did however remain, and it was this which worried those who wished, at all costs, to free the Thames from pollution. The protagonist of this policy was *The Times*. The question was: in times of heavy rain, when the pumps and the sumps were overcharged, what would become of the excess sewage? Austin's answer was to provide large reservoirs to

carry off storm water alone—the existing sewers would suit admirably—and the storm water could be swept into the Thames without doing any harm.¹

It is easy to see why Chadwick preferred this plan. It made extensive use of steam-pumping and of pipe sewers, and it promised to utilize the liquid manure. Accordingly, although Phillips prepared his own plan for Westminster in February, Chadwick passed him over and put the matter into Henry Austin's hands.² On the 31st March Austin's report was ready, and it went to the Survey Committee for discussion. It remained there for some six weeks. It was a highly important matter, for in effect it prejudged the main drainage system of the whole Metropolis. The Survey Committee was composed of Chadwick and the four Army Engineers—de la Beche, Burgoyne, Dawson, and Vetch. Its discussions must undoubtedly have been influenced by a report from the Sewage Manure Committee to the effect that the liquid manure, though suited only for grass, would fetch £12 per acre, and would bring in a *net* profit of £100,000 per annum. This told heavily in favour of Austin's scheme.

On 15th June Phillips learned to his chagrin that the Survey Committee had approved his rival's plan. He had put a good face on the matter till then, adapting his plans to Austin's in several respects and even recommending him a draughtsman.³ This makes his subsequent conduct all the more surprising, unless it is assumed that Hertslet got wind of the Committee decision, apprised both Leslie and Phillips, and that a concerted policy was thereupon agreed on. Melancholic and unstable, Phillips was easily flustered when his pride was at stake.

Whatever the explanation, an astonishing surprise greeted the Commission when it convened in Open Court on 21st June. First of all Hertslet declared his intention to resign. Several members expressed great surprise, if not consternation, and in the end the matter was referred to the General Committee in the hope that some way might be found to retain him. Then, much more remarkable, a letter was read, addressed by Phillips to the Court. The manner of delivery—in a public Court, not even to a Committee—and the sneering tone of its contents could not have been more offensive and insubordinate. Phillips warned the Court that Austin's plans 'are wholly impracticable, and unworthy of the objects which should be kept in view for the

¹ Metropolitan Sanitary Report (Parliamentary Papers, 1847-8, xxxii), Minutes of Evidence, pp. 118-24.

² 'Reports of the Metropolitan Commission of Sewers', at 28th June 1849: 'Mr Austin's Report on Mr Philip's letter'.

³ Ibid.

perfect drainage of this great Metropolis.' He then poured scorn on the Survey Committee which had approved them. This Committee should have left the drainage of the Metropolis to its surveyors. It had 'ordered plans and estimates involving general principles by which, without any reference to their Chief Surveyor, the Court may be committed to a course of action of an experimental and most costly nature the results of which it is impossible to foresee.' 'I entirely disapprove of the contemplated mode of operations. The "converging system" cannot prevent the pollution of the river which can only be completely protected by means of a Tunnel Sewer.' There must be a twenty-mile tunnel sewer, 100 feet below the river and following the river line from Kingston to Essex. On the south bank there must be a similar one. It would cost under £200,000. The letter concluded by a spiteful assault on the Commission's experiments in which it is next to impossible not to see the hand of Byng or Leslie. 'Instead of limiting the attention of the Court to minor matters and piecemeal work such as the drainage of a detached and separate district: to the advantages of a three-inch over a four-inch pipe; or to the shape of a water-closet pan, the energy of the Commission and its officers surely should, in the first instance, have been concentrated on the selection of a sound and thoroughly practical and intelligible plan for providing an outfall entirely independent of the Thames for the complete and permanent drainage of the whole of the districts within the jurisdiction of the Metropolis.'¹

As soon as the letter had been read, there was an angry clamour from the Commissioners. De la Beche, the chairman of the Survey Committee, said it was highly improper that an officer of the Court should try to interpose between the Court and its committee. What was more, the terms used were offensive. He was followed by Dawson, Slaney, Chadwick, and Lord Morpeth, all in the same strain. But just before the Court rose, a message came that Phillips had retracted his letter. After a discussion it was decided to refer the whole matter to the Works Committee.²

This was a mere ruse. Phillips was utterly recalcitrant. His object was somehow or other to get his plan brought into the open and try to work up a public opinion on it. It succeeded to the extent that it was published in full in *The Times* one week later: but without any comment. *The Times* was waiting for Austin's reply. This was presented to the Court on the 28th June and, after defending the cautious

¹ 'Reports of the Metropolitan Commission of Sewers', at 21st June 1849: 'Mr Phillips' letter to the Court'.

² *The Times* ('Metropolitan Court of Sewers'), 22nd June 1849.

experimentation of the Commission, it launched a detailed criticism of the tunnel scheme. It says a good deal for Austin's sagacity and Phillips's vaingloriousness that these criticisms were substantially the same as those of the official body of engineers which later reported on the main drainage plans.¹ If the tunnel were 100 feet below the Thames, the sewage would be allowed to fall 100 feet simply to be pumped up again at the outfall. Its cost would be phenomenal. If sewage were to be pumped away, why follow the river line? Why not pump wherever the sewage was required for agriculture?

The Times had now to make a fateful decision. Hitherto Delane had followed Chadwick's line on all matters save one—the pollution of the Thames. It did not agree with 'all filth in the river—none in the sewers', and it put the cleansing of the Thames as the first object of Metropolitan drainage. It appeared, on the surface, that the tunnel scheme did this more effectually than the converging scheme. Austin and Chadwick tried to correct his misconception. The sumps, they explained, were not cesspools; nothing was retained in them, it would be pushed out as fast as it went in. Secondly, even in wet weather no sewage would be cast in the Thames, merely the storm water. This protest came too late, and was brushed aside.²

In any case, Delane was not *The Times*. *The Times* was, always, John Walter III, and Chadwick told about him a circumstantial story.

'Mr Walter introduced to us, an engineer, named Stuart, who is engaged for himself and who has peculiar notions as to drainage. At Mr Walter's request we went to one of these works and found them very defective in principle as well as extremely costly. These were at once condemned. This person has formed for the drainage of the Metropolis, a plan of an immense Tunnel Sewer,

¹ 'Reports of the Metropolitan Commission of Sewers', at 15th March 1850. 'Report on the plans of the Drainage of London.' The assessors were Burgoyne, Vetch, Rendel, Harness, and R. Stephenson, and their report on both the Phillips and the Austin plans were as follows:

'J. Phillips.—The expenses of this scheme would, even if it were unobjectionable in other respects (which it is not) render its execution commercially impracticable. But the exclusion of the surface water from the channels for the soil drainage, where it might be advantageously employed, the necessity of providing an extensive system of new sewers, the construction of a costly tunnel without adequate objects, and the bringing down the drainage of the high grounds to the lowest level to be pumped up again to the great altitude by means of complicated and expensive machinery all of which are incident to this scheme, appear to us valid objections to its adoption.'

'H. Austin.—Many of the views propounded by Mr Austin are correct in the abstract; but the multiplication of these receptacles for sewage matter in the Metropolis, the entire dependence upon machinery for the efficiency of the system and the great mechanical difficulties attending the storing of a vast mass of sewage for several months in the year, or discharging it into the Thames are, amongst others, serious objections to this project.'

² *The Times*, 6th July 1849.

one hundred feet deep and 15 miles long : into which the sewerage was to be cast, to be pumped up again. The plan was put forth under a different name, but it was the one of Mr Walter's friend. We could not oblige them at the public expense and we were compelled to condemn it. The absurdity is now generally admitted.'¹

To judge by the contradictory attitudes of *The Times*, supporting the General Board of Health and attacking the Commission of Sewers it appears as if Chadwick's story was true : as if, that is, Delane had licence to follow Chadwick on all matters save one—and that one the Metropolitan Commission.

June 30th therefore marked a turning-point in the Commission. From that moment *The Times* came out in favour of Phillips's plan and never ceased to thunder against Chadwick and his packed jury. Every day brought a leader of abuse.

'Eighteen months having elapsed . . . what has been done? The Commission has merely succeeded in alienating its chief clerk and horrifying its chief surveyor while it is still divided against itself upon the first rudiments of domiciliary cleanliness.'²

As the cholera wave mounted in July 1849, it blamed Chadwick for scaring Londoners well before the epidemic arrived and then leaving them destitute of effectual drainage.

'The current expenses of this ineffective body actually exceed £400 per week ; that is to say, something more than this sum is disbursed in salaries and experiments . . . squandered, as we must presume, either in "scientific" jugglery or scandalous jobbing. . . . All the details of pipes, pans, drains, pools and reservoirs might have been left to the ingenuity of contractors or the skill of artisans. What the Commissioners had to do was determine some great outfall for the drainage independent of the Thames and to make the machinery pay its own expenses, if possible, by means of distributing manure.'³

The attack broadened as John Walter took up the Byng-Leslie line. Soon it extended to the Committee system.

'The gratuitous services which a select body of commissioners were expected to render have been neutralized by the professional bigotry of salaried functionaries. . . . The deliberate decision expected of the commission upon the grand principles of drainage must have been staved off by the adroit management of those whose prejudices or conceit were interested in securing a less open court for the trial. . . . Instead of working together and collecting from the best authorities the evidence the most serviceable to the matter in hand the commission subdivided itself into private committees, which carried on a series of

¹ E. Chadwick to Thomas Beard, 1st October 1852.

² *The Times*, 30th June 1849.

³ *The Times*, 17th July 1849.

disconnected and inconclusive experiments, costly to the public and bearing only in a remote and insignificant degree upon the great question at issue . . . frittered away on details which might have been left to the information of any plumber's apprentice.'¹

Meanwhile Hertslet declined to withdraw his resignation, and issued a parting letter which appeared to bear out the attitude of *The Times*. This letter also was highly offensive. He accused the Commission of having failed to lay down 'a definite and intelligible course of action of Works with a Code of bye-laws for the guidance of the public and the officers.' He also maintained that the very constitution of the Commission was wrong and that nothing could be achieved until all the sanitary functions of the Metropolis were consolidated under a new kind of body, to six paid Commissioners and an assembly elected by the vestries.² The Commissioners had no alternative but to accept Hertslet's resignation ; but the consideration of Phillips' offence was again postponed, this time to give him an opportunity of putting his complete plan forward for the consideration of the Court : a soft-hearted course, for he was vowing revenge and had never truly repented his intervention as the following letter to Chadwick showed :—

'DEAR SIR,—I see by the daily papers, the arrogant conduct of Mr Phillips, your Surveyor, has been brought forward for investigation.

Dear Sir, I can assure you, Phillips says, and thinks, that the Gentlemen composing the Commission (using his own words) are a lot of old Women or Muffs, and that the Commissioners will not get much out of him unless the commissioners adopt his plans—for he will not be put down. Besides, Sir, I believe the Man Phillips empty pride will be the cause of the loss of many valuable and useful men to the Commissioners—and I can assure you, Phillips overbearing conduct is the cause of the various resignations—and Dear Sir, I do think with confidence that Phillips is the cause of a person of the name of Hertslet leaving.'³

On the 23rd July the Commission met again to take Phillips's plan into account. It was a victory for the Opposition. Lord Morpeth, putting the 'majority view', proposed that the Austin and Phillips plans should be referred to a Commission of their engineering members. But John Leslie, Byng, and John Walter himself insisted that the tribunal must be an entirely independent one, while Lambert Jones and Walter proposed further that this tribunal should be open to receive *any* plans, and not confine itself to the two under discussion. They carried the day, fixing a one month period for the reception of any plans for London

¹ *The Times*, 21st July 1849.

² 'Reports of the Metropolitan Commission of Sewers', 5th July 1849.

³ T. F. Green to E. Chadwick, 7th July 1849.

drainage, after which referees would be named.¹ Walter jubilantly exulted in *The Times* 'What we have endeavoured to prevent is the substitution of private cabal for public discussion and the determination of an all-important question rather by the prejudices of a clique than by the opinions of a Commission.'²

v

The Commission now moved into its final phase. It was the cholera period; the vestries were obstructive, the Board of Health was distracted with anxiety and labour, and the epidemic was carrying off a hundred or two hundred each day. *The Times* hammered relentlessly at the Commission, and inside it the Opposition reopened their attack along the whole front. One by one the Committee system, the Westminster drainage, the Trial Works and Sewage Manure experiments, the main outfall question and the policy of flushing sewers in the steaming stifling summer were brought up, and merged into one massive indictment of the Commission.

The month of August, when 4500 victims were perishing, and when the General Board was striving by its Special Orders to get the house-to-house visitation afoot, was consumed in a bitterly personal struggle over the Committees which ended in a second victory for Chadwick's adversaries. It began in a Court session of the 2nd August. A dispute arose between Byng and Chadwick over a sum of £647 for the flushing of sewers which Byng vigorously maintained was both extravagant and unnecessary. This brought Chadwick to his feet to defend the policy on sanitary grounds, and then to show that it was not extravagant. As he proceeded his anger ran away with him:

'The operation which formerly cost 6/- . . . was now done for 6d.: yet they had old commissioners who did nothing but obstruct, going about and representing it as an extravagance. . . . Another item was for experiments operating actually on three quarters of the evaporating surface to determine the efficiency as well as the economy of the new house drains. . . . These trial works, delayed by every sort of obstruction had been persevered in against sneers and the ignorant misrepresentations that they were a mean waste. But for these constant obstructions as the Court had just witnessed these and other important works would have been in a more forward state than, he was sorry to say they yet were or were likely to be. . . .'

This brought Leslie to his feet hot with resentment, bellowing that 'of all the ignorance he had ever heard spoken in that court he had

¹ *The Times*, 26th July.

² *Ibid.*

never heard anything like what he had just listened to.' Byng followed with sarcastic references to Chadwick's personalities 'which he would treat like a great many other things he had heard Mr Chadwick say'. He rejected the charge of 'unbounded extravagance', sneered that the Works Committee governed the Commission and complained ironically that anybody who asked a question was treated as 'excessively impertinent'. 'I did everything in my power to destroy the old Commission', he concluded, 'and I stated my intention of doing so. If this Commission continues its illegal acts I shall be happy to see this also destroyed for I believe that at present its acts are illegal.'

But more was to follow. Byng and Leslie had come down of set purpose. A new Sewers Act was being introduced into the Commons by Ebrington. It was a mere amending Act, without special significance, but since it was going through, John Bullar decided to settle the old question of the legality of the Committees by inserting an additional clause making the matter clear beyond question. The House had now deleted this clause on the grounds that the existing law gave all necessary powers. Leslie knew that the clause had been struck out; he did not know why. He now triumphantly pulled the Bill from his pocket, and alleged that the Commons would not allow the powers to be granted, and that this, in fact, automatically ended the lives of all Committees under the old Statute. Bullar, to whom he appealed, merely said the law left matters as they stood when the Court came to its decision and 'declined to countenance a factious opposition.' Chadwick said the clause was not his making but was introduced to 'stop the thirst for debates' which had obstructed business. The session came to a tumultuous end with Leslie shouting that Chadwick had had eighteen months and had totally failed, and Chadwick replying that the cause of all the delays lay in the habits of the older Commissioners.¹

Four days later Chadwick admitted defeat: he agreed to throw the Works Committee open to all. But when the Court met again on the 9th, Byng positively declined to enter it on the grounds that it was illegal anyhow, and he refused to be involved in its difficulties.² Leslie appeared more conciliatory; but within a few days it was made clear that neither had abated their anger. At the request of Byng, Leslie, and Bidwell, the clerk was asked to convene a Special Court to investigate the personal charges which Chadwick had made against them, and to decide on each of the specific issues—which were particularized—whether these charges were false or true. The Court met on the 21st.

¹ *The Times* ('Metropolitan Court of Sewers'), 2nd August 1849.

² *Ibid.*, 9th August 1849.

Leslie, Bidwell, and Joseph Hume were present, with Sir John Burgoyne as vice-Chairman. Meanwhile Chadwick and his friends were in an adjoining room. They stationed a beadle at the front door who told incoming members that they were needed elsewhere. One unhappy man who pushed past the beadle into the Board Room received a slip of paper 'and instantly withdrew'. In this way no quorum was formed and the meeting was adjourned.¹ But this farcical manoeuvre merely brought the Commission into contempt, and on the 29th the special meeting was held after all. Bullar blamed both sides and then read a letter from Burgoyne asking that the motion be not debated, since it was offensively put and turned on whether an individual was right or wrong. Hume said the parliamentary way was to move for Returns. At this Leslie pulled a wadge of papers from his pocket and slapped them on the table, exclaiming, 'Returns from the Sanitary Report—here they are'! When Bullar's amendment was put, Chadwick abstained from voting—but Leslie voted *against* it! As he was the only one that did, the whole matter was dropped and the Court once more adjourned.²

The next two weeks were the peak of the epidemic, the weeks in which Ashley maintained the General Board single-handed, in which *The Times* was applauding its stand against the vestries and their graveyards, in which Chadwick went down with fever. When he resumed his duties at the Commission he was weak and worn out. This time a third defeat was inflicted on him. The advisability of flushing the sewers had come to a head when a deputation from Bermondsey appealed to the Commission to stop it. Chadwick challenged Byng and Leslie to assert that flushing increased the smell. They replied point-blank that it did. Both sides appealed to a questionnaire answered by the Union Medical Officers. A great majority disapproved the flushing. 'Mr Chadwick spoke again but so low as to be inaudible'.³

The last scene of this dispiriting end to a great enterprise came on the 27th September when Leslie wantonly insulted Henry Austin in the Open Court and tried to move the abolition of the Sewage Manure Committee. He was, as usual, defeated by a large majority: but as one of the Commissioners remarked, the Court had become a beargarden.⁴

Chadwick had not been present at this last Court. He had fallen sick again, quite exhausted by the labours of the epidemic. But he had determined to fight out the battle for London, and now, acting through

¹ *The Times* ('Metropolitan Court of Sewers'), 21st August 1849.

² *Ibid.*, 29th August 1849.

⁴ *Ibid.*, 27th September 1849.

³ *Ibid.*, 14th September 1849.

Southwood Smith, he put to Morpeth a plan to supersede the Commission and appoint yet another one. His latest intelligence was encouraging. Smith had shown his letter to Lord Morpeth and reported that he was 'ready to take a decisive step and move the Chancellor on the subject.'¹

The next morning's post brought a shattering disappointment:

'MY DEAR CHADWICK,—I write to you under feelings of very great pain, principally because I cannot tell how unwelcome the communication may be to yourself, and I cannot bear to be the channel for conveying to you a decision which may in any degree wear that character. I brought before Lord John and the Chancellor the present state of the Commission of Sewers, and the necessity of superseding it. They acquiesce but they make it a condition that neither of the prominent parties in the late disputes and differences should re-appear in the new one. I enclose the letter I have received from Lord John on the subject: and you will see that however you may differ from or dislike its purport, it evinces no want of respect or confidence towards yourself. The Chancellor is still more peremptory in his view of the subject. I feel moreover bound to add, though their determination on this point must be considered final, and therefore makes my own view of it a matter of indifference, yet while with the opinion I entertain of your qualifications and services I hardly could ever have brought myself to make this suggestion I am upon the calmest consideration I can give to the subject, inclined to think that the course decided upon is under present circumstances the most prudent for the Government, for the Board of Health and for yourself. From whatever causes, or by whose-ever fault it has happened, the present Commission has lamentably broken down, and there is not at present sufficient confidence in the public mind at large towards any part of it to make people wait with patience for the inevitable delay and gradual development of the requisite measures. In the present conflict of opinion which prevails upon many of the main points at issue, and amidst the disgraceful squabbles and mutual accusations of our own officers and surveyors, it is clear that even although we could feel sure that the cause which you and those who would be most likely to follow your guidance might adopt would be invariably in the right, still, the Government and the Public will require the sanction of the highest engineering authority that can be procured. I am aware that you have been disposed to entertain a different opinion, but the times and circumstances make it imperative. I think it at least questionable, allow me to say this, how far you would work smoothly with those by whom you were liable to be overruled, and I even feel persuaded that you are more likely to see your own views carried into effect, if you are yourself not one of the Executive body—if you would act more as an *amicus* than as an actual member of the *curia*. What I say to you applies naturally to the whole Board of Health. I even think it very desirable for the independent and unimpeded exercise of their own functions that they should be entirely clear of the Commission of Sewers, and I have the means of knowing that this opinion is very generally entertained. I still hope that the

¹ S. Smith to E. Chadwick, 28th September 1849.

new Commissioner will retain some members (I would particularly instance Ebrington) who would be able to serve as useful and willing channels to communicate your views. I cannot hope that this view of the case can for the present at least, engage your assent: I own I am extremely anxious that it should not wound your susceptibility, and that nothing should prevent your applying with as much zeal and fervour as ever, the many great and good qualities which I do not believe even your most bitter detractors venture to deny in you, to the truly important and engrossing work which you have in hand. . . . I will only add that as the Government have felt themselves obliged to adopt this course with reference to yourself, I think it right not to involve you in any responsibility whatever, in the selection of the Commission which is already nearly accomplished. May God speed its labours and ours to the best issue for the Public. . . . Yours ever faithfully,

CARLISLE.¹

Two days later, the implacable *Times* wrote its own obituary of Chadwick's London experiment.

'There is no doubt that Mr Chadwick has laboured with great energy and perseverance in the promotion of his own views of sanitary reform: still, in the matter of the Metropolitan Commission it was never intended that its decisions should be so many expressions of his favourite conceits. If it had been, indeed, considered that Mr Chadwick was the most efficient representative on such subjects of the science of the metropolis the proper course would have been to have invested him at once with a sanitary dictatorship and to have recognized in his single person those powers in the clandestine acquisition of which so much precious pains have been wasted. This however was not done, and the results have been what we now witness. The Commission has been made a Parliament to register Mr Chadwick's acts. The subcommittees conduct his experiments, adopt his projects and reflect his opinions: and general Courts are but so many packed tribunals for silencing any contumacious opposition. Had there been no dissentients perhaps this scheme might eventually have been brought to work, though necessarily with a lamentable waste of power. But it happened that amongst the original commissioners were certain members inept enough to take original views of their duties and the necessity of dealing with this disagreeable opposition has led at length to the self consumption of all that strength and science which was to purify and embellish this good city of London. Up to this point Mr Chadwick has been successful. He has neutralized all schemes of improvement which did not originate with himself: he has kept down all competitors who were rash enough to enter the contest without his certificate of orthodoxy and he has secured a very tractable majority in the Court of Commissioners: but in the meantime the original objects of the Commission have been wholly set aside, and though 18 months of opportunity and 18 weeks of pestilence have elapsed since its first appointment, not one single step has been made towards the efficient drainage of the city of London—'

¹ Carlisle to E. Chadwick, 29th September 1849.

² *The Times* leader, 1st October 1849.

CHAPTER II

LONDON REGAINED?

(October 1848—August 1849)

I

NOW it must be stressed once more that the last throes of the Commission of Sewers were occurring during the feverish days of the cholera epidemic, when Chadwick, at the Board of Health, was carrying on his heroic but unsuccessful battle to bring the vestries to some sense of public responsibility. At the very moment that Chadwick was turned off the Commission of Sewers, London was seething with indignation against the vestries. Their resistance to the General Board was dubbed an 'unjustifiable encroachment of parochial trespassers on the lives and liberties of the public at large'.¹ Immediate legislation to stop burials within towns was demanded.² '*The Society for the abolition of burials in towns*' held clamorously successful meetings.³ The water companies were abused likewise. The poorest classes believed that the wells had been poisoned. The middle classes filled the columns of the newspapers with complaints. *The Times* even carried a series of special articles entitled *The Water Monopoly and the Sanitary Movement*, which puffed the General Board, praised Chadwick as the 'courageous and energetic servant' of the 'Sanitary Idea', and damned the grasping water monopolists.⁴ In the early new year the Health of Towns Association revived as the *Metropolitan Sanitary Association* and demanded an end to burials in towns, the provision of pure water-supplies, and the application of the Public Health Act to the Metropolis.

Had the Metropolitan Commission still been in Chadwick's hands and still enjoying its pristine popularity, it could easily have annexed both cemeteries and water-supply. Indeed, Chadwick's full London programme could have been completed in the 1850 session. But the odium into which it had fallen, and now, its newly won independence of the General Board, marked the turning-point of the sanitary movement and henceforth determined the whole course of the politics of sanitation.

On the one side the Metropolitan vestries were smarting under the

¹ *The Times*, 26th September 1849.

² *Ibid.*, 6th September 1849.

³ *Ibid.*, 2nd October 1849; 29th November 1849.

⁴ *The Times*, 25th, 26th, 27th, and 28th December. These are the work of F. O. Ward. Cf. Sir Wm. Clay's rejoinder on the 29th December.

coercion of the General Board, and their successful rebellion against its Special Orders was only a portent of the resurgent clamour for 'no taxation without representation'. They had already lost confidence even in the old Metropolitan Commission, protesting, through Byng and Leslie, at its 'unbounded extravagance which had been without any results to them.'¹ But on the new Commission they had no spokesmen at all. Their rage was exacerbated, and, voiceless in the Commission, the agitators gave tongue in their native vestries. They protested against the 'extravagance and incompetence' of the new body.² 'The only change which the public has known has been an enormously increased charge of rating accompanied by neither the abatement nor prospect of abatement of any of those evils the existence of which was made the excuse for fastening the new system on the Metropolis.'³ Within less than twelve months, an inter-parish committee of delegates was in being, pledged to overthrow the Commission and set up a parliament-of-all-the-parishes as the governing body of London.

On the other hand, the new Metropolitan Commission and the General Board now became rivals. In deference to the Cabinet's wish, the Board of Health contingent formally resigned,⁴ and with this the connecting link between the two bodies was snapped. Furthermore, the only old Commissioners retained were Hawes, Lawes, and Ebrington. It was true that Ebrington was Chadwick's devoted admirer, and true also that he became the new Commission's chairman; but the centre of gravity of the Third Commission lay in the quartet of newcomers, Robert Stephenson, Rendel, Morton Peto, and Philip Hardwicke. This clique, who had all worked together in making the London and Birmingham Railway, was brought in by Stephenson as his price for joining the Commission. Their ideas of town drainage were nebulous, but they had experience of driving tunnels, and put great faith in the strength of the brick arch. Almost their first act was to appoint as Engineer to the Commission one Frank Forster, an assistant of Stephenson. And Forster believed in tunnel-sewers.

It was impossible for Chadwick to come to terms with such a body, and interference was stamped out by Carlisle in a sharply worded note:

'I must strongly advise you, as you value your peace, not to harass yourself about what goes on at the Sewers Commission and above all not to make

¹ *The Times* ('Metropolitan Court of Sewers'), 2nd August 1849. Byng *loquitur*.

² *The Times*, 28th May 1850. (The parish meeting at St. James, Westminster.)

³ J. T. Smith, *The address of delegates from the Metropolitan Parishes to Parliament against the Commission of Sewers*, 10th December 1850. Cf. J. T. Smith, *The Metropolis and its Municipal Management*, 1852.

⁴ MSS. Minutes General Board of Health, 30th September 1849.

yourself a centre of consultation and appeal from the officers of the Commission. This would be a direct violation of decorum, and bring them as well as yourself into trouble. It is plain, that for the present, even if your worst forebodings should be fulfilled, nothing can be done by interference with the Commission from without. I think the proper and patriotic way for you to clear your conscience is to embody your views in a temperate statement, and to hold yourself ready to impart any information that may be requested. If the new Commission fails the work may ultimately have to revert to its original designers, but I must say I should not look forward with pleasure to such a consummation.'¹

This uncompromising rebuke left only two choices. Either the General Board must outbid the Commission and wrest from it the sanitary control of London, or else it must confine its attention solely to the provinces, where over 150 towns had already accepted the Act. But what in the last resort was this provincial empire? The greater towns—Liverpool, Manchester, Birmingham, Leeds, Sheffield, Newcastle—all held aloof and obtained local Acts. Their joint population was as great as that of the Board's empire all together, and this, at its greatest extent, was less populous than that of the Metropolis. To Chadwick, London was the kingdom. Without it, the sanitary movement was a half measure. Two years of sanitary dictatorship in London had fed this obsession. Therefore he continued to work without interruption on interments and water sources, although they were London's affairs, and although the Board's power to investigate them was as insubstantial as its duty was non-existent. From October 1849, the General Board was *irridentist*, and it put the jurisdiction of the Commission under continuous menace.

Thus began a remarkable three-cornered fight for the control of London. The Commission defied the Board and challenged the vestries. The vestries strove to destroy the unrepresentative Commission and the equally unrepresentative Board. The Board strove to throttle the vestries with one hand and the Commission with the other. It was in this political setting that the questions of London interments, main drainage and water-supply were fought out.

II

The Interment Act

The preparations for immediate parliamentary action on cemeteries and on water were pushed on simultaneously, but the interments

¹ Carlisle to E. Chadwick, 2nd November 1849.

measure was ready long before the other. Much new labour and investigation had to be spent on the water question; for an Interment Bill the Board had a cut-and-dried scheme ready in Chadwick's 1843 Report.¹ This explains the remarkable speed with which the Board acted.

It will be recalled that in this era, burial was a supreme, perhaps the supreme, sacramental act, and the bulk of the people were interred in the churchyards or the cemeteries and graveyards of their respective sects. Only recently, and because of the obscenely crowded conditions of these burial grounds, had private joint-stock cemeteries been set up within the Metropolitan area.

It may also be remembered that the pressure of the arrangements for burial weighed with especial severity upon the poor. Burials cost money. Funerals were in the hands of a host of private undertakers who, it would seem, used all the arts of moral blackmail to induce the mourners to indulge in the extensive elaboration and pomp and ceremonial which a barbarous social convention then dictated, but which was far too costly for the slum-dwellers of St Giles and of Shoreditch. To raise the money, time was needed; and during this time, the staring corpse must rest among the survivors—usually in the single tenement room where, under hot leads, a whole family cooked, ate, quarrelled and slept together.

All this and much more was already recorded in Chadwick's 1843 Report; and so, too, was a ready-made plan for remedying matters. Instead of investigating the whole matter afresh, therefore, the Board confined itself to gathering up-to-date evidence in support of Chadwick's plan. Its figures and estimates were checked by the Board's inspectors.² Additional information was gleaned on such subjects as the means of removing the dead; a good deal of investigation was carried out as to the practices and charges of the private cemetery companies³; the experiences of Berlin, Munich, and Frankfurt were reported upon.⁴ On 4th December the Board formally minuted its plan. It was, like the 1843 Report's recommendations, an adaptation of the French *Pompes Funébres*. There, all burial was supervised by the State, and the public took their pick of a range of funerals, according to a graduated tariff of prices. The Board's minute recorded ten resolutions.

- (1) There were to be separate Acts for London and the Provinces.
- (2) From the passing of the London Act, all burials in churches and

¹ Supplementary Report on Intra-mural Interment, 1843, pp. 198–200.

² E.g. MSS. Minutes, 20th November 1849.

³ MSS. Minutes, General Board of Health, 30th October 1849.

⁴ Ibid., 19th November 1849.

inside the Metropolitan area, except for special cases under licence, were to be prohibited.

- (3) Public cemeteries would be laid out at some distance from the Metropolitan boundary. Housebuilding in their vicinity would be restricted; and it would be unlawful to bury except in these grounds.
- (4) The river provided the best thoroughfare for funeral transport, and therefore the national cemeteries would be laid out near its banks.
- (5) All burials must be administered on one system and therefore all public burial grounds and all arrangements for burial must be placed under a Government Commission of five members appointed by the Home Secretary.
- (6) The Chairman and the Secretary would receive salaries.
- (7) The public cemeteries would contain a consecrated portion with an Anglican Church, and an unconsecrated portion with a commodious chapel.
- (8) Clergymen would be appointed to perform the full service according to the liturgy.
- (9) After full enquiry, compensation would be paid to clergy who lost burial fees in consequence of the closing of their graveyards, and to the private cemetery companies closed down by the Act.
- (10) The outlay (for acquiring new cemeteries, for compensation, and for running expenses) would not fall on the Treasury. It would be obtained by private loan, its principal and interest being paid out of its undertakers' fees, though Parliament would be asked to allow any deficiency to be made good by a rate. But there was no reason to suppose there would be a deficiency.¹

This sweeping, indeed extraordinary, scheme passed the Cabinet with hardly any substantial change. Their criticism seemed levelled at the tone of the justifying Report rather than at the novel principles of the plan.² The Home Secretary, Sir George Grey, seems to have been the only Minister who took pains to understand it,³ and its smooth passage

¹ MSS. Minutes, General Board of Health, 4th December 1849. At a full Board with Carlisle in the Chair.

² For Ashley, see below, p. 385. E. Chadwick to Bishop Blomfield, 11th December 1849. Carlisle to E. Chadwick, 12th December 1849. Carlisle to E. Chadwick, 13th December 1849. S. Smith to E. Chadwick, 1st January 1849.

³ E. Chadwick to Lord J. Russell, N.D., 1854.

with him was due to the finesse and tact of Carlisle.¹ Telling Chadwick that 'it will be rather a tough job. You must let me act very dictatorially' he now took the matter into his own hands. 'In the meanwhile', he wrote, 'I must beg you to give yourself henceforth to the water question.'² By the 11th January both the draft Bill and draft Report were ready. But now Chadwick argued that since a public Board must take over the interments, why should not this be the General Board of Health?³ Here was the first move in his irredentist campaign. The General Board possessed no powers over London except under the Nuisance Removal Act, and even these only when an epidemic threatened. The administration of the Interments Act would give it a firm foothold in London and outbid its rival, the Metropolitan Commission! Carlisle was doubtful, but Chadwick persevered and produced a Memorandum. In the end, Carlisle suggested that the Memo might be circulated to the Cabinet two or three days after the Report:⁴ and the Cabinet, on reconsideration, amended their Act to make the General Board the administering authority.

This measure which the Cabinet considered so superficially was exceedingly ill-conceived. It was an extraordinary amalgam of religion and Benthamism. It made the most detailed and painstaking provision for burial to be decent and Christian. At the same time to achieve a simple object it used an amazingly complicated and controversial mechanism.

The object in view was simply to prevent further burials within the built-up area. The parish graveyards made up the worst part of the evil. Bethnal Green contained 56,000, Bunhill Fields 107,000. The ceremonies were abandoned to sexton and gravediggers. The poor were buried in pits and double graves, left open till the coffins reached the surface. No record was kept of former graves, and to find new burial space the sextons paced the grounds, prodding the earth with iron-shod staves. Every week brought well-nigh a thousand new corpses to these cemeteries.

The simplest plan would have been to close these grounds, beginning with the worst, while empowering the parishes to obtain new cemeteries beyond the built-up area. Such a plan was the most obvious, and it is fairly clear that this was what the majority of the Cabinet really hankered after. But this was too gradual and too incomplete for Chadwick. It could fairly be alleged in criticism that the vestries' burial practice

¹ Carlisle to E. Chadwick, 13th December 1849.

² Ibid.; also Carlisle to E. Chadwick, 26th December 1849.

³ Carlisle to E. Chadwick, 26th January and 16th February 1849.

⁴ Ibid.

was nauseating, and that they had not only caused the evil but had refused to stop it when called on by the General Board. Nor would this less drastic solution lower the price of funerals. On the contrary, since the new cemeteries would be beyond the suburbs, the cost of burial would increase with the distance. The prolonged retention of dead bodies in dwelling-rooms which was due to the high cost of funerals would not be prevented, and if funerals were to cost more, corpses might wait still longer before survivors could get together the necessary burial fees.

All this was true. Yet by rejecting this solution and proposing nationalized burials, the General Board created new difficulties. The Metropolitan clergy often depended largely on their burial fees. They would have to be compensated for their losses. Apart from exciting the wrath of the Dissenters, such compensation must also involve the projected Burial Board in a heavy capital debt.

An alternative plan would have been to close the worst graveyards and rely for relief on the joint-stock trading cemeteries. There were already eight of these in existence. They were all on the outskirts of the built-up area, although the rapid march of the suburbs was beginning to encompass them: indeed Tower Hamlets cemetery was already surrounded. Their practice was far less obscene than the vestries. The grounds were in no way overcrowded. But the idea of competition for burial fees, with its attendant advertising and touting, violated all Ashley's religious sentiments, and Chadwick, with his 'too great a straining after perfection'¹ was sure that their practice, even if better than the vestries', was still not good enough. They had, he argued, operated for twenty years without effecting any improvements, and the reason was that they could not afford to. The return on their capital was so low—some 2½ per cent. in most instances—that if the legislature tried to enforce the better practices on them they would go bankrupt.

By rejecting this alternative the General Board mounded up still more difficulties. Their proposed burial Board would have to buy up these cemeteries which it would never use, and amass a still heavier capital debt.

In advancing its own proposals, the General Board had to claim that they would simultaneously provide both better and cheaper service than either vestries or private cemeteries. Yet it would start off, unlike either, with an enormous burden of capital debt, the total sum paid for compensation. How, then, could it keep its promises? The answer

¹ Morpeth's characterization of him, see above, p. 312.

was that it must claim a monopoly of all undertaking and burials within the Metropolitan district. The General Board calculated that although it would lose money by paying away compensation it would more than make up this loss by going into the undertaking business where the profits, it alleged, were enormous. 'The pecuniary means for fulfilling the requirements of the Act were to be obtained out of the fund at present expended in funerals, a fund which, according to the evidence . . . is sufficient to supply in London the exorbitant profits reaped by at least 3000 persons who call themselves undertakers.'¹ On this calculation the feasibility of the entire plan depended. One cannot help being amazed at the Cabinet adopting a plan so nebulous in these details.

The plan was also ill-starred. In justifiable admiration of Ashley's vast sympathy with the suffering, his biographers have understated the harsher features of his character: yet few men have provided the historian with such a record of their inner conflicts as Ashley in his *Diaries*.² Ashley is represented as a great lover; it is forgotten that he could be a fierce hater. He is represented as gentle to the weak and helpless: it is forgotten that he was often arrogant and imperious to his equals. (These were the traits which made him so congenial a co-adjutor to Chadwick.) Ashley was a man with a powerful ambition, and an unslaked thirst for glory; he was also a pious Christian who considered it his duty to imitate the humility of his Saviour. At critical moments his repressed desire for recognition and his self-conscious and forced humility created in him a rip-tide of emotions. It was so now. He had hoped for the glory of introducing the Interment Act as a private member's Bill; but Carlisle informed him, however, that the Cabinet proposed to bring it in as a government measure. He was still smarting under the injustice when, in March, Carlisle decided at last to retire from the Woods and Forests. His departure was a shock to both Ashley and Chadwick. They begged him to remain. They recalled the 'perfect understanding and reciprocity of feeling' on the Board, they intimated that any stranger was likely to create difficulties.³ But Carlisle wished to devote himself to his family and his private affairs, and had already accepted the Duchy of Lancaster. He promised the Board all the help in his power, but would not abandon his resolution. Thus the succession was left vacant, and understandably, Ashley coveted the post. Therefore when, three weeks later, he heard

¹ MSS. Minutes, General Board of Health, at 30th January 1851. Parliamentary Papers, 1852, liii, at 31st January 1851.

² Reprinted in part in Hodder's *Life and Work of the Earl of Shaftesbury*, 3 vols., Cassell, 1887.

³ E. Chadwick to Carlisle, 6th March, 1850; 27th March 1850.

that Russell had appointed Lord Seymour, he sent in his resignation.¹ Chadwick wrung his hands, Carlisle exposulated, and the Prime Minister begged him to stay. Ashley, who felt guilty as to the possible fate of the Board's proposals for the London water-supply, consented to remain but only if Russell promised to introduce a Water Bill. When the Prime Minister consented, he resumed his post.² But nothing abated his jealousy of Seymour.

Nor did Seymour himself do anything to dispel it. On the contrary, his fantastic pride, his proverbial haughtiness, his icy nonchalance were bound to provoke a conflict. He was entirely lacking in sympathy for social reform. 'There must be poor', was one of his axioms. 'A pretty theory', commented Chadwick, 'that physical degradation and misery was not only an irresolvable but a proper necessity for the great mass of the population.'³ Seymour told Chadwick that he knew nothing about the Public Health Act and that 'his rule of action in office was never to act until obliged and then to do as little as possible'⁴: on acquaintance with that Act, the office and his colleagues, he himself summed up his social philosophy by saying: 'there are many social principles of action which guide the noble Earl (i.e. Shaftesbury) from which I entirely dissent and these principles are conspicuous in the administration of this Act. The Public Health Act and the Nuisances Removal Act together permit an interference with every trade, and every occupation, of the most arbitrary and stringent character'.⁵

However, there was no sign of this danger when the Bill was introduced into Parliament. Both friends and foes seemed to assume that the Board would be a financial success. The extent and completeness of its demands for a monopoly were not grasped, even by the Home Secretary. His words were—'After one or more places of interment have been provided', burial grounds may be closed by Order in Council and 'this prohibition may be extended from time to time until interments are discontinued throughout the Metropolis'⁶. He quite clearly envisaged a gradual extension of the Board's powers, only finally culminating in a monopoly: whereas the Board's margin of profit depended on a complete monopoly of burial fees from the outset. Whether this was clear even to the Board itself at his stage is another

¹ Hodder, op. cit., vol. ii, p. 319. This passage repays re-reading. E. Chadwick to Carlisle, 27th March 1850.

² E. Chadwick to Lord John Russell, N.D., 1854. ³ Ibid.

⁴ Hansard, Parliamentary Debates, vol. cxxxv, 31st July 1854, at cols. 986 et seq. Cf. *Letters and Memoirs of Edward 12th Duke of Somerset* (W. H. Mallock and Lady Ramsden, 1893), especially at pp. 482-3. The whole biography ably imparts the impression of the subject's vacuity.

⁵ Hansard, Parliamentary Debates, vol. cx, 15th April 1850, col. 357.

matter. There is a good deal of negative evidence to show that it was not.¹

In fact the financial feasibility of the plan was not a serious feature of public discussion, while any sign of a coolness between the members of the Board would be searched for in vain. Even the anticipated opposition of the Dissenters was fobbed off by a compromise in Committee stage. What dominated the discussion, was the patent fact that Chadwick was continuing his aggression against the vestries. These fought the measure inside Parliament and outside, by every means at their disposal. The only Metropolitan Member who supported it was Lord Robert Grosvenor.² Sir Benjamin Hall, speaking for the great vestries of St Marylebone and St Pancras, declared that it destroyed local self-government of the parishes in respect to burials. 'There were', he said, 'two persons in the Metropolis of whom the inhabitants entertained great suspicions, and these were the Bishop of London in ecclesiastical matters and Mr Chadwick as regarded sanitary measures'—Mr Chadwick 'who was establishing a Board of which he was the prime mover and of which perhaps he would hereafter be the head.'³ Lord Dudley Stuart, the other Member for Marylebone, attacked it for centralization, for patronage, for interfering with trade: he too complained that 'parochial management was done away with', and sneered that 'the Sewers Commission had not given much satisfaction'.⁴ Alderman Sidney objected to the City losing its power. Duncombe, the Member for Finsbury, said that all the Metropolis was against this Bill of 'plunder, sacrileges, injustice and wrong',⁵ while Wakley, the other Finsbury representative, said that his constituents had sent him there to oppose it, that 'it was arbitrary and unconstitutional' and 'almost every member for London had spoken against it'.⁶

The vestries raged just as loudly outside Parliament. A crowd of churchwardens and parish overseers flocked to a protest meeting at the Craven Hotel in the Strand. James Wyld, M.P., who presided, condemned the Bill on five separate counts, among which were its centralization, its interference with private industry, and its bias against the dissenting clergy. He was followed by the churchwardens of St Pancras who urged an additional six points, making great play with the claim that 'parties ought to have full control over their own cemeteries' and that the Bill was 'an invasion of parochial rights'.⁷ The meeting set up a vigilance committee to watch the Bill and called a further

¹ I personally would argue that it was not.

² *Hansard*, Parliamentary Debates, vol. cxi, 3rd June, col. 683.

³ *Ibid.*, col. 684.

⁴ *Ibid.*, June, col. 688.

⁵ M.P. for Middlesex.

⁶ *Ibid.*, col. 677.

⁷ *The Times*, 30th April 1850.

protest meeting, which was uncompromisingly hostile to the measure.¹ In the interval an organized gang of undertakers had smuggled themselves into a meeting of the Metropolitan Sanitary Association, and after their spokesman, Mr Nodes, had complained that the proceedings were 'a dead set against his profession', made a dead set against the platform and broke up the meeting in disorder.²

But the Board's position proved unshakeable. *The Times*, curiously schizophrenic, drew a world of distinction between Chadwick the Metropolitan Commissioner, and Chadwick the paid member of the General Board. As the latter it supported him full-bloodedly, accused the Metropolitan Members of deference to vested interests in funerals, and sneered at the cry for 'local administration'.³ The Metropolitan Sanitary Association, led by Chadwick's strongest supporters, such as Bishop Blomfield, Lord Robert Grosvenor, R. A. Slaney, Lord Ebrington, and R. A. Mackinnon, threw itself into the fray. They petitioned the House in its favour, got petitions signed, and, after their public meeting was invaded by the undertakers, stood forth as would-be martyrs.⁴ The Board's reputation stood equally high in the House where Sir George Grey paid formal tribute to the 'ability and efficiency with which the Board of Health have discharged the duties imposed on them by Parliament',⁵ and where Sir Robert Peel made one of his rare interventions in support of the Bill.⁶ The Opposition could usually muster only about sixty votes and was beaten by overwhelming majorities. It was clear that the public had confidence in the General Board and that it put no confidence at all in the parochial agitators. On 5th August the Bill became law, and one part of Chadwick's campaign for London had succeeded with ease. Nor was the prospect much less bright in the matter of water-supply which he had prosecuted simultaneously.

¹ *The Times*, 24th May 1850.

² *Ibid.*, 14th May 1850. In all these meetings occurs the name of James Wyld, M.P. He plays a rather sinister role in London affairs. He was an F.R.G.S., and a map-seller in Charing Cross. He first appears leading an opposition to the Ordnance Survey ordered by the Metropolitan Commission of Sewers, ostensibly on the grounds of expense, in fact as the Parliamentary spokesman of an association of private surveyors who contended against the use of the Ordnance Department. At the same time that he was leading the parishes against the Metropolitan Interments Act he was acting as champion of the Parochial Water Supply Association, and combating the Board's water plans. Wyld (1812-87) was M.P. for Bodmin 1847-52, 1857-89, and 1865-78.

³ *Ibid.*, 25th February, 20th April, 4th June, 14th June 1850.

⁴ First Report, Metropolitan Sanitary Association, 1850, p. 61.

⁵ *Hansard*, Parliamentary Debates, vol. cx, 15th April, at cols. 357 et seq.

⁶ Its opponents wished to kill it by reference to Select Committee; on which Sir Robert opposed, saying, 'If the Bill were sent to a Select Committee everybody must admit that it would be one of the most extraordinary cases of extra-mural interment ever heard of'.

The Water Question

That he used the Thames as an open sewer did not mean that Chadwick was indifferent to the problem of London water-supply. The truth was the exact contrary. He thought the Thames water so bad that the additional scourings of the sewers could make it no worse. The central fact is that to Chadwick water was not simply a liquid which one drank, but was the motive power of the new arterial system of drainage. It was not enough to improve its quality; to make pipe drains and sewers work the supply must be 'constant' and 'high pressure'. This meant abolishing almost every scrap of the companies' equipment as well as getting rid of the companies as private concerns: in short, making a clean sweep of everything that existed and beginning all over again. He reached these conclusions as early as 1844¹ and his behaviour since that date had been entirely consistent. He opposed any new capital investment in the field even where this improved the existing supplies; such half measures might block the path of his sweeping reform.² At the same time he used the staff of the Commission of Sewers to conduct experiments to determine how much water the Metropolis would need: hence the importance he attached to the Trial Works Committee which supervised these experiments. Sources of supply which could replace the Thames were also explored, unbeknown to the water companies,³ and it is clear that as early as June 1848 Chadwick had begun this course of enquiry which suggested new sources as unconventional and surprising as were his views on drains.⁴

Despite the cholera, these enquiries were far advanced when the *supersedeas* of October 1849 removed him from control of the Commission. It was this that made the change so serious. In the first place,

¹ Undated memo. on water-supplies for the Health of Towns Commission, 1844-5.

² E.g. his attempts in 1846 to prevent the Water Bills being considered by Parliament (above, chapter II, p. 330). Cf. also his attempt to prevent the Lambeth Company, in April 1848, from moving its intake from the pool of London to above Teddington Lock! He argued that the new supplies would be 'ineligible and unsuitable'; that since drainage and water-supply must be united under the same public jurisdiction, such a new investment of capital was inexpedient as it would probably have to be re-purchased. (E. Chadwick to Lord Morpeth, 28th April 1848.) Cf. Lord Morpeth's reply: 'The Committee (a very good one with two great sanitary advocates on it) were unanimous in its favour. . . . The Borough members would be also for it and the House would not sanction this strong act of Power for the sake of the distant contingency of the Government acquiring the entire water-supply of London' (Lord Morpeth to E. Chadwick, 5th May 1848).

³ See above, p. 327

⁴ See below, p. 394.

he lost control over the experiments. Secondly, the General Board had no *locus standi* to investigate London water sources. Thirdly, even supposing the Board could persuade the Government to take over water distribution in London, how could the primary object, viz. consolidation with drainage, be achieved? It would be useless to entrust water-supply to the Commission, because they did not believe in the tubular water-carriage system of town drainage. It would be useless for the General Board to undertake water-supply unless it could also supersede the Commission as the London drainage authority!

Unperturbed by these difficulties Chadwick went straight ahead. Although the General Board had no authority to investigate the question, the Royal Commission on the Sanitation of London had, and this defunct body was, technically, still in existence. He immediately revived it and 'imperiously summoned' the officers of the Metropolitan Commission, who broke into loud protest. But the point had been gained. The Royal Commission was formally brought to its tardy end only after Sir George Grey, the Home Secretary, recognized its power of investigation as vesting in the General Board. The Metropolitan Commission agreed to let its officers give evidence.¹ With the material collected by the Trial Works Committee the report went ahead rapidly, and was ready in May 1850. By that time opinion was ripe for any way of destroying the hated water monopoly.

London's supply was in the hands of eight joint-stock companies. They presented Chadwick with his classic example of the conditions in which free competition was inapplicable. On the North bank a furious rate-cutting war which broke out between the four companies ended in 1817 with a partition of the disputed territory and an immediate rise in water-rates. A similar struggle broke out in 1839 on the South bank.

'There were in some streets three distinct sets of pipes, with separate sets of persons to attend to each. Capricious customers were constantly changing from one to the other, and the pavement was torn up daily. The plumber's bills removing the pipes from one main to another were of course enormous. So sharp was the practice, that sometimes the pipes were put to the wrong main, and one company sent in the bill for water which its opponent had unconsciously supplied. The Vauxhall Company spent in one street £24,000 in pipes, and had in return the barren satisfaction of drawing from the Southwark Company tenants to the extent of £81. The directors abused each other on paper, and the workmen actually fought in the streets.'

¹ Lord Morpeth to E. Chadwick, 18th January 1850. E. Chadwick to R. Owen, January 1850.

This too ended in mutual combination. On both sides of the Thames harmony reigned, the companies' rents rose from £162,000 to £370,000 per annum, and the public paid 25 per cent. more for their water.¹

The service provided was disgraceful. Only the richer areas were adequately served and over 17,000 houses had no water whatsoever, but relied on the 'poison wells', thick with scum and oozing with sewage; 70,000 out of London's 270,000 houses were supplied in groups of twenty or thirty by stand-pipes running an hour per day, three days per week. The evil was exaggerated by the companies' system of intermittent supply, which necessitated the use of storage receptacles. This was no hardship to those who could afford capacious lead cisterns, but to the poor with their winepipes or butter-tubs it was quite another matter. Sometimes the stand-pipe was out of order, or the water cut off because the landlord had not paid his water-rates: sometimes the housewife missed her place in the queue. Whatever the cause, it meant going without water for two days. In all cases the wretched women, their men being at work, had to lug the heavy load to the top of the tenements. The poor therefore were niggardly in their use of water. Children went unwashed. Water in which clothes had been washed was used over and over again. Vegetables went into the pot uncleaned. The drinking-water, standing for days in half-rotten tubs and uncovered butts carpeted with dust and soot was nauseous to the taste and flocculent with dirt and sediment. Very often the condition in which it arrived at the stand-pipes was no better. Half the population was supplied from the Chadwell and the Lee, and although these received the pollution of twenty miles of villages, their water was the best in London. The other half of the population, including all those living on the South bank, received their supplies from the very tideway of the Thames, a stretch of water into which no less than 209 public sewers discharged themselves.

'The refuse and the dirt from two millions of individuals,—the enormous accumulation of waste and dead animal and vegetable matter,—the blood and offal of slaughter-houses,—the outpourings from gas-works, dye-works, breweries, distilleries, glue-works, bone-works, tanneries, chemical and other works, and a thousand nameless pollutions,—all find their way into the Thames. The mixture is next washed backwards and forwards by the tide; and, having been thoroughly stirred up and finely commuted by the unceasing splash of 298 steamboats, is then pumped up for the use of the wealthiest city in the world!'²

¹ *Edinburgh Review*, 1850, vol. xci, p. 396.

² *Ibid.*, p. 381.

Yet only three companies filtered this water and their reservoirs often stood *uncovered* in the midst of London, carpeted with a black sheet of soot and dust!

For thirty years the Londoners had tried to break this irresponsible monopoly. The combination among the North bank companies in 1817 and the subsequent rise in water-rates precipitated a parliamentary enquiry. In 1828, when a cry was raised against the quality, another enquiry was set afoot. In 1832, after the cholera epidemic, and in 1840, two more Select Committees were set up. But the companies had bemused the Committees with expert witnesses, and escaped in the confusion of conflicting opinions. Now, after the cholera epidemic, the whole of London was roused again. There was no need to quote the popular belief that the wells had been poisoned: the Registrar-General's returns on the cholera showed the most marked difference between the Northern suburbs, which had escaped lightly with their New River water, and the South bank which drank Thames water and suffered treble or quadruple the casualties. A host of prospectors arose to promote various schemes of bringing new supplies to London. The most bizarre was the Metropolitan Water Supply Association which proposed separate parochial supplies by artesian wells. This scheme was moved by a sinister figure called Taberner, an attorney's managing clerk who was connected with Easton, the engineer who sank the artesian well in Trafalgar Square.¹ Nobody took this scheme seriously except the vestries, for it was quite impracticable. A more serious project was to take water from the Watford chalk, also by artesian wells: its one serious drawback was the hardness of the water. A third scheme was to construct a thirty-mile aqueduct from Henley or Mapledurham.

The projectors of all these schemes called upon Chadwick while the Report was pending,² only to be pushed aside. Indeed, immediately the parliamentary session opened the Board minuted its conviction that water-supply must be under the same management as drainage and street cleansing, and that it was inexpedient to allow the Private Bills to go forward until the Report was finished,³ and these resolutions were forwarded to the Home Secretary. Care was taken to prepare public opinion. Delane was primed with advance information about the Report, and the Metropolitan Sanitary Association was got ready for

¹ E. Chadwick, memo., 17th November 1850.

² MSS. Minutes, General Board of Health, 17th November 1849 (Taberner's Association, and Henley Water Company); 22nd February 1850 (Watford Company and Henley Company).

³ MSS. Minutes, General Board of Health, 7th February 1850.

a new struggle against the vestries.¹ The arrangements fell into the hands of a newcomer to the cause who was to become Chadwick's unwavering admirer and the stormy petrel of sanitary politics. This was Frederick Oldfield Ward. Educated as a surgeon, he soon gave up practice for journalism and became the sub-editor of *Hood's Magazine*. For a time he acted as secretary to Joseph Hume, and it seems to be Hume who effected his introduction to Chadwick. Ward had the journalistic world at his fingertips, and some of his friends, like Delane and Morris of *The Times*, Tom Taylor of *Punch*, or Charles Dickens, who was just about to start *Household Words*, were the master figures in Metropolitan opinion. Anybody influential was bidden to dinner parties at Ward's Cork Street apartment, and in these 'committees', as he called them, the campaign was kept alive.

On 28th May 1850 the Report was published and instantly made a sensation. It blew up every institution connected with the water-supply and every current scheme for its improvement. Instead it proposed three simultaneous revolutions. In the first place, the Thames must be abandoned as a source of supply and so must all the schemes for drawing on the Watford chalk and Mapledurham reaches. The Board had discovered at Hindhead and Farnham 150 square miles of sandy heath whence it could derive double the current domestic consumption. As pure as any of the sources yet suggested it surpassed all by its extreme softness. This water could be supplied pure and filtered, at constant supply, for 30 to 50 per cent. less than the existing rates. Its softness would save half the tea consumption of the Metropolis, and no less than £5 million per annum on soap consumption. Secondly, the existing companies must be consolidated, and the noxious, wasteful, and unjust system of intermittent supply replaced by steam-pumped constant supplies at high pressure. Consolidation alone would save £100,000 per annum, while constant supply would enable the quantity currently supplied to London to be cut in half, so wasteful was the intermittent system. Finally, this water-supply must be administered in conjunction with the arterial system of drainage—and all the calculations were premised upon that. Unless tubular sewers were introduced, additional water-supplies would be needed to flush out the arched brick type. Unless the works were carried out simultaneously, the expense of each separate item would be increased. Unless tubular sewers were introduced additional water would merely saturate the foundations of houses, and unless pressure-water were supplied the tubular sewers would not work. Consequently the water-supply, the drainage, the

¹ E. Chadwick to F. O. Ward, 18th March 1850.

appliances for the removal of soil or waste water must be administered by the same body. Because of the size of London, its chaos of authorities, its peculiar position as an imperial city, and because of the magnitude of the changes recommended, a special and provisional body ought to be entrusted with these works. Because casual attendance, such as that on the Commission of Sewers, caused fruitless delay there must be a new Board, consisting of a few competent and responsible officials of whom a certain proportion should be salaried and professional functionaries, and directly responsible to Parliament.¹

Here was 'scientific' legislation with a vengeance! It was a magnificent essay in what ought to be done, assuming that London had no drainage and water-supplies in existence and that everything was to begin from the beginning. Politically, it simultaneously offended the vestries, the water companies and the Metropolitan Commission. Technically it was open to attack on an extensive front:—Constant supply was a new idea and not widely tried and would, in any case, involve scrapping all the existing equipment; the water sources were quite unheard-of, with several competitors in the field; the system of tubular sewers was nowhere beyond an experimental stage. It was a severely logical *code*, unleavened by any considerations as to whether the public or Parliament would be likely to stomach it.

The Report was the open declaration of war against the Third Metropolitan Commission, an attempt to wrest from them, under cover of the water question, the whole guidance of London sanitation. Not merely did it urge that the Commission be abandoned for a new body (by which certain members of the General Board were transparently meant), but it went out of its way to pillory the civil engineers who dissented from the arterial system. The note was sounded on the very second page of the Report which declared roundly that water and drainage *must be considered together* and that this Report was a continuation of the work of the First and Second Metropolitan Commissions, i.e. those dominated by Chadwick. Page after page was devoted to exposing the ignorance of the old engineers. Gwilt, the same unfortunate who had been pilloried before the 1847 Royal Commission, was again exhibited as the classic exponent of 'erroneous theories'.² Hawkesley was pilloried for 'formulae found erroneous in practice'.³ Messrs Walker, Cubitt, and Brunel were condemned for approving the square brick sewers of the City of London.⁴ The estimates of the civil

¹ Cf. F. O. Ward to E. Chadwick, 12th February 1850.

² Report on Metropolitan Water Supply, 1850, pp. 170-1.

³ *Ibid.*, p. 174.

⁴ *Ibid.*, p. 184.

engineers were held up for horror. The late George Stephenson had reported on Carlisle: his estimate was £70,000, that of the Board's engineer only £10,000. At Southampton the civil engineer estimated £51,000, the Board's engineer only £26,000; at Reading the figures were £60,000 and £25,000.¹ The experiments of Chadwick's Trial Work Committee were described in detail, and the virtues of tubular sewers and drains triumphantly trumpeted as proved beyond any peradventure.

The Times gave strong support to the document, only confessing to a little scepticism on the feasibility of the new supplies.² Public opinion seemed to see nothing more impractical in this water plan than the equally utopian interments measure which was at that moment ploughing placidly through Committee. But there was no mistaking the hostility from the 'interests'. The Board's new sources of supply were mocked at by expert witnesses brought before the Select Committee on the River Lea Trust Bill. The Parochial Water Supply Association rallied round it half the Metropolitan M.P.s, the chairmen of Boards of Guardians, churchwardens, and other parish officers.³

The Board continued its researches. During June and July, three weighty appendices to the Report were published containing its minutes of evidence. The search continued in the Hindhead district and the Board soon convinced itself that it had both understated the quantities available and overstated the cost of collection. But the Cabinet made no sign. Finally, as the session closed, and the Board began its new work as the Metropolitan Burial Board, Ashley wrote to the Prime Minister consenting to remain only if he received a distinct pledge that the Government would bring in a Water Bill next session. Russell gave the assurance,⁴ and the Board formally minuted its needs for 'The Preparation of Plans for the Water Supply of the Metropolis.'⁵

Thus the 1850 session ended with one part of London sanitation controlled by the Board, and the promise that next year the rest would follow.

¹ Report on Metropolitan Water Supply, 1850, p. 230.

² *The Times*, 3rd June 1850; 4th June 1850.

³ Cf. *The Times*, 15th March 1850.

⁴ E. Chadwick to Carlisle, 6th August 1850.

⁵ MSS. Minutes, General Board of Health, 16th August.

CHAPTER III

THE TREASURY INTERVENES

I

ALL at once this rapid progress was brought to a halt. The first sign was the Treasury's continued silence on negotiations with the cemetery companies. On the 23rd November the Board had asked permission to buy up all eight together, for an estimated cost of a quarter of a million pounds.¹ The days passed into weeks and still there was no answer. The next sign was the point-blank refusal of the Treasury to pay for the levels and ordnance survey of the Surrey and Bagshot sands.² Then came a positive intervention of Lord Seymour as the Treasury's agent, which led to an open quarrel at the Board.

Seymour had not attended the Board more than twice since his appointment, and so was entirely ignorant of both its progress and its difficulties. He became most agitated to find that it had not yet closed any graveyards.³ The Board had made a trip to Paris to investigate its *Pompes Funébres*; this he considered as a mere pleasure jaunt. It is certain that he knew nothing of the Interment Report and was completely at cross purposes with the Board on the matter. At the same time, the Treasury was impressing upon him the need for the utmost caution in the Board's finances and establishment. As early as August he wrote to the Board explaining his unavoidable absences, and requested that it would inform him before any proceedings involving expense were sanctioned.⁴ On 30th September, hearing that the Board were using Sir Joseph Paxton and others for advice on the new cemeteries, he actually visited the Board half-way through its proceedings to make sure that all appointments were notified to him.⁵ In neither case did Seymour's requests raise any issue of principle, and the Board readily assented to them. Suddenly a storm arose. In December the Board published a report on the Bagshot sands by a temporary unpaid assistant, the Hon. W. Napier. This report, a very silly and loosely phrased concoction, fell into Lord Seymour's hands, and he instantly concluded that the Board had made an appointment behind his back. He

¹ MSS. Minutes, General Board of Health, 21st November 1850; 23rd November 1850.

² *Ibid.*, 19th December 1850.

³ S. Smith to E. Chadwick, 25th September 1850.

⁴ Lord Seymour to Ashley, 11th January 1850.

⁵ MSS. Minutes, General Board of Health, 30th September 1850.

thereupon wrote to Tom Taylor, the Board's Secretary, asking for copies of the Minutes and the names of the members present when the appointment was sanctioned. Ashley straightway took up the cudgels for his colleagues. Although he himself was not present when the appointment was made, he wrote, he had attended on the preceding and the succeeding days and fully concurred. If Seymour wanted to censure his colleagues it would have been better to call a Board and have their explanation. To write to the Secretary without a word to his colleagues was, said Ashley, 'a mode of action which on reflection you yourself will disapprove.'¹

Seymour's reply raised a matter of principle. He said, 'Explicit directions were sent from the Treasury to the Board of Health that they should submit to me any proposal involving expenditure'. He was amazed that the Board had not told him of Napier's appointment. He would certainly have objected and had the objection recorded. Napier's report was foolish, unscientific, and one sided; with its references to the practices of Peruvians and Moors and Sale's 'Koran' it was best suited to a monthly magazine. Seymour dissented entirely from Ashley about his 'mode of action'. He would do the same again, because in appointing Napier, the Board had directly contravened the Treasury's instructions and he was aware that the Treasury had already censured the Board on this score.² The next day Ashley merely contented himself with repeating that these differences ought to be settled personally as with Carlisle;³ but after spending the day in making investigations he returned in a high rage to Seymour's statements about the Treasury. 'My correspondence with Lord Seymour is becoming serious', he told Chadwick.⁴

So the Treasury had sent the Board 'explicit directions' to submit proposed expenditure to Seymour? rejoined Ashley. What directions were these? Ashley had never heard of them nor had his colleagues. In point of fact such Treasury action would have been illegal, for it would mean that three Commissioners were compelled to submit their proceedings to the fourth who never attended their meetings. The Board would acquiesce as a matter of convenience and courtesy, and it indeed had done so—but Ashley for one would not submit to 'an act of authority' which would 'deprive the Board of independent action.'⁵ Seymour simply replied that as far as he was concerned he did not care

¹ Lord Ashley to Lord Seymour, 6th January 1851.

² Lord Seymour to Lord Ashley, 7th January 1851.

³ Lord Ashley to Lord Seymour, 8th January 1851.

⁴ Lord Ashley to E. Chadwick, 8th January 1851.

⁵ Lord Ashley to Seymour, 9th January 1851.

twopence whether he was responsible for the Board or not. He would not argue but simply ask the Chancellor what the situation really was.¹ Ashley immediately replied that the Treasury could not give what it had no power to give, i.e. the right of one member of the Board to control the other three. He demanded that all their correspondence be laid before Sir Charles Wood.² Seymour nonchalantly returned that he never dreamed of doing such a thing and wasting the Chancellor's time.³ Whereupon Ashley retorted that he himself would do so, and returned to the issue of the 'explicit instructions' which Seymour alleged had been given by the Treasury to the Board. What were they, when were they, how were they given?⁴ Pinned down in this way, Seymour replied⁵ that he 'understood' they had been given by either the Treasury or the Chancellor; that the Board had promised to keep him informed by its letter of the 27th August; that they had not done so in Napier's case and that he must therefore take precautions to guard himself in the future.

So it was an 'understanding', not knowledge of any official order? replied Ashley. This was a 'very weak foundation'. In any case, 'we have no more knowledge of this direction to which you *now* allude than we have of the others.' And as for Seymour's complaint that he had not been informed of Napier's appointment—here he enclosed the very letter informing Seymour of the fact, and Seymour's own reply that he had no objection! 'Such', he concluded, 'is the want of consideration with which you attack your colleagues.'⁶ It is hard to see what answer could fairly be made to this, except an apology. In fact for reply Seymour sent back an insulting note saying that he disagreed with Ashley's opinions as well as with his facts, had no time to carry on a correspondence, and was merely anxious to protect himself in future. He had written to the secretary asking for copies of all the minutes,⁷ and as this would safeguard him, the discussion might as well end.⁸ At this Ashley sent all the correspondence to Sir Charles Wood and proposed a resolution to the Board which was formally carried. It stated that while the Board would send Seymour copies of the minutes, their conduct must not be construed as recognizing in a single member of the Board, and one too who was constantly absent, the right to

¹ Lord Seymour to Lord Ashley, 10th January 1851.

² Lord Ashley to Lord Seymour, 10th January 1851.

³ Ibid., 10th January 1851.

⁴ Ibid., 10th January 1851. (Four letters in the one day.)

⁵ Lord Seymour to Lord Ashley, 11th January 1851.

⁶ Lord Ashley to Lord Seymour, 14th January 1851.

⁷ MSS. Minutes, General Board of Health, 15th January 1851.

⁸ Lord Seymour to Lord Ashley, 14th January.

reverse or control the proceedings of the other three. Furthermore, if the President wished to query the acts of his colleagues he must take his place at the Board and hear their evidence and explanations.¹ Seymour concurred, merely asking to be warned in advance when the Board was about to take important decisions.² Ashley wrote to Chadwick 'Lord S's reply is a befitting one—I hope for peace'.³ The same day, Chadwick also received the Seymour-Ashley letters, tied up in a pink ribbon with a note from Carlisle: 'Pray keep them all at peace as long as possible.'⁴

At first sight the dispute seems the outcome of Ashley's long rivalry with Seymour. Indeed, only a few days before, Ashley had confided to his diary how painful his situation was: 'it is become that of a clerk and I am made by Seymour and Grey to feel it hourly.'⁵ But the real issue was fundamental—what was the constitutional status of the Board? Seymour, throughout the dispute, indeed since his first interferences in August, was tacitly assuming that the Board was a subordinate branch of the Treasury. Now this was the Treasury's view and it turned on the simple fact that the office of Woods and Forests was traditionally a subordinate branch of the Treasury, like Customs and Excise or Inland Revenue.⁶ The Treasury took the line that it controlled the First Commissioner of Woods and Forests and he, as *ex officio* President of the Board of Health, controlled the Board. Seymour himself was personally indifferent as to whether in fact he controlled the Board or not. He had merely adopted the Treasury view, and if the Chancellor told him to abandon it he would quite cheerfully do so. But Ashley and his colleagues had every motive to contradict him—the Board because it wanted independence; Ashley because he declined to admit himself Seymour's subordinate. The minute of 16th January was calculated both to repudiate Treasury interference and to soothe Ashley's pride. Yet it did this by affirming that an M.P. and two civil servants could vote down a Cabinet Minister!⁷ This was constitutionally ludicrous. Furthermore, it was certainly not Lord Morpeth's view of the case when he introduced his original Bill. In his view the Commissioner of Woods and Forests was responsible for the Board to Parliament. How could he assume the responsibility if his colleagues denied him the power?

¹ MSS. Minutes, General Board of Health, 16th January.

² Letter of 17th January, received at Board on 21st January: MSS. Minutes, General Board of Health, 21st January.

³ Lord Ashley to E. Chadwick, 18th January 1851.

⁴ Carlisle to E. Chadwick, 18th January 1851.

⁵ Hodder, *op. cit.*, vol. ii, p. 320.

⁶ A. Todd, *Parliamentary Government in England*, 1st Edition, 1869, vol. ii, pp. 481–4.

⁷ Seymour was not yet a Cabinet Minister but became one in the course of the year.

II

The Interment Act

The immediate effect of the dispute was to force the Treasury to intervene openly by instructions addressed to the whole Board. After six weeks' silence, on 22nd January it replied to the Board's request to purchase all the cemeteries at once for a quarter of a million pounds. This delay, later instanced by Chadwick as negligence and malice on the Treasury's part, does not seem very surprising when one considers that the overworked Treasury staff had during that time made its own valuation of the cemeteries. It had suddenly realized, very belatedly, that the Board's finances were precarious. It now suggested that the Board's estimate for the cemeteries was far too low, and that since it was clearly uncertain how much they would have to disburse they had better begin by buying one or two cemeteries and thus get firmer estimates.¹ The Board, having warned Seymour, who took his seat at the table, took into consideration its draft reply. This was an extremely long letter, but the gist of it was that to operate with two cemeteries would expose the Board to commercial competition from the others. It elaborated cogently, sensibly, and painstakingly six separate reasons why this was undesirable and four were reasons why the Board would be at an economic disadvantage.² Its conclusion made the assumption behind its financial calculations painfully clear. The Board's profit would come out of the fees at present extorted for funerals by undertakers. 'The saving . . . cannot be effected unless the whole of the interments of the Metropolis are under one control . . . (the Board) can see no means of fulfilling the requirements of the Act on any plan which does not bring the whole of the interments under one control and management.'³ All this was perfectly true but did not meet the Treasury's case. The Treasury wanted to salvage the Board's finances by lightening its capital charges: the Board replied in effect that the only way to do this was to secure the monopoly.

Seymour, however, took the Treasury view, as he considered he was bound to do. He urged the Board to do as the Treasury suggested, to buy also two new cemeteries, and with these proceed to close the

¹ Minutes and Correspondence of the General Board of Health relating to the purchase of Cemeteries, etc. (Parliamentary Papers, 1852, liii), at 22nd January.

² MSS. Minutes, General Board of Health, 30th January 1851.

³ Parliamentary Papers, 1852, liii, at 31st January 1851.

worst graveyards. Since nobody followed up this suggestion, he formally moved that the Board comply with the Treasury letter. His proposal was not even seconded. The Board then resolved to send its own draft letter. Seymour, icily, asked that the Treasury should be informed of his dissent. The Board had taken their minute literally and voted down their President. This situation Seymour never forgot. Hitherto he had been indifferent about his colleagues. Now he became actively malicious.¹

On the 13th February the Treasury replied. It was unconvinced. To purchase all the cemeteries at once would involve an indefinite sum, and its own estimate of their cost was not one-quarter, but three-quarters of a million pounds. The Board had a heavy debt-charge: therefore it was unwilling to sanction the additional capital debt involved in such an enormous purchase. It suggested therefore that the Board should buy up one or two cemeteries and begin to close the worst graveyards. This would also weaken the resistance of the remaining private companies²: the Board painstakingly replied that this was Lord Seymour's plan and not a very good one. Two cemeteries were not enough. 'The burial fund of the Metropolis will be adequate', it reasserted, 'provided it be carried into effect according to the plan of placing all the metropolitan interments under *one* authority and management'.³ This letter was sent to Seymour. His reply shows clearly that the Treasury's attitude was not an unusual, exaggerated, or arbitrary interference, but on the contrary was a demand for obedience from one of its *subordinate* branches.

'The Treasury have refused to sanction the scheme proposed by the Board; and since upon this point authority is given to the Treasury by Act of Parliament, it appears to me that the Board of Health, after having fully stated their opinions should submit to the decision of the Treasury. The course now proposed to be adopted by the Board of Health in again arguing with the Treasury, instead of acting as they required, would if it were copied by *other departments which are similarly subordinate to the Treasury* obviously render all the machinery of the Executive Government inoperative.'⁴

The Board's contumacy therefore threw the pundits of the Treasury into a fury. It was described as 'unwarrantable insubordination which would never be forgotten or forgiven'.⁵ Fortunately both Grey and

¹ MSS. Minutes, General Board of Health, 30th January 1851.

² Parliamentary Papers, 1852, liii, at 13th February 1851.

³ MSS. Minutes, General Board of Health, 14th February 1850, and Parliamentary Papers, 1852, liii, at 14th February 1850.

⁴ Parliamentary Papers, 1852, liii, at 17th February 1852 (p. 133). My italics.

⁵ E. Chadwick to Lord J. Russell, N.D., 1854.

Carlisle interceded for the Board¹; indeed the Chancellor even saw Ashley and said he thought the measure might proceed.² On the 20th the Treasury told the Board that it had not changed its views about giving notice to *all* the cemeteries, but the Board might make offers to them all, providing it was not thereby bound to go on and purchase them.³ At least the deadlock was ended; Chadwick rashly cried 'Victory'. He assumed that the Treasury plan 'was set aside'. A few weeks later, when the Treasury gave permission to proceed by compulsory purchase instead of private treaty, the Interment Act seemed under way at last.⁴

III

The Water Question

The Water Bill was also going through tribulations. The Government had to weigh up the chances of passing so far-reaching a measure. Its opponents were formidable. First of all there were the water companies themselves, with a share capital of some £5 millions. The shareholders and their friends mustered one hundred votes, and every one of these would be cast against the Government,⁵ while with their extensive funds they could easily subvert the venal press.

The Government also had to reckon with the growing parish agitation. The 'Association of Parochial Representatives' was going from strength to strength. Chadwick described it as 'a small agitation of large parishes, but even in them by no means countenanced by the population at large'.⁶ But this Association was now openly demanding that the Metropolitan Commission should be put under parochial or representative management,⁷ and those of its members who were not supporting Taberner's Parochial Water Supply Association were contending for a public water-supply under parish representatives.⁸ Dickens dubbed it 'Vestrylization', and Chadwick alleged that 'the contention for parochial legislation is by a class of engineers and projectors who feel that they have little or no chance with anything higher'.⁹ But to the Government this agitation meant that, in addition to the hostility of the water companies, they must also reckon with the solid opposition of the Metropolitan Members.

¹ E. Chadwick to Lord J. Russell, N.D., 1854.

² Ibid.

³ Parliamentary Papers, 1852, liii, at 20th February 1851.

⁴ MSS. Minutes, General Board of Health, 21st March 1851.

⁵ E. Chadwick to Boardman, N.D., 1852.

⁷ Ibid.

⁶ E. Chadwick to Delane, 27th November 1850.

⁸ Undated memo., 1851.

⁹ Ibid.

The Government was also doubtful as to the new water sources. The Board's evidence had been questioned in the Select Committee on the Lea Trust during the last session, and the promoters of the Henley Water Company and the Watford supply appeared to have equally good sources. The Hon. W. Napier's Report revived Sir George Grey's doubts. It was full of loose statements which its adversaries immediately picked upon. In suggesting that the water be collected from springs and streams rather than by underdrainage (as the Board had originally suggested) it indicated indecision on the part of the Board. Furthermore, its estimates of supply appeared quite incredible. By January it was plain that the Board's plan was too far reaching for the Cabinet. Chadwick now made a dramatic intervention. He was willing to abandon both constant supply and the new sources—providing only that the Metropolitan Commission was destroyed and the Board of Health made responsible. He proposed a new executive agency: 'The Trustees for the Consolidation and Completion of Works of Drainage Water Supply Paving and Cleansing in the Metropolis'. All the existing powers of the Metropolitan Commission were to be vested in it, and in addition it was to have the same control over water-supplies as the Local Boards had under the Public Health Act. That is to say, where a water company was not offering 'reasonable' supplies (a matter determined by arbitration) the new body itself might step in and construct or acquire its own waterworks. The sting lay in the tail. 'There can be no necessity to press the inexpediency and inutility of such a numerous body as even the present Commission (of Sewers) for executive purposes. It is a Court of record, with a dilatory and expensive procedure and obsolete law.' The new body he proposed must be a small paid executive commission, subject to the Board of Health in respect to its loan-raising powers, and supervised by the Board in all its engineering enterprises.¹

This plan came too late. The Government decided to refer the question of the Surrey sands to a body of chemical referees; ² it decided to keep water under separate management from the drainage. Now arose another consequence of the Ashley-Seymour dispute. Since the Board would not be led by its President, the President (a Minister) must prepare the new scheme without the Board. Seymour, hostile to the Board's scheme from the outset, was empowered by the Home Secretary to prepare a Government Bill: and the Board learnt by

¹ Minute on the proposed water-supply of the Metropolis, General Board of Health, 14th January 1851. Cf. MSS. Minutes, General Board of Health, 14th January and 16th January 1851.
² MSS. Minutes, General Board of Health, 21st January 1851.

February that the man he was consulting was Sir William Clay,¹ the spokesman of the water companies.

IV

Thus, by March 1851 the Board had everywhere lost the initiative. It was true that there seemed a clearer prospect for the Interment Act, and Chadwick hoped that his plan for water might be borne to triumph after all, if opinion were sufficiently aroused. But the *tempo* had undeniably slowed down.

For this Chadwick henceforth began to blame a sinister alliance of the Treasury and vested interests. He alleged that the Treasury was slow to act, instancing its delay in sanctioning the cholera inspectors and its delay in answering the Board's letters. He alleged that it had determined from the start to ruin the Interment Act and quoted Sir William Hayter, the Financial Secretary, as saying that 'Ashley and Chadwick were no better than a couple of socialists', that 'he would never allow the Interment Act to pass', and that he was sorry to leave office because it deprived him of the opportunity 'to work the General Board'. He maintained that Sir Charles Wood's sentiments were identical.² He also charged that public officers had shares and interests in the works which the Board had a duty to condemn, and that these forewarned the vested interests of the Government's attitude to the Board. When they served compulsory purchase notices on two of the cemeteries,³ they discovered that the chairman of one was the father of one Under-Secretary of State, and the Chairman of the second was the uncle of another Under-Secretary. Furthermore, a new private cemetery, the Necropolis Company, was a project in which the Solicitor-General, Sir Richard Bethell, was deeply involved. The same was true of the water companies: Reynolds, the Treasury Solicitor, was director of the West Middlesex, and the Government's Bill was really drawn up by Clay, the director of three other companies.⁴

These formidable charges are the foreshortened account of incidents which took place over a long period of time, many palpably exaggerated, and drawn up in the throes of disappointment and rage. Some charges are contradicted by the contemporary evidence. For example, Chadwick complained that the Treasury 'attacked' the Board for making the appointments of inspectors during the cholera epidemic; but Ashley's version ran: ⁵ 'Sir Charles Wood afterwards communicated to me

¹ E. Chadwick to Lord J. Russell, N.D., 1854.

² Ibid.

³ The Brompton and the Nunhead.

⁴ E. Chadwick to Lord J. Russell, N.D., 1854

⁵ Lord Ashley to Lord Seymour, 9th January 1851.

that though there was a defect in form, he had no doubt of the necessity of our arrangements'. Similarly, the charge that the 'Necropolis Company' was sanctioned in opposition to the Board because of its connexion with Sir Richard Bethell, was the contrary of what really happened. In deference to the Board the Government refused to sanction the company for two years, and it was sanctioned at last only when the Interments Act had obviously failed—even Carlisle voting for it. The assumption that two Under-Secretaries, a Treasury Solicitor and a Solicitor-General together made up a sufficient force to influence the Cabinet against the Board was inherently ridiculous. The charges against Sir William Hayter are the only ones that ring true. For Hayter was a Whig of the very old school that went out with Melbourne, and there is every evidence that he hated Chadwick heartily.

The fact is that the Treasury was only then beginning its internal reorganization under Trevelyan and Brande. It was still organized into four distinct departments which made it dilatory in the extreme. It was understaffed and overworked. These facts alone would explain why it took six weeks to make its own calculations as to the value of the cemetery companies. There was undoubtedly a great and growing departmental jealousy between it and the General Board, and Chadwick (whom Carlisle not unjustly accused on one occasion of 'blowing sparks into flames') interpreted this as a deliberate intention to sabotage the Board's work. But from the Treasury point of view the Board was a new department, a minor department, and one moreover that declined to consider itself as part of the Woods and Forests over which the Treasury had an unimpeachable claim. It had not only rebelled but had been successful. It is no wonder that Hayter should have used threatening language about it, and that the Treasury took every opportunity to snub it.¹ Nor did Chadwick make allowances for the Treasury's reaction to Cobden's Financial Reform movement. It had become excessively cautious since 1848 and every trifling sum was scrutinized again and again before it was sanctioned. The Treasury was no more hostile to the Board than it was to any other department; it was, however, costive, cautious, formal—circumlocutionary in fact—and besides this, genuinely concerned, according to its lights, with what it thought was the Board's impetuous and faulty finance. Chadwick was not the first and certainly not the last middle-aged civil servant in a hurry who found the Treasury an impediment. His charges against it appear to throw more light on his own character than on that of his rivals.

¹ Cf. for a typical snub, Parliamentary Papers, 1852, liii, at 28th April 1851, and 3rd May 1851.

CHAPTER IV

LONDON IN THE BALANCE

I

The Water Question

THE Interment Act now absorbed all of Chadwick's energies, and bogged him down in interminable and dreary negotiations. Consequently he left the water question very much to Ward and the Sanitary Association. The contents of the Government Bill were known to him quite early, and having submitted a memorandum to the Home Secretary protesting against the proposed arrangement,¹ there was little more to do than to leave it to public opinion and Parliament. 'I fully concur with the memorandum', wrote Ashley, 'and we must stand to it. This haste shows a fear of parliamentary responsibility. *Adorem qui meruit ferat.* They shall have it, and not we.'²

The Government postponed their Water Bill till after Easter 1851 and gave Ward time to set a formidable agitation afoot. His chief aide was John Simon, who was strongly supporting the Board's initiative in both the Interments and the Water question. Delane, who was much impressed by Simon, was taking his opinion from them. Dickens had committed *Household Words*³ to the Board's plan. The *Quarterly* was about to print Ward's powerful article in its March number.⁴ Calculations of water cost were drawn up for circulation to the railway interest, in the hope of getting their votes. Ward and Simon together drew up a petition 'against the monopolies and the municipal project' for presentation by the Sanitary Association.⁵ A group of the Association's members led by Baillie Cochrane prepared the prospectus of a 'Soft Water Contracting Company' which proposed, if the government plan was beaten, to draw its sources from

¹ E. Chadwick, 'Memo on proposed administrative arrangements for water-supply', 24th January 1851.

² Ashley to E. Chadwick, 28th January 1851. The word which I read as 'adorem', appears in Ashley's almost illegible hand, as 'Sicloneam'. 'Adorem' is the ingenious reading suggested to me by Mr W. Watt of Balliol College. The quotation would thus be a variant of the more usual *Palman qui meruit ferat* (Let him who deserves it bear away the prize).

³ *Household Words*, 1850, p. 49, 'The Troubled Water Question'; p. 445, 'The Thames Water'.

⁴ *The Quarterly Review*, March 1851, p. 435.

⁵ F. O. Ward to E. Chadwick, 26th March 1851.

Farnham as a private venture and supply the Metropolis at one-third of the present rates.

On the 29th April Sir George Grey introduced the Government Bill. It was neither more nor less than Sir William Clay's often repeated proposals.¹ The use of the Farnham water was postponed until the Government's referees reported. The consolidation of drains and water distribution under a new authority was rejected. The Government declined to enforce constant supply because, though 'the best system', they 'could not accept the wholesale supersession of existing equipment'. Instead, the Government proposed that all existing companies should be amalgamated under government control. Shareholders would be entitled to a dividend on the assessed capital, never rising over 6 per cent. and never falling below 5 per cent. Consumers' rates would be defined in a schedule, and as revenue rose the rates would be reduced. The Home Secretary might direct the company to use new sources, and to provide water for cleansing and sewerage. The accounts would be subject to the Commissioners of Audit and the rates of supply to the Treasury.² Provision was made for subsequent redemption of the stock.

This was not a good Bill, but, as Sir William Clay said, it was a 'wise and practicable compromise'.³ The companies' shareholders would have had first charge on some £200,000 per annum. As against that, consolidation would have saved some £100,000 per annum on running costs,⁴ while the vast profits that accrued year by year through the expansion of the suburbs and the increasing rateable value of London property would all have gone to the public. This was a far better bargain than had to be struck in 1901 when the companies were bought out for £43 millions.⁵ Chadwick objected, primarily of course, to the divorce between drainage and water distribution: yet, in the days when Clay was negotiating with him, the water director was prepared to meet him on this point.⁶ Furthermore, even at this late stage, had Chadwick decided to throw the weight of the Board and its propagandists behind the Government he could undoubtedly have got amendments to ensure co-operation between the Home Secretary and the drainage authority. The root of the difficulty was that Chadwick would trust neither the Metropolitan Commission with drainage nor

¹ Cf. *Hansard*, Parliamentary Debates, vol. cxvii, col. 459.

² *Hansard*, Parliamentary Debates, cxvi, cols. 309 et seq., 29th April 1851.

³ *Ibid.*, cxvii, cols. 459 et seq., at Sir William Clay.

⁴ At least, according to Chadwick's estimates.

⁵ Of this sum, only £23 millions represented payment for capital assets. The rest represented capitalized prospective profits!

⁶ Memo. by E. Chadwick on points of a conversation with Sir Wm. Clay, 23rd July 1850.

Sir George Grey with water: only a combined board controlled by himself would suffice.

Yet such was the hurly-burly which developed around the Bill that he may be forgiven for misjudging the situation. It was immediately obvious that the Government Bill had no support, and that there were so many competing schemes in the field that the Board's measure might even triumph. *The Times* attacked the Bill furiously as 'a scheme for amalgamating all the existing companies, confirming their powers and finally establishing them in all their privileges of monopoly and extortion with a nominal reservation of rights'¹; and it expounded Chadwick's well-worn theme that the Home Secretary was overworked, and if he appointed assistants to help him, why, that was a Government Board, but not a directly accountable one.² It claimed that the postponement of new sources would in practice prove to be indefinite. The guarantee of 6 per cent. dividend was too high to permit the change-over to constant supply.³ It is clear that these views reached Delane from the pen of F. O. Ward.⁴ The vestry party attacked the Bill just as roundly. It had largely abandoned Taberner and his artesian wells, and was rallied around Mowatt, the M.P. for Bridport. Mowatt proposed to set up an administrative body of twelve, four nominated by the Government, four by the City and four elected by the Metropolis. The Association of parish delegates supported him. The Metropolitan members, Sir Benjamin Hall, Lord Dudley Stuart, and Molesworth, joined forces with such London notables as Thwaites the draper, Nicolay the furrier, Pellat the glass manufacturer, and Toulmin Smith the barrister, to arraign the Government Bill as centralization and to demand a 'London municipality'.⁵

Inside the House the confusion was still worse. The only defenders of the government measure were Sir George Grey and Sir William Clay. The water companies, speaking through Sir John Johnstone, Chairman of the New River Company, rejected the Bill as confiscatory, and casts doubts upon the Farnham supply. The Board of Health party, represented by Baillic Cochrane and Ebrington, demanded the new sources, rejected the Bill as too lenient, and proposed the establishment of a public board. The vestry party, Sir Benjamin Hall, Stuart, Wakley, Williams, Lacey Evans, and Mowatt similarly demanded the new sources

¹ *The Times*, 21st April 1851. Cf. also 25th April 1851.

² *Ibid.*, 8th May 1851. Cf. other attacks, 15th May, 4th June, and 9th June.

³ *Ibid.*, 1st May 1851.

⁴ Cf. F. O. Ward to E. Chadwick, 3rd, 31st July, 3rd, 4th, 7th, 11th August, in each case for immediate transmission to Delane.

⁵ *The Times*, 11th June 1851, 12th June 1851, and 5th July 1851.

of supply, rejected the Bill as too lenient but proposed the establishment of parish control. The Government carried its second reading by only 95 votes to 76. At this point the Bill went to Select Committee, and all the suspended Water Bills—the Henley Scheme, the Watford Scheme, the Government Scheme, and the Soft Water Scheme—stood referred to it.

Chadwick knew that the game was up. The Board of Health had no *locus standi* before this Committee, and without it there would be an orgy of special pleading by suborned witnesses.

In desperation at the imminent threat to their properties, the water companies constructed that formidable phalanx of M.P.s, company directors, engineers, parliamentary agents, and journalists which stalked the General Board for the next three years waiting to deliver a death-blow. Simpson, the engineer to the Chelsea Company, was brought before the Committee to show that constant supply was not practicable in London—though he had declared it so in Bristol and Edinburgh.¹ Hawkesley, Chadwick's most pertinacious enemy, came to show why water-supply and drainage should not be united under one body: 'In the one case it is a supply of . . . goods . . . in the other simply removal of a nuisance!' ² The companies were said to have spent some £100,000 on their counsel. The *Daily News* was bought by the water interest. The *Morning Chronicle* was as hostile to the Board as in 1848. These newspapers abused the Board unmercifully, and the *News* singled out Chadwick for a set of violent personal attacks. There was the closest connexion between the journalists, the companies' counsel, and the parliamentary agents. The manager of the *Daily News*, George Frederick Smith, was of the firm of Wright, Smith, and Shepherd, parliamentary agents and solicitors to the St James Commissioners of Paving and to the Kent Water Company. The author of the *Chronicle's* articles was the young G. Stavin Venables, related to another firm of parliamentary agents, and the Kent Water Company's counsel before the Committee. The West Middlesex Company had one of its shareholders writing in *The Economist*. The Hampstead Water Company had retained Toulmin Smith.³

The Committee had two main tasks—to settle the question of the new sources and to determine the best administrative arrangements. It had hardly begun its work when the Report of the government referees on the water sources appeared, and this dealt a deadly blow to the Farnham-Bagshot scheme. Chadwick's first reaction was to accuse

¹ E. Chadwick to F. O. Ward, 12th October 1849.

² Parliamentary Papers, 1851, xv, Qq. 13,599 and 13,608.

³ E. Chadwick to ? , 28th July 1851.

the referees of a 'sinister interest'—a piece of nonsense from which Ward, fortunately, dissuaded him.¹ The referees condemned the Thames water, and agreed that both the Watford and the Farnham supplies were preferable. The Farnham water was softer than the Watford, which could be used only after softening by Clark's process; but they could not see how the Board could extract from Farnham the supplies it had promised. This, Chadwick complained, was an engineering problem on which they were not competent to decide.² Prompted by Ward, Chadwick sent his engineers to re-gauge the Farnham sands and discovered that, if anything, the Board had underestimated the quantity; the Soft Water Company was 'spurred on' to act before the Committee; copies of the Board's Report, flagged at the right places, were distributed to counsel opposing the Government Bill; and several errors in the referees' Report, discovered by Ward, were immediately forwarded to Delane, who held the key of the situation. 'Gain him on this point', Ward told Chadwick, 'and he is wholly with us as against the government bill.'³

Sir James Graham, the Committee's Chairman, was half convinced by this activity, so much so that he proposed that Watford water should be brought to the North bank and Farnham water to the South.⁴ But Delane became more evasive. He was beginning to believe that Ward was a mere puppet in Chadwick's hands. 'And by the by', added Ward, who conveyed this information, 'let me mention that you are much weakened by the prevalence of a belief of this kind in many quarters—it is thought that the engineers, inspectors and those who serve you give in many cases opinions modelled in conformity with yours, which deprives the evidence, etc. of its cogency. Even I have been openly said to be 'in Chadwick's pay'.⁵ Delane began to diverge from the Board as the Committee reached the administrative question and the parochialists expounded their case. Delane already knew what Ward and Chadwick thought on the matter. Ward's views were expounded with enthusiasm in the *Quarterly Review*; Chadwick's had been delivered to him over six months ago. He maintained that

¹ E. Chadwick, Memo., June 1851. F. O. Ward to E. Chadwick, 26th June 1851.

² Ibid., July 1851.

³ E. Chadwick, Memo. on The Chemical Referees' Report, July 1851. F. O. Ward to E. Chadwick, 23rd and 27th June 1851.

⁴ E. Chadwick to F. O. Ward, 3rd July 1851. Chadwick opposed it because

(1) 'It must be half-wrong' (!)

(2) There would be two duplicated establishments.

(3) The plan maintained the severance of water-supply from sewerage and house drainage, and 'we have proved that a vast annual saving in each service will arise from consolidating the administration and the works of all three'.

⁵ F. O. Ward to E. Chadwick, 7th August 1851.

the ratepayers were incompetent to judge engineering matters. They were a minority, the larger part of the population being lodgers who paid no rates. The City and the vestries were examples, *in petto*, of what a London municipality would be. Parliament would feel the municipal council to be a rival.

'The question is not whether money is to be spent without representation', Chadwick said, 'but whether the great minorities as well as the majority of the inhabitants of the Metropolis will not have more responsible representation through Parliament than through parochial government in the metropolis. We think the former responsibility will really be the greater of which the example of the City municipality appears to be decisive evidence. The national interests in the Metropolis are moreover we think, more fully represented in the national assembly than in any such body as that which the vestrymen proposed.'¹

On 7th July Delane made his choice: he favoured Mowatt's proposals for a representative administrative body.² Ward saw the immediate battle was lost. All that could now be hoped for was a provisional Board to manage Metropolitan sanitary affairs *ad interim*.³ He bombarded Delane with suggestions of this kind, but to no avail. Every successive editorial in *The Times* came down more firmly for the vestries, until, on the 21st July, Delane's thought had come full circle. He claimed that it was just as well the Government had failed in its Bill. The Board it proposed was an encroachment on self-government. All such Boards failed in practice or made themselves unpopular, like the Commission of Sewers. (The Third Commission was itself under severe attack in the House at just this time.) The parochial system was the solution: but, he warned the vestries, they had a very bad record. They must clear themselves of the imputations which 'various parties from various motives' were trying to fasten upon them.⁴

At this stage Chadwick suddenly told Ward that he must carry on the struggle alone.⁵ A serious crisis had arisen in the Interment Act, which seemed to threaten its very basis.

11

The Interments Act

As soon as the difficulties with the Treasury were composed, the Board served compulsory purchase notices on the Brompton and the Nunhead cemeteries. It also reached an agreed price for Abbey

¹ E. Chadwick to Delane, 27th November 1850.

² F. O. Ward to E. Chadwick, 9th July 1851.

³ E. Chadwick to F. O. Ward, 15th June 1851.

⁴ *The Times*, 7th July 1851.

⁵ *The Times*, 21st July 1851.

Wood. This achieved, Chadwick and Shaftesbury thought that their troubles were over. All that now remained was to raise their funds, and this, they assured the Treasury, would be easy. 'The Board', they wrote, 'having consulted the best authorities as to the state of the money market, are advised that they will have no difficulty in obtaining money etc. . . .'¹ They even reaffirmed this: 'requisite funds may be obtained by means of loans secured on the mortgage of rates and fees etc. and they have no doubt whatsoever of being able to raise whatever money may be required on such security, at 4½ per cent.'² On this assumption the Treasury gave them permission to raise a loan, and they accordingly approached the Guardian Insurance Company for £100,000.³

To their astonishment and dismay, the company refused to lend!⁴ It objected that the Board's life was limited to five years, and that the Act made no provision for transferring its liabilities to another department. The Treasury draughtsman who had drawn the Act gave the company his legal opinion that the Board's security was indeed provided for; but the company curtly replied that 'they did not feel justified in proceeding further with the proposed loan.'⁵

To await amending legislation might delay the whole measure. The Board therefore suggested that the Treasury might advance the money itself. After some delay, however, the Treasury merely advised them to try another company.⁶ They could do nothing but comply; but while awaiting the issue they received even more disquieting news. Their solicitors advised that unless the remaining cemeteries were acquired by jury-award instead of by arbitration, it would be another twelve months before they could be purchased. The Board was growing increasingly anxious about the activities of the Necropolis Company; sponsored by Sir Richard Bethell and his architect brother-in-law, Mr Abrahams, this company was proposing to evade the Board's monopoly by opening a cemetery on the fringe of the Metropolitan Burial District. If another twelve months were to elapse before the Board started its work, how many more cemeteries of this kind might not be opened?

So far the Board had never demanded anything but a monopoly inside the Burials District. It had specifically excepted 'cases in which, at the discretion of families, the body is removed for burial beyond the

¹ MSS. Minutes, General Board of Health, 21st July 1851 (quoted in G. C. Lewis's letter of 18th July, contained therein). Also Parliamentary Papers, liii, at 28th April 1851.

² Ibid.

³ Ibid., 16th May 1851.

⁴ Ibid., 10th June 1851.

⁵ Ibid., 13th June 1851.

⁶ Ibid., 25th June 1851.

district'.¹ It subsequently explained that it did not expect this clause to be used for anything but a small number of removals to family vaults.² But, as far as the Treasury and the Home Office were concerned, its monopoly was to be confined to the Metropolis—indeed, that they demanded any monopoly at all had been slurred over in the Parliamentary Debates and the Board's subsequent communications.

Alarmed by its prospects, the Board now sprang two surprises on the Treasury. First, it suggested that the Treasury should itself finance them, because this would be cheaper than raising the money in the City. It would save the Board some 1½ or 2 per cent. interest, or some £17,500 per annum. It would also, of course, make it unnecessary to pass amending legislation to guarantee the Board's security. Secondly, it proposed amending clauses to complete its monopoly. One clause would have allowed it to secure the remaining cemeteries more speedily, by substituting jury-award for arbitration-award. Another clause sought to strike down the Necropolis Company and its imitations by affirming that no cemetery might be formed on land that had not been purchased for that purpose, or appropriated by Parliament for that purpose, before the amending Act.³ Seymour first delayed his comments, and then, after a fortnight had elapsed, asked for further explanation. By this time the Board was frantic. The second company whom they had approached had also refused to lend, and it was clear that it was the general financial viability of the Board that weighed with this company.⁴ Accordingly the Board now expressed its demand for an effective monopoly in all its blatancy. It *must* be protected against the Necropolis Company, it told Seymour:

'This object goes to the root of all the calculation upon which the Board rest their estimates of a Revenue and can be removed by nothing else but relieving the Board from the possibility of competition.'⁵

It was at this point, when the dangers appeared so serious, that Chadwick broke off his intervention in the water question, telling Ward, 'I am still immersed in an absorbing struggle to retrieve a difficulty in which Lord Seymour and the Government have placed us'.⁶

Lord Shaftesbury saw the Chancellor and explained matters, and Chadwick was allowed to go to the City and see whether the Board's amendments removed the legal difficulty. The bankers still declined to accept the security as adequate unless the proposed Bill put an upper

¹ Interment Report, 1850 (Parliamentary Papers, 1850, xxi), p. 89.

² Ibid., pp. 89-91.

³ MSS. Minutes, General Board of Health, 1st July 1851.

⁴ See below, p. 415.

⁵ MSS. Minutes, General Board of Health, 14th July 1851.

⁶ E. Chadwick to F. O. Ward, 15th July 1851.

limit on the Board's borrowed capital—not, one would think, a very flattering appraisal of the Board's general financial position.¹ Shaftesbury saw Wood once more, and came away with the impression that the difficulties were simply technical ones and that their clauses would be laid before the House.² But, unfortunately, there was a misunderstanding on both sides. Wood had just arrived at the point where he appreciated the technical difficulties arising from the Board's limited duration; and it was this, not the material difficulty, that he was promising to rectify. Shaftesbury, thinking the Chancellor had been apprised of the threat to their monopoly, came away thinking that it was this which the Chancellor had promised to set right.³

Both parties now retired to think the matter over, and both thought on entirely different lines. The Board wondered whether their two suggested clauses were adequate. Since they thought the Chancellor had seen their point of view they decided to make assurance doubly sure, and fired at the Treasury a letter and an additional clause. Neither could be received without amazement.

The letter unsaid all what the Board had so far told the Treasury—the loans had *not* been refused on a technicality. The real reason was, on the contrary:

- '(1) The insufficiency of the provision of the Interments Act for securing such an amount of income over expenditure from burial fees as to ensure the payment of the interest on the loan and
- '(2) on the practicability of evasion by taking bodies for burial out of the Metropolitan District to burial places beyond the control of the Board. . . .

'The law advisers of the Guardian Assurance Office are the only parties that have urged the technical objection above referred to. The commercial directors of the different companies on the other hand, have never regarded anything but the sufficiency of the material resources of the Board.'⁴

This extraordinary document was sent, apparently, to make quite certain that the Treasury would strengthen the Board's monopoly. Chadwick did not seem to realize that it was an open admission that the commercial companies, in making objection No. (1), were expressing scepticism for the Board's finances, *even if* objection No. (2) was met by new legislation.

Instead, he followed it up by a proposed additional clause to make their monopoly perfect. This clause, whose principle was sanctioned in 1946, not without some complaint, might in 1851 have come from the

¹ E. Chadwick to Carlisle, 21st July 1851.

² Ibid.

³ Ibid., and inference from the subsequent course of events.

⁴ Parliamentary Papers, 1852, liii, at 18th July 1851. The numerals are my own.

moon, it was so strong an act of power. It proposed that the Board's burial fee must be paid for every corpse in the Metropolis whether it was buried in a national cemetery or a private one, whether inside the district or outside it.¹

At the very moment the Board was despatching these letters to the Treasury, the Chancellor was at last being made aware of the true nature of the Board's difficulties. The Board received its first surprise on the very evening of the day on which it despatched the letter to the Treasury. It was confidently expecting the Chancellor to move its amendments; instead, he told the House that he could overcome the technical difficulty and guarantee the Board's security, but 'within the last few days another had arisen', and he could not say he 'saw his way clearly through it.'²

Three days later the Board met to find that the Treasury had ordered them to stop all proceedings immediately, and that Seymour had sent to the Board's solicitor to advise on the means of closing its liabilities and getting rid of all its obligations to purchase the cemeteries!³ In explanation they found the Treasury letter of the 18th. It was stinging. The Treasury, it recounted, had authorized the Board to negotiate, fully believing it would have no difficulty in raising money: indeed it had given distinct assurances to the effect. The position it was now placed in with the negotiating parties arose 'entirely from your having entered into communication with the parties for this purpose before you were well assured of the certainty of obtaining the money'. The Treasury would certainly not grant the money by Exchequer Bills, and no further proceedings whatsoever were to be taken by the Board.⁴

To this indictment the Board could return no effective answer. Chadwick wrote despairing letters to Carlisle.⁵ He begged the Prime Minister for an interview.⁶ He insisted that the Board's demands were not 'something new and enormous'⁷ but clauses to remove mere 'oversights'.⁸ He bitterly blamed Hayter, Seymour, and Sir Charles Wood for refusing their assistance.⁹ The next day Shaftesbury once again attended on the Chancellor, and pressed on him the clauses the Board had drawn. Wood was courteous, even sympathetic, but unbending. The clauses, he said, would achieve their purpose—but

¹ MSS. Minutes, General Board of Health, 19th July 1851.

² *Hansard*, Parliamentary Debates, 18th July, vol. cxviii, col. 993.

³ MSS. Minutes, General Board of Health, 21st July. E. Chadwick to Carlisle, 21st and 22nd July 1851.

⁴ *Idem.*, 21st July 1851.

⁵ E. Chadwick to Carlisle, 21st and 22nd July 1851.

⁶ E. Chadwick to Lord J. Russell, 21st July 1851.

⁷ E. Chadwick to Carlisle, 21st July 1851.

⁸ *Idem.*, 22nd July 1851.

⁹ *Idem.*, 21st July 1851.

the Commons would never pass them.¹ 'What evidence has he for this', burst out Chadwick on hearing the bad news. 'The wish is merely the parent of the assertion. . . . Does not all this mean that the Treasury is determined to have nothing to do with the measure and for its own ease to stop it. . . . Since last November the Board had felt convinced that the Treasury never intended to execute the Act.'²

The 'evidence' which Chadwick doubted was supplied that very evening. The Chancellor explained to the House the nature of the Board's difficulties: it was not a permanent body and hence its security was faulty. Since the Board was committed to purchasing two cemeteries, he had, finally, decided to advance the money himself. This statement was met by flat opposition from Sir Benjamin Hall, and with a fierce philippic from John Bright. Bright was a consistent opponent of the Board and had recently been engaged with Chadwick in a personal controversy over applying the Public Health Act to Bacup. He now alleged that the original Act was discreditable, that Chadwick was a wirepuller with Shaftesbury as his puppet, and that by this Act he would become 'the arbitrary dispenser of more patronage than was in the gift of officers filling the highest stations of government.'³ The angry mood of the Metropolis was reflected two nights later when Ebrington, who had been under attack all the session, was told that his Metropolitan Commission was inefficient, ignorant of business, and recklessly squandering the ratepayers' money.⁴

The Board spent the next two days in asking Seymour to request the Chancellor to put its proposed clauses before the Commons,⁵ and in drawing up a long apologia, interlarded with sundry quotations from its Report in which it sought to show it had always demanded a monopoly. The minute was not as convincing as it might have been because the Board had quite explicitly made an exception for corpses taken outside the Metropolitan District. Its attempts to explain this away only showed that either their Report did not say what it meant or that it did not mean what it said. In either case the Board had convicted itself of ineptitude.⁶

Chadwick also spent part of his time in composing a retort to Bright's attack:—

'Those popular politicians', the fragment runs, 'who deem every measure for the relief of human pain visionary, and the promoters of them impracticable,

¹ E. Chadwick to Carlisle, 22nd July 1851.

² E. Chadwick to Carlisle, 22nd July 1851.

³ *Hansard*, Parliamentary Debates, 22nd July 1851, cxviii, cols. 1366–7.

⁴ *Loc. cit.*, cxviii, cols. 1468 et seq.

⁵ MSS. Minutes, General Board of Health, 23rd July 1851.

⁶ *Ibid.*, 25th July 1851.

who deem those sanitary measures which are beyond the power of individuals and are not within the capacity of any local administrations, to be beyond the province of Government or legislation :—whose notion of duty in respect to governments is that it is an object of paralysis to make them impotent, and making them impotent see no need of special qualifications for administration, and with whom every salary is money paid for no work and all appointments patronage and mere waste—

"The member for Manchester

A man who gave to misery all he had to give

A sneer—" "1

'Those popular politicians' were meanwhile resolving to overturn the Board. On the 25th the Chancellor appeared in the House, to carry his Metropolitan Interments (Advances) Bill. He owned that he disagreed with the Board's proposal to buy up all the cemeteries, and that the Treasury had accordingly restricted it to two. With these it could close down the worst graveyards. The Board, however, could not raise money to buy them unless it had a monopoly. He doubted whether the House would grant this. Indeed the House might even wish to divest the Board of its executive powers, and make it a mere Board of Control over the parishes, who would make their own arrangements. But this could not be done till next session. At the moment he must have power to lend them money or else an injustice would be done the two cemetery companies. So angry was the Opposition that in the end the Prime Minister had to come to the aid of his colleague and himself to disavow the Board's principle of monopoly. Hall attacked it, Wakley demanded parochial control, Bright returned to his former vein by sneering that the Board was composed of men who could make very valuable suggestions but could not carry them out. The Opposition raised as many as 26 votes to the Government's 50.²

The Board now realized that willy-nilly it would be forced to operate the original Treasury plan of working with two cemeteries only. Once more it recited the reasons why the Board could not compete with the companies—but it was useless. The secretary of the Board was sent to explain to the Chancellor that it would be weighed down by its compensation to the churchwardens, whereupon Sir Charles Wood said 'he did not give a damn for them.'³

Lord Shaftesbury waited on him to express the same difficulty but returned in a white fury to say, 'nothing could have been more insolent than his manner.'⁴ Inflamed with resentment he carried the matter

¹ Fragment by E. Chadwick, 1851.

² *Hansard*, Parliamentary Debates, 25th July, vol. cxviii, cols. 1551 et seq.

³ E. Chadwick to Carlisle, 3rd August 1851.

⁴ Lord Shaftesbury to E. Chadwick, 28th July 1851.

to the Lords, where he threw the blame on the Treasury for obstructing the Board and complained that the Government had pushed the Interment Act upon the General Board which did not wish to undertake it and now had the impertinence to blame it for the delay.¹ Carlisle, of all people, had to introduce Sir Charles Wood's measure. He was bitterly attacked by Earl Harrowby, Lord Shaftesbury, and the Bishop of London : only Earl Grey defended it and he did so violently, giving yet another proof that the Whig connexion was not dead—for he was cousin to the Home Secretary and the Chancellor's brother-in-law. Carlisle could only answer Shaftesbury's charge that the Government were 'counted amongst their enemies' by pleading that no disrespect was intended the Board, and that the Government was 'doing its best'.² With Shaftesbury's support, the Bill was then carried—but not before Harrowby had moved for all the relevant minutes and papers.

* * * * *

The whole measure had been mismanaged from start to finish. The Board stands convicted of having overestimated its resources ; of leaving no leeway for accidents like the irruption of the Necropolis Company ; of having misled the Treasury as to its ability to command loans ; of not making clear to the Cabinet that it needed a monopoly, then of demanding a monopoly inside the Metropolitan District, next demanding one outside as well, and finally of having sought a clause which no House of Commons could look at. The Treasury might justly complain of such bungling : but it, itself, was by no means blameless. It quite rightly stressed the financial dangers to which the Board would be exposed if the cemetery companies proved as expensive as it feared ; but from first to last it turned a completely blind eye to the fact that the Board must either have a monopoly or nothing. On four or five separate occasions the scheme for operating in competition with the cemetery companies had been the subject of admirable and just criticism by the Board ; but the Treasury never seemed to heed. The fact was that the Board and Treasury were both approaching the matter from different angles. The root of the trouble lay in the perfunctory examination which Cabinet and Commons had given the 'Report' of 1850. As a result of that, nobody outside the Board recognized that a complete monopoly was demanded. The Board, working from this assumption which it thought was shared, found the Treasury concerned

¹ *Hansard*, Parliamentary Debates, 31st July, cxviii, cols. 1774 et seq.

² *Ibid.*, 4th August 1851, cxviii, cols. 1847 et seq.

with nothing but capital debt. The Treasury, assuming that the Board wanted to buy two or three cemeteries, some of them private, and then close the worst graveyards, took its wish to buy up all the companies at once as mere megalomania and precipitation. Thus the one considered nothing but monopoly, the other nothing but capital debt: and in the event, they simply lunged past one another.

The true irony of this unhappy situation was only revealed a little later. In the first place, when the awards on the two cemeteries were promulgated, they proved to be far nearer the Board's estimate than the Treasury's. Brompton, which the Board estimated at £43,836, and for which £168,762 was demanded, was awarded £74,921. Nunhead, which the Board estimated at £39,871, and for which £99,349 was demanded, was awarded £42,183.¹ Thus the Treasury's fears of an over-capitalized Board proved completely groundless. But in the second place, the Necropolis Company, which finally started operations in 1852, proved an utter failure: it hardly got the burials of one single parish, went bankrupt, and had to be reorganized in 1854.² Thus the threat which had made the Board press for its additional clauses and the banks press for a guaranteed security, proved to have been entirely empty. Had the Treasury not shrunk from one set of shadows and the banks and the Board from another—had the sorry tale of misunderstandings not arisen—the Board would have been able to operate successfully after all! 'The interments overthrow is a most severe disaster', wrote Chadwick. 'The whole battle must be recommenced.' But by the time these events occurred, the moment for action had passed. *Wassermann in ein minute ausgeschlagen, gibt keine ewigkeit zurück.*

¹ MSS. Minutes, General Board of Health, 18th October 1851.

² E. Chadwick to Lord J. Russell, N.D., 1854.

CHAPTER V

LONDON LOST

I

THE Board had now lost all opportunity for manoeuvre. The water question was out of its hands, and if the original plan were to be resurrected, that could only be by an outside public opinion. The Interment Act was tied down to operating with two cemeteries only, a task stated to be impossible.

Even so, Chadwick did not entirely lose hope. The water problem was turned over to Ward and the Sanitary Association. As to interments, he began to hope that if he could but close the worst graveyards, public opinion might demand the completion of the original measure. By September one hundred of the worst graveyards were scheduled, and soon afterwards the compensation for 196 parishes was worked out. The arbitrators' awards for the Brompton and Nunhead cemeteries proved most satisfactory, little above the Board's estimates. If the Treasury permitted the purchase, the Act could begin its work. The Sanitary Association was turned loose on the Prime Minister and the Chancellor,¹ but to no avail. The Board was given to understand that the original Act was now to be entirely abandoned, and that Lord Seymour was preparing an alternative.

Thus all the work and anxiety had been thrown away. Chadwick was all for fighting for the two-cemetery plan as he had once fought for the monopoly plan: Shaftesbury, on the contrary, argued for a stand on principles.

'There is no use I am sure in fighting against power unless we have something on our own side to assent to. You particularly, and the Doctor cannot *long* resist and retain your position; and we shall then lose *all* by endeavouring to save *half*'.² Why stand upon the two-cemetery scheme, 'at best a makeshift', while they still had their own 'original, sound and practicable schemes'?

'The responsibility is now with the Government: let it remain there. Do not pledge the Board to have approved anything but its own first plan: respect our adhesion to that plan and say that in deference to the ministerial authority we will, while holding our own opinions, do our utmost as a Board to carry them into effect. This course will, I firmly believe, keep us clear of all shoals

¹ *The Times*, 25th November 1851.

² Lord Shaftesbury to E. Chadwick, 7th December 1851.

and rocks : any other will drive us on the quicksands where the Treasury bark is already foundering.¹

But a few days later it became clear that in the 'ministerial' plan the Board had no part to play whatsoever. The Treasury stated that it had voted money for the two cemeteries only in case an epidemic broke out in the autumn. That danger was over : and the Government proposed to strip the Board of all executive power in the matter of interments. Consequently there was no point in acquiring cemeteries. The companies would undoubtedly be glad to retain them.²

In fact, the Brompton cemetery insisted on being bought out and this ridiculous quirk terminated the tragi-comedy of the Interment Act. After eighteen months of labour and vexation not a single graveyard had been closed, but the Treasury had paid £75,000 for a large cemetery which it did not want !

II

The Shaftesbury-Seymour dispute of January 1850 continued to bedevil the Board. The President was a Cabinet Minister, but since his Board were prepared to outvote him, the Cabinet naturally entrusted the new Water and Interment Bills to their colleague, Lord Seymour, and the Board was completely ignored.

Seymour, however, did not have the satisfaction of himself passing his Bills. In the spring of 1852 Russell's Ministry, which had become steadily weaker over the last twelve months, suddenly collapsed under Palmerston's 'tit-for-tat', and to public astonishment Derby's 'Who Who' ministry came into office. Derby replaced Russell, Disraeli replaced Wood, and Lord John Manners became the new President of the Board. Both Manners and Disraeli had been founder-members of the Committee of the Health of Towns Association : but, untried in office and about to appeal to the country, they proved even more conciliatory to London's vested interests than their predecessors. Manners indeed merely took up Seymour's Bills as they had been left. So much for 'Young England' !

The Interments Bill of 1852 sought to repeal the 1850 statute, to enable the Home Secretary to close down any metropolitan burial ground, and to empower the parishes, either separately or in combination, to acquire new grounds outside the built-up area. Its greatest fault was that it was bound to be slower in operation than the two-cemetery plan, under which one hundred graveyards could have

¹ Lord Shaftesbury to E. Chadwick, 9th December 1851.

² MSS. Minutes, General Board of Health, 15th December 1851.

been shut down straight away. It made no provision to prevent the new parish cemeteries becoming surrounded with houses. And, since these new grounds would be farther out, the increased cost of funerals would prolong the retention of corpses in living-rooms.

The Water Bill, moreover, was scandalous. The companies were to continue their separate existence. By 1855 (in the case of the Chelsea Company, by 1856) they were to abandon all sources below Teddington Lock, to cover their reservoirs, and to filter their water. Within five years they were to provide constant supply, but only at the request of four-fifths of the consumers in a given area and also provided that the consumers had the requisite distributory apparatus :—these provisos were a deferment, in fact, to the Greek Kalends. Finally a schedule of water-rates was laid down—only to be removed by the Tory Government after the Director of the New River Company had denounced them as confiscatory !¹

Yet the Board's responses were feeble in the extreme. On the Interments issue it rested its case upon the *Minutes and Correspondence*² (moved by Harrowby in the last session) and its own *Second Annual Report*.³ They appeared in April and May respectively. Nobody could make head or tail of the first—and even the historian finds himself bewildered. As for the second, which stated the Board's case against the Treasury, public opinion declined to see the Board as the blameless and even heroic victim of intrigue and red tape. 'Such powers as they had they did not choose to exercise : the powers they did not possess the Government did not choose to apply. . . . Was there ever an affair so hopelessly mismanaged ? Nothing has been done, absolutely nothing'.⁴ So spoke *The Times*. It is difficult for the historian not to agree ; but Shaftesbury's reaction to the leader betokens what high hopes the Board had set on the public reception of their case. 'The Times', he wrote, 'has taken up the note of the undertakers, the water companies, the parliamentary agents and the whole tribe of jobbers who live on the miseries of mankind, and are hunting the Board of Health through brake and briar and hope to be "in at the death", be it so : if we fall, not a body will be left to shout "unclean", and form and guide and impel public opinion. Matters will become worse and worse, I tremble for the issue. Walked yesterday to review my old haunts in Westminster and look at the wretched children in Pye Street : sick, sick to see how little years of labour had done.'⁵

¹ Hansard, Parliamentary Debates, 25th March 1852, cxx, cols. 76 et seq.

² Parliamentary Papers, 1852, liii.

³ Ibid., xx.

⁴ The Times, 13th May 1852.

⁵ Hodder, op. cit., vol. ii, p. 442.

The agitation against the Water Bill, although more noisy, also went off at half-cock. The Board was thrust back on the Sanitary Association. It acted with remarkable energy and persistence, but its fate was sealed when the Commons refused to permit it to appear before the Select Committee on the Bill. It then produced a Report which reaffirmed the superiority of Farnham supply, restated the economy of the Board's plan, and subjected the Government Bill and such private ones as were before the House to a deadly criticism.¹ This tract, in an abbreviated form, was widely circulated to the Press under the title of *Hill top or valley bottom water*: but although Ward reached practically every Metropolitan daily and most of its weeklies, one journal was conspicuously absent—*The Times*. Delane was as hostile to the Government Bill as Ward or Chadwick: but he made it clear that he proposed a Metropolitan municipality.² The Association played its last card when it was approached for support by the London Soft Water Company, formed by the engineer Rammell to provide Farnham water under constant supply at 25 per cent. below the current water rates. The Association restated its objections to the intrusion of new private capital into the field of service, but went on to say that since Parliament was not ready to take a similar line, it proposed to give conditional support to the company. The signatories are of interest—they were the faithful remnant of the host of 1847: The Archbishop of Canterbury and the Bishop of London, Harrowby and Fortescue, Ebrington and Ellesmere, and the good and faithful Carlisle. But the company's move came too late, and in the end nothing materialized.

As the Bills made their hurried way through the Commons, the Board felt for the first time the weight of the tacit coalition of the Metropolitan interests and the self-interested vestries. No opportunity was missed for detraction and menace. The Water Bill passed with few changes. The most significant feature of the debate was that the Metropolitan Members' hatred for the Board now far exceeded their dislike of the water companies. Both Duncombe and Hall voted for the Bill they would have spurned in the previous session: both demanded fiercely that London manage its own affairs.³

But in the debates on the Interment Act the Board fared still worse. Seymour, released from any official connexion, poured out his grievances. He complained particularly of the impossible constitution of the Board by which the President might be outvoted by two civil servants. This

¹ Memorandum of the Metropolitan Association on the Pending Metropolis Water Bills, 1852.

² *The Times*, 12th February, 5th May, and 7th May 1852.

³ *Hansard*, Parliamentary Debates, 17th June 1852, cxxii, cols. 839 et seq.

was perfectly fair criticism. Unhappily, the way he put it was most misleading and gave Chadwick and Shaftesbury great offence. 'When I attended the Board and made a proposal', he said, 'it was seldom I could get a seconder, for Mr Chadwick and Dr Southwood Smith forming the majority of the Board, carried the question against me'.¹ The clear implications were that Shaftesbury never attended or opposed, but the two civil servants did; that a Cabinet Minister was continuously finding himself opposed and outvoted by them: and that this was the reason he had ceased to attend. In fact, Shaftesbury had attended 101 boards out of 237; Seymour had attended only three, and in only one had his policy been contested. Even then it was Shaftesbury who contested it, not the two other members.² Shaftesbury protested and Seymour explained that he had been misreported, and apologized handsomely.³ But the damage was done, and the scheming opposition of the two sinister bureaucrats became an article of faith with the Board's opponents hereafter.

Ebrington was the Board's only defender; but he himself was a discredited man. His friendship with Chadwick was well known, and he had long been the target for the Board's opponents. Sir Benjamin Hall was his particular foe and had successfully harried him from the Chairmanship of the Metropolitan Commission. His intervention merely provided opportunities for the Opposition to vent their grievances. Both Seymour and Lord Manners, that is, the former and the present Presidents of the Board, went out of their way to charge the Board with having given the Government bad advice and with having ruined the 1850 statute.⁴ Duncombe, the Finsbury Member, gloated that 'the Board of Health was a dead failure and was about to be repealed.'⁵ Hall also expressed his delight that the matter was out of the Board's hands, and implacably vowed that he would do everything in his power to prevent its renewal.⁶

III

When the two Bills became law, on 1st July 1852, both Chadwick and Shaftesbury realized that the Board's back had been broken. The grandiose schemes of 1850 had degenerated into two mocking caricatures.

¹ *Hansard*, Parliamentary Debates, 17th June 1852, cxxii, cols. 839 et seq.

² E. Chadwick to Carlisle, 23rd June 1852. Lord Shaftesbury to Lord Seymour, 22nd June 1852.

³ Lord Seymour to Lord Shaftesbury, 24th June 1852.

⁴ *Hansard*, Parliamentary Debates, 17th June 1852, cxii, cols. 872 et seq.

⁵ *Ibid.*, 21st June 1852, cxxii, col. 1082. ⁶ *Ibid.*, 17th June 1852, cxxii, cols. 880 et seq.

London was not only not retrieved, it was lost beyond hope : not only lost, but in the possession of an aggressive alliance of threatened interests and threatened vestries, pledged to demolish the Board for its very importunity.

The Times itself signalized this situation in a remarkable leader. It pointed out that the Opposition was not disinterested : that on the eve of an election the Metropolitan Members had not spoken 'the language of absolute justice' : that the disappearance of cholera had much to do with the disappearance of the Board's popularity. But, it continued, that was not the whole story :

'The simple truth is, not that the Board of Health has neglected its duties but that it has misconceived its opportunities and miscalculated its scope. It originally acquired unnatural license from extraordinary circumstances of popular fear, but, instead of subsiding into sentiments of practical decorum as the public cooled down, it foolishly pushed its notions and pretensions to a height more preposterous than before. It was represented by theorists and speculators whose chief characteristics were priggish quackery and importunate conceit. In this unpopular position it asked for powers which a beleaguered community would hardly confide to a military dictator and it has suffered accordingly. It has paid the penalty, not of supineness, imbecility or discord but of immoderate scheming, outlandish fancies, and fanatical delusion. Further than this we will not charge ourselves with its errors or justification, but the country must not forget this—that what the Board of Health was to do remains still imperatively to be done.'¹

The parliamentary prospect was obscure. Shaftesbury, whose nobility kept him staunch to the sinking cause, wrote from Ems (where his doctor had sent him to refresh his shattered nerves).

'—The elections look ill for every useful purpose—We have to grieve over the loss of Ebrington—our only stay in the House of Commons—nevertheless the darkest moment is oftentimes the precursor of the dawn—I am comforted by the divine assurance "Be not weary in well doing, for in due Season ye shall reap, if ye faint not"—'²

'Yet what shall we gain by a return to our old masters?' he commented. 'Seymour will be no better than John Manners, as John Manners proved to be no better than Seymour. D'Israeli to all intents and purposes is equal to C. Wood : and Hamilton is vastly superior to Hayter. Walpole to be sure, and Salisbury and Lonsdale are sad specimens of knowledge and will in sanitary matters—Yet all I have seen are nearly alike. Public men know nothing, wish to know nothing, hate to be told anything which does not openly and (—) affect their political position and safety.'³

In this perplexity both he and Chadwick fell to brooding over the fate of their Board and their cause. London was lost : the Provinces

¹ *The Times* leader, 21st June 1852.

² Shaftesbury to E. Chadwick, 16th July 1852.

³ *Idem.*, 18th December 1852.

were safe. In London everything the Board touched—water, interments, main-drainage—had ended in failure and contempt : but in the provinces, at Sandgate, at Tottenham, at Barnard Castle, the 'combined works' of arterial drainage-cum-water-supply were already in operation. It was a race for success : or, rather, for reprieve. Could success in the countryside outbalance failure in the Metropolis? Could the goodwill of provincial Boards outweigh the phalanx of London's vested interests? They had shaken themselves free of the Board : could the Board shake itself clear of them?

'Will this endurance be blessed at last, or will our enemies succeed in destroying the only institution that stands for the physical and social improvement of the people. Our foes are numerous and I dread their success : it would vex me beyond expression to see Chadwick and Southwood Smith sent to the right-about and the Board, which under God has done and conceived so many good things, broken up.'¹

So mused Shaftesbury. Chadwick's sentiments are preserved in one of his most remarkable letters, one of the very few in which he wrote to a family connexion, and therefore written from the heart. The correspondent was Boardman, the American publicist and lawyer, who was Chadwick's brother-in-law. Herein, after recounting his services to the community—his single-handed battle with cholera, the application of the Public Health Act to 157 towns, he continued :

'And yet, there are few men . . . so little loved and so intensely hated : and whose official position is so precarious. And yet there has been no failure of promise on our parts, but simply the withdrawal of two advocates, of Lord Ashley and of Lord Morpeth, from the House of Commons. With the disappearance of the pestilence and the dread of it, the withdrawal of those two advocates has left me as the more prominent worker, exposed to strong interests, to all the interests of water companies who command some eighty votes, representatives of vestries whose administration we condemned and from whom we proposed to take power ; to a powerful body of parliamentary agents, from whom it is complained we have taken much business, and in the 157 cases of towns, have done for hundreds of pounds that for which they would have obtained thousands. The water companies have retained two thirds of the leading journals in the Metropolis, and the parliamentary agents have a direct interest in two of them, which are writing personally and bitterly against me. I have been compelled to thwart Mr Walter, the proprietor of the *Times*, in the rejection of the plan of a pet engineer who is a friend of his, and occasion the *supersedeas* of two other friends of his from a commission where they were doing mischief with others ; and I have that journal also against me.

'We were compelled to state the truth and particularly to condemn the

¹ Hodder, *op. cit.*, vol. ii, p. 443.

treatment of the dead, and the condition in which the intramural graveyards were kept by the parochial authorities; and we had previously occasioned the ejection from office, for the sake of consolidation, and re-organization of nearly 1000 local commissioners, the nominees of members of Parliament. This has brought upon us, and upon me particularly, the animosities of the authorities disturbed, and of their representatives in Parliament. When my name was mentioned the other day in the Court of Common Council, of the City of London, it was received with a perfect outburst of fury.

'In one department of Government, the Privy Council Office, there is a staff of officers with a Knight at the head of them with a salary, occupied in the administration of the laws against quarantine. We were compelled to attack the whole theory of those laws. Our expositions were met by authoritative ordinances for the enforcement of Quarantine against the Cholera. We rejoined and beat the Quarantine department and got the power out of their hands.

'They had sought the alliance of the College of Physicians. We were brought into collision with the College which had promulgated contagionist doctrines and still clung to them. Our evidence silenced them, but did not conciliate them.

'I had personal enemies at the Treasury, the chief department of the Government to whose officers we gave trouble but no profit, and to whom our example is unpleasant and who declare that if it continue they do not know where it may lead.

'We have moreover been obliged to excite a strong landlord interest against us, in unwholesome houses, which we could not but condemn and thus threaten those landlords, as they conceive, with expenses. Two of the great Lords in the Cabinet are large owners of houses in this condition. . . . The town property belonging to the Prime Minister is much of it obnoxious to our censure.

'The trading water companies in London have spent it is believed, £100,000 in a conflict before a committee over which presided the Chairman of one great railway company, and who was actively aided by a lieutenant of Hudson, another railway company man and have succeeded in frustrating, for the present at least, our plan for the improvement of the supply of water to the Metropolis.

'The trading cemetery companies who had the direct aid of the Treasury, have also prevailed against us: our plan [for interments] has also been set aside, by Parliament at the instance of the Government; the control which belonged to us has been taken away from us and given to other departments.

'As it was with the Poor Law Commission and the amended Poor Law, where eminent success in the field where Sir Robert Peel avowed he had feared to venture, and where others had failed: success widely felt did not save me from ejection from the execution of my own measure, so in this department of administration no real merits in the measure prepared or executed will avert the like consequences—

'Our Board is terminable next year: powerful parties are labouring to prevent its renewal, and most probably they will prevent its renewal under any conditions on which I can be employed. The new elections have lost us one powerful friend and have added two very certain enemies. . . .

'I write to you fully, because you are the only one related to me who are likely to take a public as well as a private interest in my work.

'There is a *prima facie* case against me of imprudence and mismeasurement of forces, in bringing against myself personally and the cause, so many enemies; but I knowingly entered the field against very large odds, much has been gained, and eminently large results have only been lost by small chances, such as the unexpected deaths of the late Earls of Carlisle and Shaftesbury, removing the two most powerful allies from the House of Commons. In other respects the cause which most deserved to be fortunate has been unfortunate. There has been, in some instances, foul dealing against it, to an extent which no more required to be calculated upon than the revival of the practices of dark ages such as poisoning and assassination. In some respects I have felt that our measures are in advance of the time; the science of prevention is a new one; vast sums are spent in the charity of alleviation: the Sanitary Association can with difficulty obtain subscriptions of a few hundreds. I have a firm reliance that much that I have done, and hope to have strength to be left in peace to lay out, will be found available and profitable in other times and in the hands of other men.

'Some ground has been lost for the want of sufficient exposition but for that I could get no time. . . .

'If I were to go over the ground again, I would exact more: have insisted more on the exclusive direction of my own measures, have made entire clearances of staffs habituated to measures which required change, have pressed my claims for results obtained immediately on the ministers or on the public for recognition and have had shorter accounts, have overlooked less frequently opportunities of personal vindication.'¹

¹ Undated letter from E. Chadwick to Boardman, 1852.