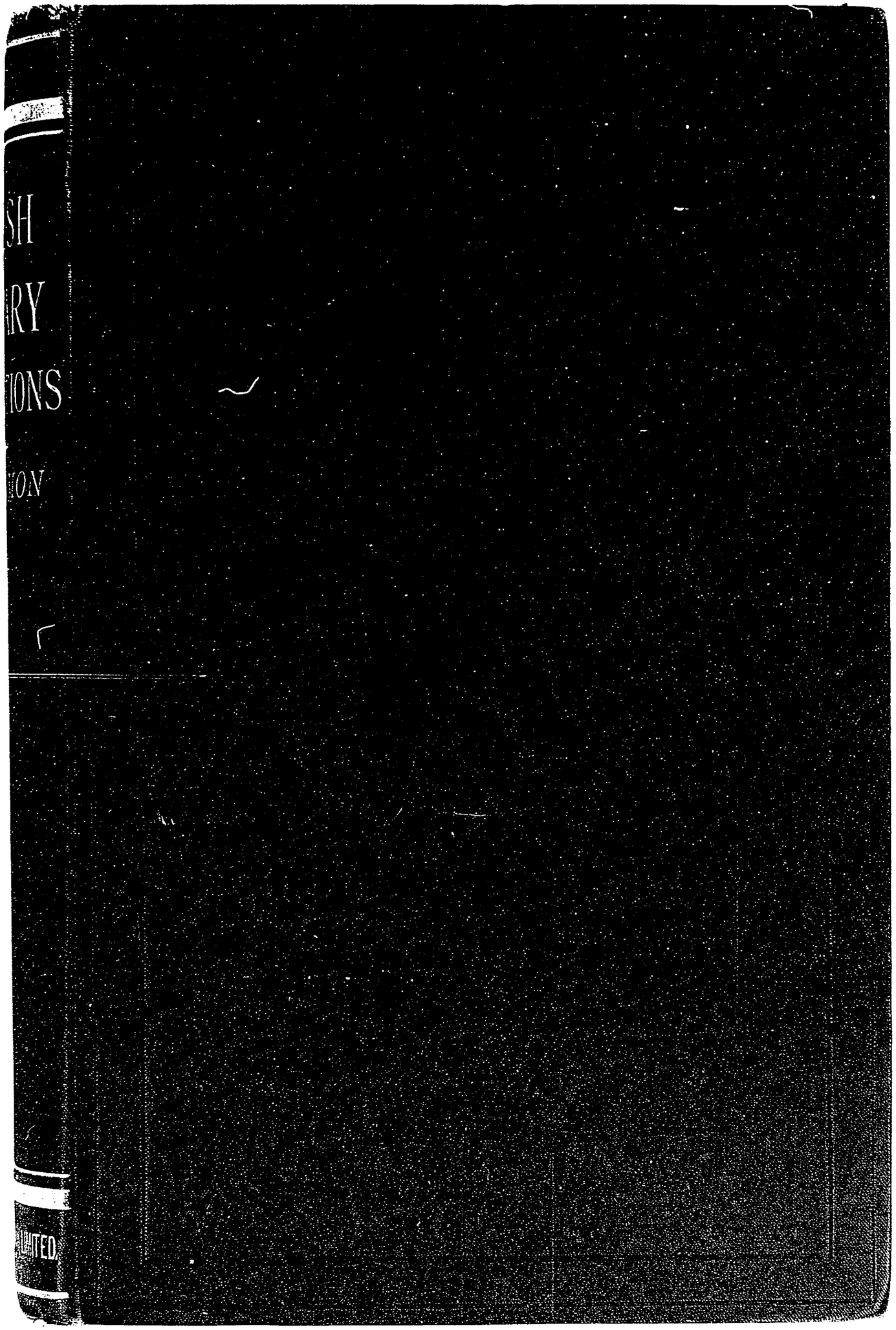
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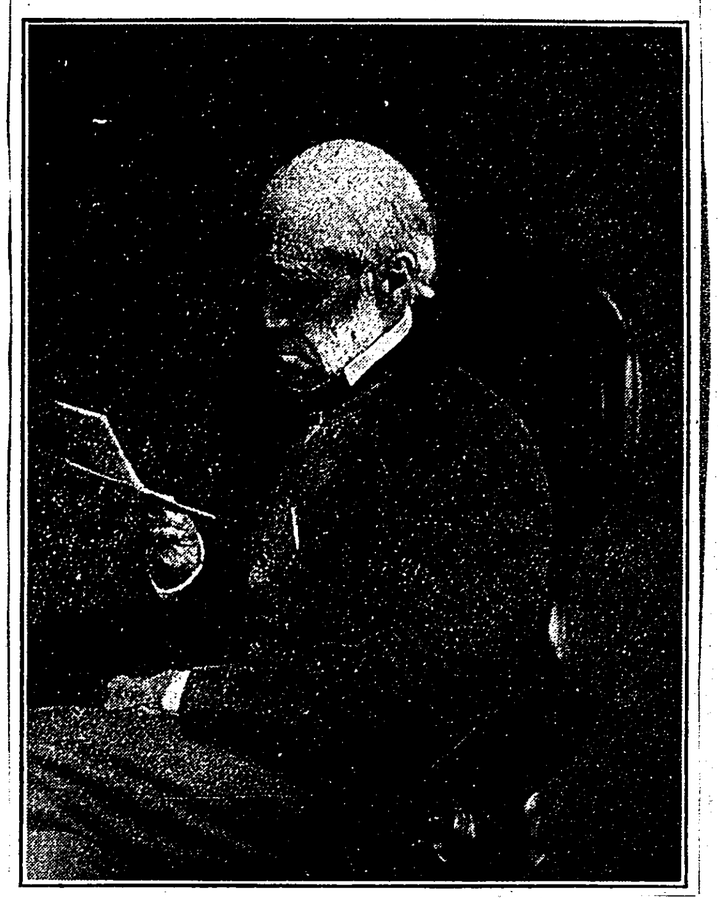

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English Sanitary Institutions,

REVIEWED IN THEIR COURSE OF DEVELOPMENT,
AND IN SOME OF THEIR POLITICAL
AND SOCIAL RELATIONS:

BY

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D.C.L., OXF.; LL.D., CAMBR. AND EDINB.; M.D. HON., DUBLIN; M.CHIR.D. HON., MUNICH;
ETC.; ETC.; ETC.;
FORMERLY THE MEDICAL OFFICER OF HER MAJESTY'S PRIVY COUNCIL.

CASSELL & COMPANY, LIMITED:

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1890.

PREFACE.

By way of preface to the following pages, I desire to offer a short explanation of the circumstances in which I found my motive to attempt the work, and of the spirit in which I have made my endeavour.

Thirteen years ago, on my retirement from official connexion with the public service, flattering wishes were expressed to me that I would re-publish in collective form the Reports, or the substance of the Reports, which, during some twenty-eight previous years, I had written in various official relations to the business of Sanitary Government. It was my intention, if possible, to give effect to those wishes; but causes not within my control delayed me year after year from making any real progress in the matter; and, with each postponement, it of course became more and more likely that the advancing disqualifications of age would finally close my hopes of accomplishing the task. In that dawdled state of the case, three years ago, I was very pleasantly surprised and honoured by an invitation from the Sanitary Institute of Great Britain that I would assent to their re-publishing the Reports. On my ready acquiescence in that proposal, the work was speedily put in hand, with the advantage that Dr. Edward Seaton, one of the foremost of our present health-officers, undertook to be its Editor; and in the autumn of 1887, the two volumes of that re-publication were issued by the Sanitary Institute.

During the years when I thought I might myself be the re-publisher of the Reports, I had always had in mind two accompanying hopes: first, that I might be able to prefix to the publication some kind of historical introduction rendering homage to those who, before my time, had attained the standpoint where my work began; and secondly, that, when I should have strung the reports into series with some sort of running commentary on the

occasions and conditions to which they had related, I might be able to append to them, as in outlook towards the future of the Sanitary Cause, some reflexions of more general scope on the principles and methods of Public Health Government. While the latter of those hopes represented no more than a personal aspiration, the former would, in the circumstances, have corresponded to a debt of honour. In the first words of the famous Oath which bears the name of Hippocrates—an oath which in great matters deserves to be for all time a law to the Medical Profession, the acolyte swears that he will ever hold himself under the obligations of filial duty towards the Master from whom he learns his Art; and I should have thought it disloyalty to the spirit of that oath, if, in setting forth my own very humble contributions to the cause of English Sanitary Reform, I had not striven to prolong the grateful memory of elder times: had, for instance, not told of Sir Edwin Chadwick's great campaign in the first ten years of her present Majesty's reign; or had been silent as to the men who, from more than a century before that period, had been pioneering forward, some of them in lines of scientific study, and others in lines of political principle, towards the day when state-craft and medical knowledge should sincerely take counsel together for the Health of the People.

In 1887, such preparations as I had made towards the collateral intentions just described were not nearly advanced enough for immediate use; and, as I therefore could not hope to fulfil their purpose by way of graft on the object which the Sanitary Institute intended, I had to reserve it for fulfilment by postscript. So soon, however, as I attempted to proceed on this resolution, I found that the limits which I had thought convenient for my original plan would not be equally suited to a work meant for separate issue; and that the publication would be comparatively meaningless, unless I gave it wider and more systematic relation to the history of sanitary progress; not only beginning as far back in time as where stages of English progress can first be marked, but also extending my record and commentary to the proceedings of our latest years. It was of course evident to me that I could not attempt to make so wide a survey and criticism of sanitary progress, except with almost exclusive final regard to the mere practicalities of the case; but

I ventured to hope that my survey of the ground, if only in that practical sense, might be contributive to purposes of public opinion—the more so, as hitherto there had not been any published general study of the matter; and I accordingly made up my mind to the endeavour which the following pages represent.

Giving overleaf a List of the Chapters of the volume, and then a detailed Table of their Contents, I need not here dwell on what is mere matter of *plan* in the work. The reader will observe that, after some necessary but brief mention of times and influences which in this context may be classed as pre-Anglian, I have endeavoured to show in sequence the chief steps of English progress, from early to present times, in Laws and Administrative Organisation regarding the Public Health; and that together with what is of mere narrative as to the steps (and particularly in proportion as the narrative comes into recent years) I have combined more or less of commentary on the steps, and sometimes more or less statement of my own opinions on them.

To readers already familiar with the subject-matter, it will not occasion surprise that, though the volume opens with references to early historic, and even to pre-historic times, considerably more than half of it is occupied with the achievements and questions of the present Victorian reign. This period's unexampled productiveness in acts and thoughts which will be of permanent historical interest in our subject-matter has particularly called for that fulness of treatment; and it has also seemed to me an imperative reason for endeavouring to bring into just connection with it the too-often unappreciated importance of the great incubatory centennium which preceded.

The Local Government legislation of 1871-2, and the action immediately consequent upon it, have been treated as belonging rather to present politics than to past history; for the shapings of the last nineteen years are hitherto but imperfectly solidified, and are still from day to day undergoing modification, or awaiting it. It has been chiefly with thoughts towards the future that I have dwelt on those comparatively recent passages of the past; discussing them in a spirit of free criticism, and

using them as a text on which to argue somewhat fully the points of principle which I think have to be considered in the statesmanship of Sanitary Organisation.

That I have given a special chapter (as well as many passing reflexions) to the subject of Poverty will, I believe, be found in harmony with the general purpose of the volume: for, though Disease and Destitution are treated under different headings in the statute-book, their reciprocal relations, their relations as cause and effect to each other, are among the most important facts which the student of Sanitary Science has to remember.

In referring to critical stages of modern progress, I have generally gone somewhat into the details of the struggle; and now and then, where it has served to illustrate the position, have given incidents which are but of anecdote size. My story, too, I have rejoiced to know, is not exclusively of the deeds of the dead. I have found it due to many persons still living, who are identified with the progress of our Institutions, that I should make more or less mention of them by name; though in their case often somewhat hampered by the fact, that among them in pretty large proportion are former fellow-workmen, still close friends, of my own; as to whom I cannot but fear that my consciousness of the personal relation may probably have imposed too much restraint on my expression of the praises which I think due.

As regards the general intention and spirit of the work, I would first observe that I have not addressed myself to medical more than to non-medical readers; and I trust that, if the work is so fortunate as to find readers of the latter class, they will acquit it of being inconveniently technical. There no doubt is a sense in which it may be catalogued *medical;* but such Art of Medicine as it purports to discuss is an Art which the laity is now under legal obligation to exercise; and every educated layman is well aware that, in proportion as Medicine has become a Science, it has ceased to be the mystery of a caste. In relation to all doctrine which this volume discusses, there is no distinction of outer and inner schools. To trace the process by which Preventive Medicine has grown into scientific form, and has given life to an important branch of Civil Government, has

been an essential line in my record; but the non-medical reader will, I daresay, not find me more medical than himself in respect of the standard I apply to measure the merits of the development. As *sanitary* laws and *sanitary* administration mean to me laws and administration for the saving and strengthening of life, so the worth which they have or promise in outcome of that sort is the only worth I have cared to measure in them; and if there be separate interest in the mere "leather or prunella" of the case, I leave it for others to enjoy and expound. That standard of mine no doubt is primarily medical; but not medical in any sectarian sense; nor of such novelty, or such refinement, that only professional observers can be deemed masters of it. It is of the province where Medicine joins hands with Common Sense; and I appeal only to Common Sense for its recognition.

The argumentative parts of my work, I need hardly observe, do not in any degree pretend to be contributory to the Science of Medicine. Their ambition, if I may apply so large a word to the very modest hopes with which they have been written, relates principally to the Practice of Government in the great national interest concerned. With much diffidence I offer them, as contribution of the only sort I can make, towards counsels which are now being taken on all sides as to ways of promoting the Welfare of the People. My endeavour relates essentially to but one section, and for the most part only to one sub-section, of that great enterprise of our time. That even the sub-section is of immense public importance, that to procure for the life and happiness of the nation the utmost possible Freedom from Interruptions by Disease is a task well worthy to engage the best energies of many best minds, are considerations which members of my Profession may well contemplate with peculiar gladness. But even within that field, and still more in the fields which intermingle with it, Medical Science is only joint-worker with other powers of knowledge and action for the national interests which are in question; and a spirit of exclusiveness is surely least of all the spirit in which it would seek to exercise for those interests the technical powers which are distinctively its own. In parts of the endeavour, it can work sufficiently well by itself; but in other

parts, it eagerly looks around for allies. In every moral influence which elevates human life, in every conquest which is gained over ignorance and recklessness and crime, in every economical teaching which gives better skill and wisdom as to the means of material self-maintenance, in every judicious public or private organisation which affords kindly succour and sympathy to the otherwise helpless members of the community, the medical specialist gratefully recognises types of contribution, often not less necessary than his own, towards that great system of Preventive Medicine which is hoped for by Sanitary Reformers.

J. S.

Christmas, 1889: *London.*

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ERRATA.

Page 145, last line of text, the note-mark "†" ought to follow the semicolon.
Page 163, line six, for "organised" read "organising."
" " footnote, line two from bottom, for "Jellaby" read "Jellyby."
Page 243, footnote, line thirteen from bottom, for "Ronkioi" read "Renkioi."

ENGLISH
SANITARY INSTITUTIONS.

Part First.—INTRODUCTION.

CHAPTER I.

EARLIEST TIMES.

THE Student who would trace from its beginning the progress of Human Sanitary Endeavour has to look back beyond the generations which have made fame for themselves by chronicles and monuments. He has to recognise that, in relation to the progress he would trace, even the oldest social institutions regarding health, and the oldest mechanical constructions expressing sanitary purpose, can only represent to him a stage which is already far removed from the earliest. In times when no branch of human progress had yet become subject-matter for what is commonly understood as History, in times when even historians were yet but among the possibilities of the future, human sanitary endeavour had learnt its first lessons, and was exhibiting its first successes. Those first lessons and first successes, essentially pre-historic in the ordinary sense of the term, left their evidence in what is called Natural History. They left, as their biological record, the fact that mankind survived.

Pre-historic Nature, and Man as part of it.

To the Biologist who views from pre-historic distance the subsequent series of recorded human laws and contrivances for health, these figure themselves only as details in the more developed exercise of a function which lives through all living nature; the self-preservative instinct or intention, wherewith each individual and each race maintains, as it best can, its

CHAP. I. Earliest Times.

separate struggle for continuance. The fact that, from remote pre-historic time, certain races of organic beings have been persistent inhabitants of the earth, implies that against those races disease has been but a limited power; and, in the absence of reason to the contrary, the Biologist takes for granted that the conditions under which that limit has stood have throughout been in general analogy with the conditions which now are. He supposes, namely, that each race at each stage of its being has had its own susceptibilities of disease, and has had around it influences which, in relation to those susceptibilities, have been hostile or morbific; that, though the particular susceptibilities may not always have been exactly those which the races at present show, nor the particular causes of disease always identically those which now operate, the antagonism in its essence has always been there, a struggle for victory on one side or the other; and that, therefore, so far as life is a fact on the earth, each living race represents, not only more or less success achieved against the competition of other races, but also more or less success achieved against the physical hostilities which make disease. With what degree of consciousness the function of sanitary self-defence may have been exercised, what may have been the instinct or the science concerned in it, what apparatus of nature or of art may have been its instrument,—these, to the biologist, are questions of but secondary importance: questions merely as to the detail of means by which the survival has been enabled to result.

In that biological point of view, and, for the moment, not caring to distinguish between historic and pre-historic stages of development, we assume that human sanitary endeavour has subsisted continuously from earliest to latest times, and that mankind, in no stage, however early, of existence, can ever have been without glimmerings of health-protective purpose. The exact forms in which some such self-protectiveness would have shown itself among the earliest representatives of our race, the particular steps of quest or avoidance which it would have dictated, must have depended on the local and other conditions (necessarily unknown to us) in which men's earliest struggles with nature were going on. We can only, in general terms, imagine that those earliest efforts related to needs which we now know as universally

CHAP. I. Earliest Times.

human in respect of food, temperature, *terra firma*, &c.; and to the particular dangers which human health first experienced within those broad categories of requirement. The pangs of dying by hunger and thirst, the poisonousness of certain foods and waters, the fatality of certain sites, the hardships and dangers of extreme heat and extreme cold, the destructiveness of floods, the sterilising effects of drought, such, in various combination, may be supposed to have been familiar conditions to the beginners of the human race: the primordial field of physical evil, where man first became conscious of inclination to escape disease, and learnt ways by which he partially could do so. It may be that immense quantities of human life went to waste while comparatively few survivors, the representatives of successful effort and so-called natural selection, were slowly accumulating and transmitting their earliest lessons of experience in that field of painful labour. The aboriginal struggle is not even yet exhausted; nor is it yet so uniformly advanced on all parts of the earth's surface, but that, still, in various of the parts, early stages (as it were) of the process are yet to be seen: in parts, for instance, where even now the struggle of human life for nourishment is hardly less rude than that of the brutes; or in parts where man endures such extremes of temperature as in themselves are an ordeal of life; or in parts where, because of intense malaria, only special branches of the human race can thrive. If we survey the earth and its inhabitants with such inequalities as now are, and read that range of local differences as if the differences were in succession of time, we get suggestions towards apprehending in what circumstances of physical struggle the multiplication of mankind must have occurred, and amid which the individual man would have received his first rude teaching to be on guard against influences physically harmful.

Pre-historic nests of mankind, and beginnings of society.

In argument it may seem to be but one step further of conjecture, when the student, who has speculated on the early physiological relations of mankind, proceeds to speculate on the first rise of Sanitary Institutions. It is easy to conceive that, in proportion as men came into social aggregation, they must have seen that they had certain life-interests in common, and would naturally have conspired with each other for joint action, or for mutual

service or forbearance (according to the nature of the case) in relation to each such interest. But be it noted, that this step of speculative argument is across an incalculably wide interval of time. Large aggregations could hardly have been possible to any parts of the human race till immense progress had been made by them from such earliest conditions as they had to undergo; and the progress must already have advanced far before it could even begin to leave permanent foot-marks. The masters of geology, carrying us back in these respects to a distance infinitely beyond the reach of other archæological methods, but which probably is but a small way in the whole natural history of mankind, show us evidences of savage human life divided by enormous intervals of time from the evidences of even incipient socialisation. Man, as the geologist first finds him, the troglodyte flint-chipper, who inhabited Europe in its alternate glacial and interglacial pleistocene times, for ages with the reindeer and other arctic animals, for ages again with the great pachyderms which we know as African—he, apparently without agriculture, without domestic animals, without pottery, without metal, having for tools and weapons only his broken flints, and such implements as with their aid he could cut from wood and horn and bone, would have been almost as predatory towards his fellow-men as towards the other wild nature amidst which he struggled for continuance; and except where the local conditions as to food were most favourable, mere procreation could hardly have had more effect to make village-communities of human beings than to make village-communities of bears or foxes. Gregariousness of life seems to have been somewhat easier to the early savage who drew his food chiefly from the sea than to the contemporary hunter of land animals; but, even with sea-board tribes, the limits of amicable co-residence would probably soon have been reached; and large communities could hardly have existed till the comparatively advanced stage when man had become more or less agricultural, and had begun to domesticate certain sorts of animals. During that unmeasured time, the existence of man on the earth did not involve the existence of considerable societies of men; and though afterwards no doubt men could have aggregated more easily, and in favoured centres may have done so without interruption, it would seem that aggregations of mankind in quantity and strength enough to leave social mark may have been but comparatively recent phenomena in the developmental progress of our race.

First evidences of co-operative effort.

Within that nebula of times which human records do not pretend to reach, and on which science can only speculate in terms of the widest generality, the social institutions which eventually emerged into history began their embryonic existence; and for reasons which have been stated, it would seem that, among such beginnings, one of the earliest to assume definite form must have been the conspiration of aggregated men to amend, in the circumstances common to them, the conditions which they found dangerous to their lives. The first heroes in that defensive strategy (like most other first heroes) are uncommemorated. As the historian of the art of war, when his researches have reached back to a certain remoteness of antiquity, has to admit, with Horace and Byron, that "brave men were living before Agamemnon," so, in the archæology of our subject-matter, it must be admitted that Social Acts of Sanitary Self-defence are of older date even than Æsculapius. Not with record of the first movements of organising process, nor with power to perpetuate the names of first organisers, but with silent vitality towards times to come, social institutions began their destined growth; and when at last they became defined enough for history, their stage of incipiency had become myth. They appear to us with a sort of abruptness. Human life is already far away from its rudiments. Men have long since come to live numerously together in places of fixed residence, and have learnt that in such circumstances they must regard certain of their physical requirements as interests of joint concern, to be dealt with by the community as a whole. Already, in their urban clusterings of population, they have institutions which relate to common supplies of food; and already, where the locality requires it, they have institutions of common defence against floods.

Communal Agriculture.

The proverb which describes necessity as the mother of invention is illustrated in the earliness with which signs of

CHAP. I. Earliest Times.

thoughtful method appear in social institutions concerning SUPPLIES OF FOOD. In times while ancient Europe was yet but among the fates of the future,—while the shores and islands of the Ægean Sea had not yet begun to reflect, if even yet to receive, the first faint touches of that morning light which they afterwards raised into noon-day for the human intellect,—while "the eye of Greece" was not yet there to see,—while, perhaps, not even the lispings of Greek mythology were yet to be heard,—already in some distant motherland, Aryan or pre-Aryan villagers had concerted a characteristic system of *communal agriculture:* a system, which, in progress of time, conveyed and diffused by successive civilising streams of Aryan migration, became the long-subsequent early land-custom throughout Europe: a system, which (as eminent modern investigators have shown) is still to be identified in India among populations perhaps first in descent from the village-communities which invented it; while in the records and usages of Europe it may also in all directions be traced, and even in ome cases down to the present time, as a family likeness, transmitted equally in all the main lines of pre-historic Aryan descent.*

* For the purpose of my passing mention, I need only refer to the late Sir Henry Maine's deeply-interesting volume of Oxford Lectures; *Village Communities in the East and West:* London, 1871. Taking the Teutonic townships as illustrations of the Aryan system, each such township, he says, "was an organised self-acting group of Teutonic families exercising a common proprietorship over a definite tract of land, its Mark, cultivating its domain on a common system, and sustaining itself by the produce" (p. 10). The domain was in "three parts: the Mark of the Township or Village, the Common Mark or waste, and the Arable Mark or cultivated area. The community inhabited the village, held the common Mark in mixed ownership, and cultivated the arable Mark in lots appropriated to the several families" (p. 78). "The rights of each family over the *Common Mark* were controlled or modified by the rights of every other family. . . . When cattle grazed on the common pasture, or the householder felled wood in the common forest, an elected or hereditary officer watched to see that the common domain was equitably enjoyed" (p. 79). The *cultivated Land* appears almost invariably to have been divided into three great fields, each to lie fallow one in three years. In each of the three fields, each householder had his own family lot, which he tilled by his own labour and that of his sons and slaves. He could not cultivate as he pleased. He must sow the same crop as the rest of the community, and allow his lot in the uncultivated field to lie fallow with the others. "Nothing he does must interfere with the right of other households to have pasture for sheep and oxen in the fallow and among the stubbles or the fields under tillage" (p. 80). The details were minutely particular and complicated.

CHAP. I. Earliest Times.

If families in their early village grouping had found concert and method necessary in the agricultural relations of food-supply, there was a further necessity which, in proportion as towns grew up, could not fail to make itself felt in regard of food, as demanding a new sort of common action. In the then state of the world, namely, when war between neighbouring communities was habitual, and when private commercial enterprise was hitherto undeveloped, urban populations, as they enlarged, must soon have come face to face with occasional grave dangers of scarcity and famine, and must have seen that against these dangers they had to organise special means of security. In order that any such aggregate of population should at all times be able to obtain food, and to obtain it on tolerable conditions, commissariat-action had to be undertaken on its behalf: supplies of food, especially the indispensable cereal supplies, had to be accumulated for it in *Public Store-Houses*, whence (under conditions) they would be distributed in the common interest; and this food-interest was of such sort that inevitably it became in each city a chief charge of the supreme authority. Wherever there is early history of cities, we see evidences of food-storage on that footing; and as soon as city-officers, with differentiation of duty, make their appearance in history, officers, acting in relation to corn-stores and corn-distribution, appear among them.

Communal Food-Stores.

Water-supplies: as to quantity

WATER-SUPPLY, in sufficient *quantity*, was always of imperative necessity for man, and tolerably easy access to water must always have been among the first considerations in choosing a site for human settlement. As the communities grew in size and became less savage, larger and larger quantities of water would be used by them; and mechanical devices, by which streamlets might be brought close to each dwelling or group of dwellings, would come more and more into demand. Artificial conduction of water, in enlargement and adaptation of natural supplies, would soon, in many situations, be of almost imperative necessity; and various rude forms of water-service, such as we still see prevailing among remote uncivilised populations, may probably have been the first local improvement-works of pre-historic village-communities.

As to quality.

As regards the *quality* of water-supply, we cannot know

whether our pre-historic ancestors were at all fastidious in preferring the clean to the unclean. That such preference might have been strongly marked in cases where option was open, is, perhaps, not in itself unlikely; but it would not therefore follow as probable, that the preference, in cases where it existed, was a preference on sanitary grounds; nor can we suppose that sanitary motives were of any appreciable force in those early times to protect local water-supplies from pollution. Where the populations abstained, so far as they could, from polluting streams which gave common water-supply, more probably this was under sanction of a religious sentiment which we may regret that our after-times have not retained. If nothing more, it is at least an interesting parenthesis in the sanitary records of mankind, that various higher races in their early times, and in some cases more or less permanently, have professed special religious reverence for the running waters of their country. How far the sentiment may have prevailed among the less historical races cannot be said; but among the best-known branches of Aryan stock, as notably in India (where it still holds sway) and in the successively organised parts of Europe—Teutonic, Hellenic and Italic, and probably also Slavonic and Celtic, it seems to have been general. To the early Greeks who eminently held it, and whose literature and traditions have made the world familiar with it in innumerable forms of beautiful fancy, it was part of a general nature-worship, but not on that account the less impressive. There, the whole popular mind was pervaded by feelings of piety, at once tender and fearful, towards the beneficent adorning powers which were deemed alive within the fabric of Nature. The dome of sky, the sun and moon and stars, the hours of day and night, the winds and clouds, the valley-river and the mountain-stream, the sea's ever-varying dualism of strength and beauty, the earth and its lovely moving forms, and its joyous harvests of olive and corn and grape, all, under countless names, were of immediate divine presence and actuation. Among those innumerable objects of natural piety, none could have been nearer to the daily lives of the people, nor any fitter (as one may imagine) to fix reverent and affectionate thought, than the powers of running water, which the local religion impersonated as River-God and Naiad: he, the patriarch,

strong and masterful for good and evil, so solemn, so symbolic, as with gleaming surface he paced majestically toward the sea, beholding and remembering all things; and she, so bright and pure in her maidenhood, so sweet in her helpfulness, almost the playfellow and pattern of their children, as she leapt downward with happy laughter from rock to rock, or glided with soft murmur through the olive-grove. Under other mythologies men have found it fitting to profane with nameless abominations the nature-powers which they have neither loved nor feared: their "Sabrina fair," their "Camus, reverend sire," their "giant Trent," their "wizard Dee"; but among peoples with such religious feeling towards the elements as prevailed among the Greeks, and such as in regard of running water seems to have been universal among the ancient nations of which we have knowledge, deliberate wilful pollution of the river that gave drinking-water would have been an inconceivable impiety and sacrilege.

Little by little, however, in the inevitable absence of proper mechanical barriers, the streams which passed through populated areas would, by mere gravitation, receive impurity from the adjoining land, and, as time went on, more and more of it: and in circumstances such as these there arose a case for artificial supply. Whether those circumstances alone, apart from the need for larger quantities of water, were of great influence in leading to the construction of aqueducts, may be doubted. Townsmen would not have waited for Æsop's fable to give them a hint that, going to fill their buckets at the river, they had better go above the town than below it; and with feelings, not exclusively of indolence, but often of lingering superstitious affection, the riverside population would continue to drink from the river when all its old divinities had fled before the encroachments of Venus Cloacina. It is pathetic to read in Lancisi how, in the Rome even of his day, there survived the old religious fondness for Tiber water: just as, in our own time and country, sanitary reformers have again and again had to seem sacrilegious in their protests against this or that Holy Well to which cesspools or burial-grounds have become contributory.

Early drainage: flood-walls.

MECHANICAL CONSTRUCTIONS, answering purposes which we should now call sanitary, had made considerable progress more

than three thousand years ago. In regard of Nineveh—a city which "had almost been forgotten before history began," we know from Sir A. H. Layard's famous explorations, that there was an elaborate system of drainage, no doubt essentially rain-water drainage, in the basement of the older palace of Nimroud: a square brick-built main channel, which ran, at three feet depth beneath the pavement of the great hall, to discharge itself into the river at the foot of the mound; and, opening into that channel, a contributory pipe-drain of baked clay from almost every chamber of the palace:* and that the several terraces of the mound were similarly provided with drainage.† In Europe (so far as we may judge from works yet known) sewer-construction did not begin till some centuries later, but then began with striking effect. In Rome we can to-day see still standing in almost imperishable masonry a vast sewer which tradition counts to have been among the public works of the elder Tarquin nearly twenty-five centuries ago, and with which was connected (probably still older than itself) a system of drainage excavated in all directions in the Quirinal and Capitoline hills.‡ So again Agrigentum, in the fifth century before the Christian era, was already proud of the sewers which she had provided for herself—marvels of work only second in local interest to the great temple of the Olympian Zeus, and so little "to be despised for their humbleness of use" that they were named by a personal name (*Φαίακες*) in honour of the city architect, Phæax, who had built them.§ Athens may well be supposed to have had sewers at that time; and indeed in modern excavations made where the Athenian market-place stood, a sewer has been found which competent authorities refer to the age of Pericles. Of even the oldest of the above-mentioned constructions, there is no reason to suppose that they, when first made, were unique in their kind in the world; nor is their quality such as at all to suggest that they

* *Nineveh and its Remains*, vol. ii. pp. 79 and 260–2. See also Sir A. H. Layard's account, publishd in 1853, of the results of his second expedition.

† Some of those brick-built terrace-sewers have a further architectural interest, as showing in cross-section a well-marked pointed arch. See pp. 163–4 of Sir A. H. Layard's second publication.

‡ See Dr. Emil Braun, in *Annali dell' Instituto di Correspondenza Archeologica;* 1852: Roma.

§ Diod. Sic. xi. 25.

were of the nature of first experiments. Rather it would seem that constructions so admirable in themselves had been preceded, perhaps for many ages, by a series of less successful attempts in the same kind, and these again by trials (such as will presently be mentioned) whether the purpose of the construction could be obtained by ruder and far easier contrivances.

And what was the purpose? It is not to be assumed off-hand of any such ancient institution or contrivance, that, because it may have conduced to health, it had its rise in distinct sanitary intention. The interests of health, and the interests of common physical convenience, are in various cases identical; and it would seem that when early man had provided for his first absolute needs in regard of food and temperature, probably his ingenuity of self-protection was excited to its next positive steps rather by the pressure of certain immediate inconveniences in the physical surroundings than by any far-reaching intention to combat special causes of disease. That, apparently, is the natural sense in which to interpret the great drainage-works of antiquity. As soon as there were communities of fixed residence, the obvious mechanical effects which profuse rainfall can occasion must have been among the first evils to call for collective resistance. Especially where certain climates, and certain relations of soil and surface, made men familiar with the frequent swift destructiveness of storm-torrents and floods, and with the incalculable daily hindrances and discomforts of quagmire life, it must from the first have been a pressing question with any collected population, how best they might deal with rainfall in scour and swamp, as with an invading and occupying enemy; and how, as against it, they might save or reclaim true *terra firma* for their homesteads and harvests and traffic. Speaking generally of such cases, one may say that artificial water-courses, hard roads for traffic, and more or less pavement about dwellings and in frequented open spaces, were elementary needs of social life. The site of Rome, intersected by its Tiberine swamps, was a well-marked case of the physical circumstances which I have sketched;* and the *cloaca maxima*, and other drainage-works which won dry land for the ancient city, illustrate the energy

* "Qua velabra solent in circum ducere pompas,
Nil præter salices cassaque canna fuit."—Ovid, *Fasti*, vi.

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with which a vigorous people would defend itself against such circumstances.

But, while those ancient sewers express a certain stage of the human struggle for dry land, other laborious monuments, far more ancient than they, attest earlier stages of the same struggle. Remains of such are yet to be seen in Egypt, and in Mesopotamia, and in the Troad: sometimes the remains of trenching, or partially walled canalisation, in easement of the outflow of rivers; sometimes the remains of embankments and flood-walls, with, here and there, proof of roads having been raised upon them. For instance, as regards Egypt: Herodotus (ii. 99) quotes Egyptian traditions to the effect that Mên, first king of Egypt, when about to found the city of Memphis, began by cuttings and embankments which turned the course of the Nile, and secured the future city against inundations. Mên, according to modern Egyptologists, may have reigned nearly four thousand years before the Christian era; and the historian, writing of what he himself saw, when visiting Egypt in the fifth century, B.C., says: "To this day the elbow which the Nile forms at the point where it is forced aside into the new channel is guarded with the greatest care by the Persians, and strengthened every year; for if the river were to burst out at this place, and pour over the mound, there would be danger of Memphis being completely overwhelmed by the flood." In another passage (ii. 124) Herodotus describes a raised causeway which Cheops (at the cost of ten years' oppression of the people) constructed by way of introduction to the building of his great pyramid: a causeway which had to be built out of inundation-reach, and which, although it was only for conveyance of stones, Herodotus found not much inferior to the pyramid itself.*

Early dealings with refuse-matter.

It cannot be imagined that, in the days when men first began to cluster into the nuclei of future urban life, the object of DISTRICT-CLEANLINESS was regarded in the light in which civilised and skilled persons now regard it. Various well-known findings of modern archæology—such as the abundant bony remains in the early cave-dwellings of mankind, and the extensive

* Remains of Cheops's Causeway, and of another, are still existing. See Rawlinson's *Herodotus*, vol. ii., from which I have quoted.

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"kitchen-middens" of early sea-side communities, are the now inodorous skeletons, the mere symbols, of what once must have been frightfully stinking heaps of putrid organic matter in and about the homes of our more remote ancestors; and no one who studies "the past in the present," observing the popular habits which now prevail at a distance from centres of civilisation, will suppose that, in even the denser communities of far-off times of the world, much impulse to scavenging arose either in fastidiousness of the sense of smell, or in apprehensions of danger to health. Movement, languid movement, against indefinite accumulations of refuse may nevertheless have had an early beginning in other impulses. Filth and rubbish, when they had accumulated beyond certain limits of quantity within areas of aggregated population, would no doubt have been found mechanically inconvenient, and, if only for that reason, would of course at last have claimed to be removed; but, with regard to some abundant sorts of refuse, prompter removal was often happily promoted by the accident of a second influence. For, from very remote times, the immensely important discovery had been made—(a discovery which even yet has not given to mankind more than a small share of the benefits which it is capable of yielding)—that animal refuse is wealth in agriculture;* and with this knowledge many an early husbandman would have been induced to remove filth from the neighbourhood of his dwelling without waiting for that last moment when its mere bulk would have stopped his gangway. Of filth not removed to the fields, much would naturally from time to time be scoured into the water-courses of the district; and in any case where the natural water-courses had been superseded or supplemented by artificial conduits, the people of the neighbourhood would no doubt at once take to discharging into these conduits, either directly or by intervening channels, whatever rubbish and filthy refuse they might find it convenient thus to clear away.

* There is incidental mention of doves' dung in the Second Book of Kings vi. 25:—"There was [? B.C. 893] a great famine in Samaria, and behold they besieged it, until an ass's head was sold for fourscore pieces of silver, and the fourth part of a cab of doves' dung for five pieces of silver;" and in this passage the context suggests that perhaps in the crisis the article was in request for human eating; but it is certain that, in early Roman agriculture, doves dung was among the most admired fæcal manures.

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The fact has above been noticed, that sewers, primarily meant for purposes of land-drainage, and adapted in size to the volumes of storm-water which at intervals they had to carry off, became secondarily conducive to the cleansing of their districts. In regard of the Roman sewers, not only does history fail to tell of any time when that double function was not done by them, but indeed their secondary function is that which seems chiefly to have struck the historians who first, many centuries later, wrote of their existence.* It was, of course, a sanitary gain to the sewered districts that some of their refuse was really carried away by the sewers; and the time had not yet come for much critical reflection on the masses of refuse which, except perhaps when storm-waters were running, would tend to settle and accumulate in the vast subterranean reservoirs. The rubbish and filth were at least out of sight. At intervals, at great cost, the hideous work of removing the accumulations could be performed by slaves or indulged convicts;† and the magistrate under whose auspices this was done could prove the restored excellence of the thoroughfare by sending up it a laden hay-cart,‡ or by himself triumphantly boating down it to the river.§ That ancient type of double-functioned sewer has only of very late years ceased to be a prevailing pattern. Fifty years ago, it was still a cherished ideal; and even at the present day, when no one would pretend to argue in favour of "sewers of deposit," the stinks which arise from the gully-gratings in most of the cities of modern Europe are a hint that we have not yet completed our improvements on the system of Tarquinius Priscus.

Question of definite sanitary aims: Indian, Egyptian, Hebrew, and Greek.

As regards the date when social institutions of definitely SANITARY AIM first began—that is to say, when communities of men had first conceived definite opinions as to physical causes

* See in Livy, i. 56:—"Cloacam maximam, receptaculum omnium purgamentorum urbis;" and in Strabo, v. iii. 8:—"*ὑπονόμων τῶν δυναμένων ἐκκλύζειν τὰ λύμματα τῆς πόλεως εἰς τὸν Τίβεριν.*"

† See Trajan to Pliny, in *Epist.* x. 41.

‡ This is the size attributed to the Roman sewers by Strabo, *loc. cit.*, and by Pliny, *Hist. Nat.*, xxxvi. 15.

§ Dion Cassius (xlix. 43) tells of this as a feat of Agrippa's magnificent ædileship in the last days of the Republic.

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of disease, and first planned to obviate the particular morbific causes by particular lines of counteraction,—there are few facts to justify positive statement; but, such as they are, they certainly seem to say that marked beginnings were made in days before written history.

Whether there were any such in early India, can hardly be guessed from evidences which have yet come to light;* but that beginnings may have been in pre-historic Egypt is not improbable; for in Hebrew and Greek history, so soon as they begin, Egypt always appears as the relatively civilised and skilled centre, from which the other early civilisations are deriving light. Moses, for instance, is described as "learned in all the wisdom of the Egyptians." And, as regards Medicine in particular, the mention which Homer makes of the Egyptian doctors, as "truly of the stock of Pæëon, and each of them knowing more than all other men together," and the account rendered by Herodotus of the extensiveness and minute specialisation of medical practice in Egypt, would certainly, both of them, seem to suggest that Egypt may well, from time immemorial, have had rudiments of hygienic doctrine.†

* Early brahminical teaching seems to be fully represented in the *Ayur-vedas* of Câraka and Sûsruta; abstracts of which (particularly of Câraka's more copious work) are given in Dr. Th. A. Wise's *Commentary on the Hindu System of Medicine*, Calcutta, 1845, and in his later *Review of the History of Medicine*, London 1867. Parts of these *Ayur-vedas* refer to climatic conditions as affecting health, and other parts inculcate rules of personal hygiene. The rules are especially as to bathing, rest and movement, sexual relations, and, most elaborately, as to diet; and it is intimated that obedience to the rules, with the use of appropriate elixirs, will prolong human life to hundreds or thousands of years.

† See *Odyssey*, iv. 221–2, and Herodotus, ii. 84.—The celebrated Leipzig *papyrus* which Professor Ebers (whose name is identified with it) believes to have been written in the year 1552 B.C., and to represent at least in part originals of very much earlier date, purports to teach the preparation of medicaments for all ailing parts of the human body; and, out of its about 2,300 lines of hieratic writing, some 28 lines are a setting forth what medicaments are of use in houses, to kill scorpions and lizards, and to keep snakes within their holes, and to limit the thievings of rats and mice and hawks, and to prevent the stinging of bees and gnats; also what *kyphi* are good fumigators, to improve the odor of houses and clothing. See *Papyrus Ebers*, Leipzig, 1875.—I do not here enter upon the archæology of the practice of circumcision; for—though I of course do not doubt its having been in extensive pre-historic use among the Egyptians and various neighbouring peoples (whether or not derived from the Hebrews is debated among scholars)—I have never found reason to believe that the practice arose in sanitary intention; and to me it rather looks like a symbolic survival

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Be that as it may, important rudiments are very plainly expressed in passages of the Hebrew Pentateuch. The system of commands which is set forth in Deuteronomy and Leviticus, as having been obligatory on the Jews from the beginning of their national existence, has considerable parts to which sanitary intention may be imputed—parts which minutely regulate personal conduct in regard of diet, sexual relations, bodily cleanliness, and the like. And of two of these, in particular, it may be said that, so far as they go, they enforce two of the most important principles of sanitary police: the principle that ground which is to be dwelt upon must be free from accumulations of filth; and the principle that persons who have contagious disease must be restricted from common intercourse.*

Opinions equally advanced may probably have been current among the Greeks before the age of Pericles; and when Hippocrates, in writings which were a glory of that age, does not make mention of the disease-producing powers either of Filth or of Contagion, his very noteworthy silence can hardly be understood to mean that he was unacquainted with those powers. It may perhaps rather express that he did not deem it worth while to write for publication what his neighbours in general were knowing as well as he knew it; and, at any rate, it is certain that the great contemporary historian of the Peloponnesian war (said to have been some years senior to Hippocrates) expresses himself in a strongly contagionistic sense, when he

from larger blood-sacrifices—*pars pro toto*. Its very remote antiquity is unquestionable; and readers of the Hebrew Sacred History in its commonly received versions find an illustration of such antiquity in the operator's (supposedly traditional) use of flint instruments at dates when metal would have been at hand. That illustration, however, is questioned by the learned Egyptologist, M. Chabas, in his *Études sur L'Antiquité Historique;* his contention being, that, in the adduced passages of *Exodus* and *Joshua*, the essential Hebrew term has been misunderstood even by its Septuagint and Vulgate translators, and that, with the meaning which he claims for it, it does not affirm anything as to the material of the instruments in use.

* See *Deuteronomy* xxiii. 12–14 and *Leviticus* xiii.–xv. I believe it to be the opinion of competent Biblical writers that the Book of Deuteronomy is of not earlier date than the seventh century before our era, and that the first twenty-five chapters of Leviticus belong to an early part of the sixth century; but, in regard of what my text discusses, the real interest is as to the date of the law, not the date when the law was put into history.

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writes of the great pestilence which prevailed in Athens early in the war, and was the cause of the death of Pericles.

Of the more remote times of Medicine in Greece, we have only the slight indications which Homer gives. The highly-esteemed *Ἰητρὸς* of the eleventh book of the Iliad, *πολλῶν ἀντάξιος ἄλλων*, was not a general practitioner, but a mere chirurgeon, by whom spear-heads were cut out, and balms poured in. An epidemic (as in the first book of the Iliad) was distinctly an affair for the priests. Very noteworthy, however, is the description at the end of the twenty-second book of the Odyssey, how Ulysses, when his vengeance on the suitors was complete, proceeded to cleanse and disinfect the place of slaughter by such washings and scrapings, and especially by such burnings of sulphur, as would be prescribed by a modern nuisance-authority in like circumstances.

CHAPTER II.

THE ROMAN INSTITUTIONS.

So far as it is of interest to trace, from old times down to our own, a sort of continuity of progress in the development of sanitary institutions, the one line of interest, for many successive centuries, is in the history of the achievements of ancient Rome.

B.C.500-300 In that city was established as early as 494 B.C. the office of the Ædiles,—"*Sunto Ædiles curatores urbis, annonæ, ludorumque solemnium;*" fifty-two years later, the further office of the Censors was established; and before the Samnite Wars had come to an end (nearly twenty-two centuries ago) Rome had planned in all essentials that admirable system of municipal government which in its growth and maturity was to become the most fruitful of patterns wherever Roman colonisation extended.

To those early times, says Professor Mommsen, there "probably belong in great part the enactments under which the four Ædiles divided the city into four police districts, and made provision for the discharge of their equally important and difficult functions;—for the efficient repair of the network of drains small and large by which Rome was pervaded, as well as of the public buildings and places; for the proper cleansing and paving of the streets; for preventing the nuisances of ruinous buildings, dangerous animals, or foul smells; for the removing of waggons from the highway except during the hours of evening and night, and generally for the keeping open of the communication; for the uninterrupted supply of the market of the capital with good and cheap grain; for the destruction of unsound goods, and the suppression of false weights and measures; and for the special oversight of baths, taverns, and houses of bad fame." *

It seems probable that the Ædiles, as *curatores urbis*, had

* *History of Rome*, Dickson's translation, book ii. ch. viii.

not of themselves authority to initiate great constructions at the public cost; but that the Censors, under ordinary or extraordinary authorisation by the Senate, took action from time to time in that larger sense; and the early period included, as a most important measure of the Censorial class, the establishment of the first of the great Roman aqueducts, the Aqua Appia. Again to quote Prof. Mommsen,—"It was Appius Claudius who in his epochal censorship (B.C. 312) threw aside the antiquated rustic system of parsimonious hoarding, and taught his fellow-citizens to make a worthy use of the public resources. He began that noble system of public structures of general utility, which justifies, if anything can justify, the military successes of Rome when viewed even in the light of the well-being of the nations; and which even now in its ruins furnishes some idea of the greatness of Rome to thousands on thousands who have never read a page of her history. To him the Roman state was indebted for its first great military road, and the Roman city for its first aqueduct."

From B.C. 100. It is not possible, nor indeed would it here be worth while, to trace in much detail the successive steps of Roman progress in works and laws which were of concern to health; but their eventual ripe result so far as we can learn it, and particularly as regards the sanitary conditions of life in the capital itself, say from twenty to seventeen centuries ago, is instructive matter for consideration. The evidence is of course in some respects imperfect. Only few and far between are the bits of direct narrative or description which bear on the matter. But there are architectural remains; among which, for the purpose of interpretation, one may reckon the remains of Pompeii and some other contemporary cities. Again, there are instructive fragments of municipal law, such as those which we have in the Heracleian Tables, and those which, with comments of the great jurists of later times, are reproduced in the Pandects of Justinian. Additional knowledge may be got from incidental statements and allusions in the pages of Suetonius, Juvenal, and Martial; and, in some respects, the *Scriptores Rei Rusticæ*, notably Varro and Columella, are helpful. In the classical work of Vitruvius, we see probably the best teaching of which the Augustan age

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was capable in regard of architecture and its sanitary relations; and again in the special work of Trajan's water-curator, Frontinus, on the aqueducts of Rome, we have the instructive work of an expert. In the passages of Strabo, Dionysius of Halicarnassus, and the elder Pliny, which relate to Rome, we have the language of highly-educated common observers.

Rome under Augustus:

Strabo, whose first stay in Rome is believed to have been about the time when Octavian received the title Augustus, was particularly struck with the contrast between it and Greece in respect of the amount of care which the Romans had bestowed on works of usefulness—as especially on pavement and drainage and water-supply. He dwelt with admiration on the great

Sewers;

Sewers "along which a hay-cart might be driven," and on the artificial "rivers" which had been made to pass through the city of Rome, giving an unstinted supply by pipe or (public) fountain to nearly every house, and, as their water at last scoured through the sewers, washing all the filth of the city into the Tiber.

Pavement;

The *Pavement* he did not exactly describe; but if we advert to the admirable system which of late years has been brought to light in the remains of Pompeii—massive closely-fitted blocks and slabs, with step-stones and side-gutters, extending almost universally wherever there were car-ways in the place, we cannot but presume that an equally good pavement must have been general in the capital city; and this presumption is supported by such historical records as bear upon the question.

Aqueducts;

At about that time, the *Aqueducts* of the city were being increased by Augustus from five to seven; soon afterwards, under Caligula and Claudius, two others were added, doubling the previous supply; under Trajan and subsequent emperors further additions were made: and the liberality of distribution may in some degree be illustrated by the statement made with regard to M. Vipsanius Agrippa, that he, in the year B.C. 33, during his magnificent ædileship, supplied the city with 700 wells, 150 fountains, and 130 reservoirs. Among the fragments which survive of the older Roman law, none is more emphatic than the command which was intended to protect the public

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water-supplies from pollution: "*Ne quis aquam oletato dolo malo ubi publice salit: si quis oletarit sextertiorum millium mulcta esto.*"

Thermæ;

Of the *Thermæ* or *Gymnasia*, the highly-developed combinations of Bath and Palæstra which imperial Rome adopted from Greek example, the main historical interest is not sanitary: for they, with all their elaborate apparatus and luxurious adjuncts and means of pastime, were designed rather for pleasure than for health. The earliest of them were those which Agrippa opened, B.C. 21; and their multiplication and popular importance under the emperors expressed that they were palaces of entertainment, where the sweet considerateness of a Caligula or Nero or Diocletian could gracefully exhibit itself to the people. In that sense they were chiefly characteristic of later times than Strabo's; but *Balneæ*, or public washing-baths of hot and cold water, available on payment only of the smallest coin (*res quadrantaria*) and at least partially without payment, had become a popular institution in Rome perhaps centuries before the days of Strabo; and, at various (both earlier and later) times in Roman history, local benefactors founded, at their own cost, baths which were to be perpetually free to the public. The *Laconicum* or hot-air sweating-bath (said to have been introduced by Agrippa) was an ordinary feature of the *Thermæ*, and, after the time of their first establishment, became a frequent addition to ordinary public baths, and to the baths of private houses.

Latrines and urinals

Public *Latrines* were in general use, at least for the male sex, and in all likelihood were of two classes. Of some we know that a small payment (*quadrans*) was required for using them, but presumably others were for gratuitous use. That at least some of them discharged into the sewers is known from the language of contemporary writers;* and that at least some of them more or less resembled the so-called trough water-closets of our own time, in having an ample water-service by which their contents were flushed into the sewers, seems proven by the fact that apparatus of the kind has in several cases been discovered in the remains of

* *E.g.*, Columella (x. 85) writing of manures, includes among them "*quæcunque vomit latrina cloacis.*"

Pompeii.* Independently of the public latrines, urinals for common use were extensively provided in convenient corners of the city.

Removal of City refuse;

So far as the latrines of Rome did not empty themselves into the sewers, *scavengers and carts* were of course needed to empty them; the carts (in common with the cars which served in religious processions) were allowed certain special privileges as to the hours within which they might frequent the streets of the city; and as the refuse was much in demand for agricultural purposes outside the urban area, some revenue was obtained by the city from the contractors (*foricarii*) to whom the scavenging function was assigned. Similarly as to the urinals: Vespasian's famous *non olet* (a century after Strabo's time) referred to a small revenue which he sought to raise from those conveniences by farming them on the foricary plan.

Other *Filth* and *Rubbish* of the city must in the main have been divided between the sewers and the scavengers; and though we cannot now tell exactly in what proportion the division was made, it seems probable that, directly or indirectly, the sewers must have had the chief part. They, no doubt, were most miscellaneous receptacles: Nero looked to them to swallow from time to time the corpses of citizens whom he had playfully stabbed during his night-rambles—*ludibundus nec sine pernicie tamen,* or the effigies of athletes whom he envied; † and besides the various slop-waters which they received by branch-drains from private premises of the better sort, filth of all sorts brought in vessels from the neighbouring houses would have been abundantly discharged into them.

Streets, and their cleanliness;

Judging by some modern analogies, we might infer that a considerable amount of filth was to be found, as in transit, on the Roman pavement: but against any such state of things, there was imperative legal prohibition which the ædile was required to enforce. It is true that Juvenal, when enumerating (in his

* See Overbeck's *Pompeii.* Mr. Edward Cresy, in his general study of the Architectural Antiquities of Rome, included an elaborate investigation of the drainage of various Roman public buildings; and in 1848, in his evidence before the *Metropolitan Sanitary Commission,* he gave a particular account of the drainage of the Coliseum at Rome, and the amphitheatres of Verona and Nîmes. See *First Report* of that Commission.

† See Suetonius's *Nero,* sections 26 and 24.

third satire) the reasons for which his friend Umbricius declines to continue resident in the city of Rome, mentions among them those *diversa pericula noctis* which consisted in the miscellaneous out-throw from windows on to passing heads: but a considerable liability to be *xanthippised* during a night-walk within city-boundaries was not unknown in London or Edinburgh under the Georges, nor in Paris under Louis-Philippe; and even the Londoner of to-day may sometimes be pointedly asked, like the Roman contemporary of Petronius, *Quod purgamentum nocte calcásti in trivio.*

It appears that Nero, after the great Roman fire at which he did his famous "fiddling," promoted a new plan of construction for houses and streets: viz., that houses should no longer be allowed to have walls in common, but should be required each to have complete walls of its own, and that the streets instead of being of their former narrowness (and such as we know to be now in general favour in southern climates) should be made considerably wider. Question, however, seems at once to have been raised whether the latter change was not of disadvantage to health.*

Law as to Nuisances public and private.

Objects such as we of late years have aimed at by our various *Nuisances-Removal* Acts, and other statutes of allied purpose, were in Rome regarded as of two classes: either they *were,* or they *were not,* recognised as questions of *common* concern.

(*a*) For such as were so recognised, there were express provisions of law, chiefly in prætorian edicts, and it was for special public officers to enforce the enactments. Such were certain laws, recorded to have been on the Decemvirile Tables: the law that no dead body should be buried in the city, and the law that every landowner building a house on his land must leave, towards the adjoining properties, an ambit of at least $2\frac{1}{2}$ feet width of the land unbuilt upon. Such further was the law, already referred to, which strictly prohibited the casting of filth or rubbish into the common way: "*publice enim interest sine metu et periculo per itinera commeari*": and such again was the other

* Tacitus writes:—"*Erant qui crederent veterem illam formam salubritati magis conduxisse, quoniam angustia itinerum, et altitudo tectorum non perinde solis vapore perrumperentur; at nunc patulam latitudinem, et nullâ umbrâ defensam, graviore æstu ardescere.*" Ann. xv. 43.

law which has been quoted, providing for the protection of the public fountains. Such, moreover, were various laws which existed, and some of which still survive, while others can be indirectly traced, with regard to the construction and maintenance of public ways and sewers and aqueducts, and to their protection from injury, and to the rates which might be levied for any of them, either generally or in case of special privilege. Thus, a *cloacarium* and a payment *pro aquæ formâ* are both named in the Pandects; and the mention seems to indicate that while the *cloacarium* was a general rate, payment *pro aquæ formâ* was only due in the exceptional case of a distinct *forma* being allowed to private premises.

(*b*) So far as questions of nuisance did not concern the common interests of the public, but were local questions between neighbours, seemingly they all fell within scope of the Roman law of so-called *servitus*, and must have admitted of prompt adjudication under the Prætor's authority. In the Pandects there are declarations of law on points of reciprocal right as between neighbours in town and country, in very various matters of *servitus*: as in relation to rainfall and rain-outflow, to support of beams and buildings, to approaches of drains and aqueducts, to heightening of walls, to overhanging constructions, to interference with lights, to interference with prospects, to location of lay-stalls, to passage of smoke, and so forth; and in reading in the Pandects the deliveries of the great jurists on those questions (deliveries which for the most part were particular applications of the existing prætorial and other written law) it is impossible not to see that they cover, in principle, the whole area of nuisance-law so far as it is of contest between private persons.

Regulation of Trade.

A second important class of functions concerning the public health in Rome, during the centuries to which this chapter has particularly referred, was contained within the Ædilian superintendence of *Commerce*. The Ædiles had in general to see that commodities offered for sale were of honest quality, and were sold of honest weight and measure; and they had also, in respect of certain commodities, to regulate the standard of price. Whether the last-named intervention between buyer and seller gave more advantage in the then state of society than it would be expected

to give in present times, is a question on which I need not enter; but at least as regards the others, and especially in relation to the purchase of food and other necessaries of life, the people must probably have found it an unmixed advantage to have those facilities for obtaining immediate redress against fraud in the quantity or quality of things sold to them.

Medical Profession from third century, B.C.

During the last two centuries of republican institutions in Rome, a distinct *Profession of Medicine* was acquiring extent and importance.* The practice of medicine had always been open to any who chose to profess it, but had seldom been entered on by freeborn citizens of the Republic, and to a large extent was in the hands of persons who were or had been slaves. Opulent Romans would commonly have, as part of their establishment, slaves who had been trained in Medicine, and who apparently often represented high degrees of efficiency in the Medicine which then was; and, with a view to such employment, rich Romans would sometimes at their own cost cause certain of their boy-slaves to receive a medical education. The non-servile practitioners of medicine were principally Greek; and during the last two centuries of the Republic, the number of these practitioners was constantly on the increase; for, notwithstanding the emphasis with which the elder Cato warned his countrymen of the dangers to which the State would be exposed in thus depending on the aid of foreigners, Medicine had been among the chief of those arts by which "captive Greece" took possession of its Roman captor; and the names which come down to us in Roman history, as those of great medical practitioners and teachers during the late republican and earlier imperial centuries, are almost without exception Greek. Celsus is believed to have been a Veronese Roman; but Archagathus, Asclepiades, Athenæus, Dioscorides, Soranus, Rufus, Archigenes, Aretæus, Galen, and the chief of their respective followers, were of Greek (mostly Greek-Asiatic) origin; and under their auspices, before the end of the second Christian century, Medicine in Rome had reached a development at which it was to serve the world, for the next

* The following brief notice of the Roman Profession of Medicine is chiefly founded on the elaborate account which is given in the first book of Haeser's admirable *Lehrbuch der Geschichte der Medizin*.

thirteen or fourteen centuries, with but little important increase. As early as within the first Christian century, all sorts of medical specialties seemed to have been cultivated as separate branches of practice; there were oculists, dentists, aurists, mulierists, hydropists, fistulists, &c.; while likewise a very extensive practice of pharmacy (or of medicine from a pharmaceutical basis) had a great variety of specialties, some for herbs and roots, others for ointments, others for eye-washes, &c. Among the various sorts of practitioners were women as well as men, and the legal tribunals seemed to have recognised female obstetricians as experts. In the Roman cities, there seems to have been from old a general adoption of the Greek system of *ἰατρεῖα*, or open shops, or "surgeries," for the dispensing of extemporaneous medical and surgical treatment. These *Tabernæ Medicæ*, as the Romans called them, differed widely from one another in rank; some being mere barbers' booths of not very reputable sort, while others were such as might be served by the first practitioners in Rome;* and it seems that some of the more important *tabernæ* were able to receive in-patients. Except in that rudimentary sense, nothing in the nature of a hospital seems to have existed in Rome before the second century of the Empire; but in that century Antoninus Pius (A.D. 138–161) appears to have established a more definite hospital in connection with the temple of Æsculapius on the Tiber-island opposite the Campus Martius.

It does not appear that the professors of Medicine made any speciality of the Prevention of Disease; but a general intelligence on the subject had been shown in such non-medical writings as those of Varro. In those times, as in our own, the popular desire to be free from disease expressed itself in two different ways: on the one hand, there were the admirable public works of pavement, drainage, and water-supply; and on the other hand, there were special temples to *Dea Febris*, *Dea Mephitis*, *Dea Scabies*, *Dea Angerona*, &c.

Privileges allowed to Medical Practitioners.

The settlement of foreign medical practitioners in Rome had been encouraged by the grant of special favours to them by Julius Cæsar and the earlier emperors: the first having given

* It appears for instance that when Archagathus settled in Rome (about 218 B.C.) the senate, besides giving him the freedom of the city, provided for him a *taberna* in a situation convenient for practice.

them status as citizens,* and the emperors having given them larger and larger privileges. The latter system was begun by a law of Augustus, that medical practitioners should be exempt from certain ordinary civil obligations; and it was continued and extended by the laws of succeeding emperors, till at last Hadrian completed the immunity by exempting medical practitioners from every sort of *onus civile*, whether patrimonial or personal. Considerably before Hadrian's time, however, there apparently no longer was any need of a forcing-system to multiply the medical practitioners in Rome; for before the end of the first Christian century, they were in such excessive numbers, that, according to Martial, the less-employed among them were willing to lend a hand to the next-door function of corpse-bearing at funerals, or would even (more remotely from their profession) be ready to officiate as gladiators.† Such being the over-crowdedness of the Profession, Hadrian's next successor, Antoninus Pius, found it prudent to restrict to a certain number of practitioners, in each centre of population, the immunities which had been so lavishly granted; and from the date of his law, the medical immunity from local burdens might not be held by more than five practitioners in small cities, nor more than ten in even the largest; while also, in general, the immunity could not be claimed by practitioners migrating into new districts.

Public Medical Officers.

Long before Hadrian's time, and at least to some extent within the republican centuries, Roman cities had had the practice of appointing Medical Officers for public purposes. Whether medical practitioners at large, in return for the exemptions which they had enjoyed, had been expected to render certain public services, such as that of medical assistance to the poor, cannot be positively said; but it seems certain, that, when the number of *immunes* was limited by law, certain public duties were made to accompany the privilege; and that, in this way, the Roman cities acquired the class of officers who afterwards became distinguished by the name of *Archiatri Populares*. About seventy years after the date of Hadrian's law, an im-

* Suetonius, *Cæsar*, section 42.

† See, in Libr. i. the epigrams 31 and 48, on Diaulus turned *vespillo*, and in Libr. viii. the epigram 74, on the eye-doctor who had turned *hoplomachus*.

portant step in relation to those grants of medical privilege was taken by Alexander Severus. He, namely, enacted, that future grants of the privilege should be made on local responsibility, and the responsibility was assigned by him *ordini et possessoribus cujusque civitatis;* in expectation, as his law expresses it, that they who were most interested would make sure of the probity and skill of the persons to whom they had to entrust their own and their children's lives.

Medical Service of the Poor.

It is not possible to trace with exactness the development of this Roman institution of urban medical officers, but an extremely interesting picture of it, as it existed at a comparatively late period in the city of Rome, is furnished in a memorable edict of Valentinian and Valens (A.D. 364–375) regulating for the city the appointment of those district officers. Each of the *regiones* of the city, except the gladiatorial *regio* of the Portus Syxti, where the gladiators had a medical officer of their own, and except the similarly privileged *regio* of the vestal virgins, was to have its local medical officer: who, knowing himself to be paid by salary for attending to the poor, must (says the edict) think of them rather than of the rich; and who, where there is question of fees, must take as his standard, not what men fearing for their lives will promise, but what men, recovered from sickness, will offer; and when a vacancy occurred among these district medical officers, the filling of it was not to be by favour, or on solicitation of magnates; but the remaining district officers, *omnium fideli circumspectoque delectu*, are to propose a man who shall be worthy of their ranks, and of the dignity of the office, and of the emperor's approval. Curious, but not unparalleled, inconsistency: that the people which could so worthily conceive the institution of a medical service for the poor, should still be enjoying, as a chief public pleasure, the spectacle of gladiatorial homicide!

Fall of Rome.

After the issue of that interesting edict of Valentinian and Valens—(the main purposes of which may perhaps previously have been more or less attained under other imperial constitutions or under municipal authority)—Roman legislation originated nothing more which can be deemed of interest to our subject. At that date, indeed, the final cataclysm of the Roman Empire,

the overwhelming southward rush of the neighbouring northern races, had all but begun; and within fewer than fifty years, Alaric was to be master of the mother-city. Long and long ago, there had passed away from all the more characteristic institutions of Rome, perhaps not yet to the last trace that unequalled genius for government which had called them into being, but at least all the lofty public spirit which for centuries had had that genius as its instrument. And now, over the merely continuing flaccid forms of Roman government, the stupendous storm of change in which eventually the life of modern Europe arose, was for other long centuries to prevail: submerging and stifling, and at last, in its own way, re-animating: a revolutionary cycle of such effect, that, considered in relation to the history of mankind, it suggests less thought of the conscious labour of human forecast and wisdom than an analogy with the unconscious transformatory acts of embryonic life, superseding in individual organisms the parts which have done their temporary use: but in the present case a process so extensive, both in space and time, that it may rather be compared with the great geological changes which have given outlines to our seas and continents, and have raised mountain ridges from within the deep.

CHAPTER III.

POST-ROMAN ANARCHY AND THE RE-COMMENCEMENTS.

ATTENTION has been drawn to the facts of Roman antiquity, because the influence of the Roman institutions was so widespread and so strong. From the Atlantic to the Caspian, from Æthiopia to the Tweed, whatever urban civilisation existed during the ages of Roman ascendency was due to the direction or example of Rome. Over all that "fairest part of the earth," the mother-city taught her own rules of municipal government, and shewed her own standard of the works which are for urban convenience. It would be idle to speculate what might have been the further progress of those local institutions, if some centuries more of life had been allowed them. By the actual events they had been rendered little better than a mere false start in civilisation. With the Roman Empire wrecked as a political system, and with its cultivated area given over for centuries to the wars and pillage and destructiveness of successive hordes of barbarians, no prosperous continuance of the former institutions was possible. And though in some cases the forms of municipal government were not extinguished, or, if so, were soon (perhaps under changed names) revived, all disposition to advance in the old lines of Roman progress was dead, and the costly constructions of the former time were not even preserved from ruin. Here and there, now and then, at intervals far apart in time or space, some one Theoderik or Karl or Alfred would for a while keep the conditions of chaos aloof from within the range of his rule: but the resting-time would be too short for repair: the end of the one heroic rule would too soon come; and then again the powers of darkness would roll back their inexorable wave. True, that, after the time when ancient Rome died out of Italy, and when successive Goths and Huns and Vandals had begun their ravages and revelries in the land, Constantinople, for yet a thousand years, represented in her own mortmain way some of the traditions of the broken empire;

but out of that millennium of decay nothing of initiative interest to the arts of government could come. The famous compilations of Roman law under Justinian did indeed establish for the benefit of after-times a grand and enduring monument of the genius of the Rome which had passed away; but the municipal records of modern Europe, though they largely reach back into times when the Byzantine Empire still existed, are sundered by an interval of centuries from times when Roman rule was of effect in sanitary institutions.

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Throughout Europe, during that long interval, not only did the circumstances forbid any particular care for ædile objects, but they often were even straining to the utmost all ordinary bonds of social union. After the ending of the old Roman dominion in its western area, while powers of warfare and confusion were alone acting in succession to it, and while the instability and repeated subversions of civil government were rendering society chaotic, a further disintegrative influence came into action. Altered modes of religious thought were tending on a considerable scale, not merely to make men profoundly indifferent to those objects of civil government with which this narrative is concerned, but to detach them altogether from society. In the new light of Christian morality, the recollection of latter-day Rome, with all its monstrous sensualities, and with all the variety of corruption which had rotted away the greatness of the Empire, was of course in the utmost degree loathsome and abominable: and now, as if by generalisation from that experience, there seemed to arise a distrust even of the social state itself; an alarmed and agitated consciousness of the temptations which society offers for the commission of certain sorts of wrong; a desponding belief that civilisation (as then understood) could only develop the worse, and blight the better, of the possibilities of the nature of man. In the eastern seats of early Christian teaching, feelings like those would from the first have been in powerful harmony with locally-existing pre-conceptions which ascribed holiness to solitary life; and with progress of time, as Christianity spread, such feelings acquired wider and wider influence. On the one hand, there was that growing tendency to deem civic life less worthy of man than spiritual meditation in

Post-Roman obstacles to civil progress; Warfare; Religious segregation.

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hermitage or monastery; while, on the other hand, was the fact that, except in hermitage or monastery, escape could hardly be found from the consequences of social disorder, and the riot of clashing secular ambitions; and those considerations were enough to draw into seclusion large numbers of persons who might have been useful workers in the social commonwealth. Still more, when monastic orders were established, and their respective convents promised to be not mere places of meditation, but centres of religious teaching, and of active beneficence towards the poor and sick, no wonder that, in the then state of the world, those resorts seemed to be the sole and very sanctuaries of good, and attracted to themselves not only large masses of indifferent human material, but undoubtedly also a large proportion of what was purest and noblest in the time. That such communities, throughout the darkest of the dark ages of Europe, were the sole guardians and transmitters of all existing knowledge and learning, and that from within them issued in after-times most of the better light by which Europe was to construct a new civilisation for itself, seems to be beyond question true: but it would seem not less certain, and is matter which here needs to be remembered, that the monastic spirit could hardly consist with much care for the physical requirements of towns and cities, and that, for a thousand years from the fall of the Western Empire of Rome, the diffusion of that spirit was in favour of leaving to ruin and decay the signally useful constructions which the elder civilisation had left behind it.

Spread of asceticism.

Intimately mixed with the tendency to monastic life, and developed by much the same influences with it, was the tendency to think slightly or spitefully of the human body, and to underrate its reasonable claims for wholesome treatment. The body no doubt had been the spoilt child of imperial Rome, and a frequent fate of spoilt children was now to come to it in the form of neglect and humiliation. In reaction from the Roman *thermæ*, associated as in memory they were with the whole fabric of Roman luxury, bodily cleanliness fell out of favour, and a cult of bodily uncleanliness began; while also, in reaction from the Roman sumptuosities of food and clothing, the most meagre diet and the poorest dress were deemed the fittest for all men to adopt. In the impulse towards austerer forms of life, just as

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in the impulse to fly from society, those early puritans adopted with singular ease the extreme patterns which previous Eastern superstitions had already from long beforehand prepared for them. Not content with mere sobriety of life, many of them zealously adopted fanatic exaggerations which treat the physical man as fit only to be physically punished, or perhaps, better still, to be exterminated. For innumerable enthusiasts in such directions, it was not enough to be careless of bodily ease and comfort, but the powers of the body must be studiously reduced by pitiless rigors of starvation; and the body, which starvation had emaciated, must be further submitted to the elaborate cruelties of deforming restraint or bloody self-chastisement. Similarly, with remembrance of what had been vicious and often unutterably foul in the sexual life of Rome, as depicted by the Roman satirists for the everlasting aversion of mankind, honest wedlock forsooth, was now not to be deemed contrast enough; but the marriage-tie itself was to be held unclean, and the propagation of the human race an irreligion.* It is hardly needful to observe that the spirit of asceticism, as here described, was even less likely than the merely monastic spirit to be interested in favour of the sanitary appliances of urban civilisation. Devotees who were aghast at the notion of contributing to propagate the human race could not be expected to care very much whether existing members of the race were kept alive. And while an unwashed verminous state of body and clothing was accepted as of moral merit, there could be little hope that sewers would not be let stink, or that the qualities of public water-supplies would be cared for.

Mediæval revivals not much for ædile uses.

During many centuries succeeding the fall of the Western Roman Empire, the monastic system, combining the two influences which have been described, grew into greater and greater dominion in Europe; and it was only after the beginning of the sixteenth century that some of the governments of Europe began to resist its extension or continuance. Long before then, however, the life of modern Europe had begun

* English readers will remember in the Fourth Book of *Paradise Lost* (lines 736–775) the fine burst of indignation in which Milton says his say on the subject of ascetic celibacy.

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to bud in many centres of development; and new municipal institutions had gradually acquired shape and solidity, as the basis on which systems of local police in matters concerning health might afterwards sooner or later be reared. In proportion as something like orderly life began again to be known in centres of population, and as new governments were here and there showing themselves fairly able to promise a continuance of social security, feelings, if not yet of nationality in the larger sense, yet at least of local fellowship, and of joint duty towards places of joint residence, began again to operate. The rude institutions which first manifested themselves were probably in great part resuscitated from languid remnants of Roman life, though resuscitated with Teutonic differences. The functions which began again to be exercised with regard to the keeping of towns and the conduct of trade were such as in Rome the Ædiles had exercised;* and the constructions which were to be found in towns for purposes more or less sanitary could hardly till long-subsequent times have been anything else than the neglected and more or less dilapidated remains of Roman aqueducts and sewers and pavements.

New rise of Corporations: municipal, industrial, and scholastic.

Infinitely more important than any mechanical constructions inherited from Rome, was the invaluable bequest which modern Europe received from Roman law, in the pregnant idea of *Corporations*: artificial organisms, to be invested with perpetual regulative powers for special purposes, municipal and other: and it would be difficult to over-estimate the advantage which our country in particular derived from its Teutonic applications of that Roman idea,—first, in reference to the incorporation of local authorities for purposes of Local Government, and secondly, in reference to the creation and development of Trade-Guilds and of Colleges for the promotion of learning. As the mediæval centuries passed, objects of that kind presented themselves more and more to minds which were capable of appreciating their

* Probably much which came to be accepted as *law by custom*, and was then in various cases confirmed by charters or other formal enactments, had had its origin in the institutions of Rome. In our own case, certain facts of early municipal interference with the sale of bread look extremely like signs of continuation from Roman ædileship in places of former Roman settlement. See, as regards Chester and Newcastle, Professor (now Bishop) Stubbs's collection of *Select Charters and other Illustrations of English Constitutional History*.

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mportance; and seeds were more and more copiously sown which, even to our present day, are yielding fruit. But when at length those mediæval growths began to rise, it was into an atmosphere utterly changed from the civic atmosphere of ancient Rome. During the previous long futility of all forms of secular rule, and as against any possible new Cæsar who might arise, there had come into prevalence an authority of rival constitution; and when civic life began to re-assert itself in Europe, there was over it that second and shadowy Roman Empire which had meanwhile grown up in relation to the spiritual hopes and fears of mankind: the sacerdotal dominion, which (as Hobbes describes) had "started, as a ghost, out of the ruins of the former heathen power, and was now sitting crowned on the grave thereof." To that new empire the arts of peace, as one by one they came into flower and fruit, had long to devote their best produce. From the eleventh to the sixteenth century, such civic energies as could be spared from the necessities of war and trade were spent almost wholly in the building and decoration of churches; and the universities, though not always of ecclesiastical origin, were almost always of ecclesiastical animus. In a world preoccupied and surcharged with that spirit, the old Roman conception of how cities should be physically cared for was little likely to germinate afresh; and though in important places, there often arose town-halls and other like buildings enough to show that the renascent civilisation had some cognisance of secular interests, the proportion of thought vouchsafed to sanitary ordinances and constructions remained everywhere at the lowest level.

Sacerdotal Empire.

Mediæval Medicine, and the conditions of Public Health:

That the ten dark centuries, by which the age of Attila and Genseric was separated from the auroral epoch of Gutenberg and Columbus, had not in them anything of the nature of modern Medical Science, and did not originate anything of importance to the progress of scientific medicine, is a fact which hardly needs to be stated; and medically speaking, the only important fact in the five centuries which preceded the sixteenth, was the growth of popular apprehensions with regard to Contagions of Disease.

Leprosy and Leper-Houses;

First, in apparent connexion with the Crusades (1100–1300) came the greatly extended diffusion of *Leprosy* in Europe.

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Previously the disease had not been quite unknown here: for notices of it (to far smaller extent) in Europe go back to the fourth century, and in the sixth and seventh centuries there were already leper-houses in France and Lombardy:* but with the now greatly extended presence of the disease, there came a panic. Each leper was regarded, not only with physical aversion as capable of causing to others a loathsome disease, but equally with superstitious horror as bearing (it was believed) the brand of a curse from Heaven; and this double feeling rapidly led to a system, not cruelly meant, but often most cruelly applied, under which lepers were set under strict social ban, and were forced to endure their miserable remains of life apart from communion with their fellow-men. History has few more pathetic passages than its record of the religious services with which lepers were bidden to inhuman exile. Then, again, those were emphatically the times of the great pestilences, which are historically famous as the *Epidemics of the Middle Ages;* and the terror of which gradually led, from the middle of the fourteenth century onward, to the establishment of such quasi-military defences and precautions as are known by the name of Quarantine. When the Black Death had reached South-Eastern Europe at the end of 1346, and had rapidly spread in parts of Italy, the city of Milan, which did not suffer till 1350, was said to have kept out the disease so long by the exercise of extreme strictness as to its communications with other places; and the example of Milan seems to have been followed elsewhere; at first perhaps only against the same terror, but afterwards more generally against the frequent danger of ordinary Levantine Plague.† Venice, which with its large eastern commerce was peculiarly exposed to the latter risk, and which as far back as the thirteenth century had shewn itself aware of sanitary interests, took the lead in attempting permanent defences against plague: in 1423 it established its first *lazaretto,* and in 1467 an extended new one; in 1485 it created a permanent health-magistracy, to which,

Pestilences and Quarantine;

* See Haeser, vol. iii. pp. 76 and 82.

† Haeser, vol. iii. p. 187. Thus, in 1374, strict rules against dangers of contagion were put in force at Reggio, Calabria; and about a century later (1471) Majorca seems to have had a complete system of quarantine against plague.

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in 1556, offices of superintendentship were added; and with this machinery it enforced regulations which at the time were of high repute in Europe.*

Indigence and Famines and squalid life.

As regards the general sanitary circumstances of life during the centuries and in the countries here under consideration, an essential fact is that, during most of the time, for most of the populations, indigence and the miseries which attend it prevaled in very terrible proportions. The description which Gibbon (ch. xxxvi.) gives of the wretched state of Italy under Odoacer, immediately after the fall of Rome, would no doubt, at any moment of the middle ages, have been substantially applicable to large parts of the area of Europe. Warfare indeed hardly shews itself more cruel in the deaths and mutilations of those who take part in it, than in the wide-spread desolation which is about its path; nor is the sacking of towns and cities more calamitous in effect than the ruin which armies bring upon agriculture. In those times, too, with comparatively difficult communication between the parts of the world, regions which by war or weather had lost the produce of their fields could not always at once, if at all, procure help from the sufficiency or surplus of other regions, but must probably for a longer or shorter time endure degrees of privation which endangered life. Till at least the turning-time of mediæval anarchy (a time which was not the same for all countries) slavery, or some status of villenage hardly distinguishable from it, was the lot of a great part, perhaps generally of the chief part, of the population: in regard of Gaul, for instance, under Karl the Great, it is recorded that nine-tenths of the population were slaves:† and for such servile or quasi-servile quantities of population, probably the ordinary means of subsistence were the poorest which would keep body and soul together. It is horrible to imagine what must have been the sufferings of mediæval populations when times were in any way harder than ordinary: when the very frequent periods of scarcity, when the not infrequent periods of famine, intensified

* See Romanin's *Storia documentata di Venezia;* where also account is given of other early sanitary endeavours of Venice. A particularly interesting passage (ii. p. 397) describes how Venice, in 1293, set about establishing a public medical service somewhat after the notion of the Roman *Archiatri Populares.*

† See Kitchen's *History of France,* book ii. part ii. ch. iii. section iii.

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their poverty to the utmost; when freemen, in despair of bread, would surrender themselves and their children to be slaves: when hunger would culminate in cannibalism; when even human flesh might be for sale in the market-place.* It is recorded of France that, out of the first seventy-three years of Capet reign, forty-eight were years of famine.† Of the fragments of the Western Roman Empire, England was perhaps that in which the mass of the people soonest came into fairly constant average comfort, as measured by the standard of other countries; but from the whole range of mediæval history, it would be difficult to select a more dreadful picture of ruin and misery than is given of the state of Scotland at the close of the fourteenth century.‡ The sanitary bearing of such facts is surely not far to seek. The poverty which involved so much privation of food involved, we may be sure, in even far higher degree, privation of domestic comfort, and privation of wholesome cleanliness; and amid such circumstances, disease, and physical incapacitation resulting from disease, must have prevailed on an immense scale. No doubt the ordinary diseases of the poor (as distinct from the special fevers which may be regarded as part of famine) were of much heavier incidence in those times than in these. Filth-diseases of all sorts must have been everywhere. Scurvy abounded. Ague of great severity was among the commonest of diseases, and the poor would have been peculiarly liable to its attacks. Not least, from the time when leprosy came to be of wide diffusion in Europe, this new disease, with the cruel social consequences which attached to it, seemed to fall largely on the mass of the people in proportion as the other disadvantages were weighing them down.

London in 13th-15th centuries.

It would require too much archæological labour to accumulate many exact descriptions of the sanitary circumstances of urban populations during the mediæval times; but, as to the later of those times, we fortunately have at hand excellent illustrations of the circumstances of our own metropolis. For the

* See Hallam's *View of the State of Europe during the Middle Ages*, ch. ii part ii. and its note xv.

† Hallam, in the note above-mentioned.

‡ See Buckle's *History of Civilisation in England*, vol. ii. ch. ii.

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London Corporation of the present day has, with judicious liberality, published an extensive series of extracts from the early Archives of the City, to serve as *Memorials of London and London Life in the* 13*th* 14*th and* 15*th Centuries;* and with the help of that extremely interesting volume, the preparation of which was the work of the late Mr. Henry Thomas Riley, we can fairly enough discern how our ancestors were managing London in sanitary respects during the period of nearly a century and a half to which the *Memorials* relate.*

Abatement of Nuisances.

The Guildhall series opens characteristically with a two-sectioned regulation made in 1281; by the first section of which —because that regratresses, nurses, and other servants, and women of loose life, bedizen themselves, and wear hoods furred with gros vair and with minever, in guise of good ladies, therefore the wearing of furred hoods is restricted to such ladies as wear furred capes: while the second section provides that swine shall not "henceforth be found in the streets," or, if so found, shall "be killed, and redeemed of him who shall so kill them, for fourpence each." Soon afterwards (1297) the law against pigs was made stricter: such pigsties as were in the streets were to be removed; and wandering pigs were to be forfeited "in aid of making the walls and gates." The bell-bearing pigs of St. Anthony's House were exempted from these laws; and (1311) trouble seems to have been caused by pigs which falsely pretended to be within that religious privilege. Offensive trades were dealt with: tallow-melting (1283) was no more to be allowed in Chepe; tailors (1310) were not in daytime to scour furs, except at the utmost (if for the King or other great lord) "in some dead lane, when no great lords are passing, either going or coming": flaying of dead horses in the City or suburbs was (1311) no longer to be allowed: the continuance of plumbers' solder-melting in Eastcheap was (1371) made conditional on raising the shaft of the furnace: eventually (as recited in a Royal Order 1371) all slaughtering of oxen, sheep, swine, and other large animals was banished by law from the City and

* With regard to the ancient sanitary relations of Southwark, as generally with regard to the archæology of that part of London, much information will be found in Mr. William Rendle's interesting volume, published in 1878, under the title, *Old Southwark and its People.*

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suburbs to no nearer than Stratford-le-Bow and Knightsbridge. For maintenance of street-cleanliness, every man (1297) had to keep clean the front of his own tenement; and the casting of filth from houses into the streets and lanes of the City was (1309) prohibited and made sharply punishable. What then was to become of this filth? At first (1309) people "ought to have it carried to the Thames or elsewhere out of the town;" but in those times, as in our own, the carrying power of the Thames was limited, and it is instructive to observe how soon our forefathers had to launch themselves into new endeavours. In 1345, the filth at Dowgate dock makes the Thames water there no longer serviceable to the commonalty, and four carters are sworn as scavengers to cleanse the dock of dung and other filth and to keep it cleansed: in default of which they are to be sent to prison. In 1357 a Royal Order, addressed to the Mayor and Sheriffs, tells how the king, Edward III., passing along the river, had "beheld dung and laystalls and other filth accumulated in divers places in the said City upon the bank of the said river," and had "also perceived the fumes and other abominable stenches arising therefrom: from the corruption of which, if tolerated, great peril, as well to the persons dwelling within the said city as to the nobles and others passing along the river, will it is feared arise unless indeed some fitting remedy be speedily provided for the same": and the Order forbids the continuance of practices as above, and requires proclamation to that effect to be made: whereupon a new Order for the preservation of cleanliness in the city is proclaimed: and part of it prescribes that "for saving the body of the river, and preserving the quays . . . for lading and unlading, as also for avoiding the filthiness that is increasing in the river and upon the banks of the Thames, to the great abomination and damage of the people," there shall henceforth no rubbish or filth be thrown or put into the rivers of Thames and Flete, or into the Fosses around the walls of the City, but all must be taken out of the City by carts. In 1372, the King again addresses the Mayor Sheriffs and Aldermen of the City: complaining that "rushes, dung, refuse, and other filth and harmful things" . . from City and suburbs are thrown into the water of Thames, so that the water aforesaid and the hythes thereof are so greatly obstructed, and the course of the

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said water so greatly narrowed, that great ships are not able, as of old they were wont, any longer to come up to the same City, but are impeded therein: and the writ strictly enjoins immediate measures to amend this state of things, and to prevent recurrence: "so behaving yourselves in this behalf, that we shall have no reason for severely taking you to task in respect hereof; and this, as we do trust in you, and as you would avoid our heavy indignation and the punishment which as regards ourselves you may incur, you are in no wise to omit." Within the first six years of Richard II., the same policy appears in two cases: filth (1379) was not during rain-time to be cast into the kennels so as to float away with the water: and (1383) rules are made to preserve the water-course of the Walbrook. Meanwhile, however, latrines, especially public latrines, are again and again named as causing nuisance.*

Lepers;

In 1346 (20th Edward III.) is a royal ordinance in which accusations are alleged against citizens and others smitten with the blemish of leprosy, that they publicly dwell among, and publicly and privately communicate with the other citizens and sound persons, and in some cases actually endeavour by sexual and other intimate intercourse "to contaminate others with that abominable blemish, so that to their own wretched solace they may have the more fellows in suffering": and therefore proclamation is to be made that all the persons having such blemish must "within fifteen days betake themselves to places in the country, solitary, and notably distant from the said city and suburbs and take up their dwelling there; seeking their victuals through such sound persons as may think proper to attend thereto, wheresoever they may deem it expedient." And persons shall not permit lepers to dwell in their houses and buildings in the city or suburbs on pain of forfeiting their houses and buildings, and of other more grievous punishment. And diligent search, with skilled assistants, is forthwith to be made for lepers, in order to their immediate expulsion. On a particular occasion (1372) a leper, who though oftentimes commanded to go, has still been remaining in the city, is made to swear that he will forthwith go and not return, on pain of pillory. In 1375, the porters of

* In 1388 was enacted (12th Rich. III., cap. 13) the first English general statute against nuisances near cities and towns.

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the eight city gates, are severally sworn that they will not allow any leper to enter the city or to stay in it or its suburbs, but if any seeks to enter, will prohibit him, and if he perseveres, will distrain him by his horse (should he have any) and by his outer garment, the which shall not be given him back without leave of the Mayor, and, if he further endeavour, will attach him bodily and keep him in custody. The porters are to have the pillory if they fail of this ordinance; and the respective foremen of the Hackney and Southwark leper-houses are sworn to aid in giving effect to it.

Supervision of Trade;

Commerce was supervised in London by the Mayor and Aldermen, as it had been in Rome by the Ædiles; and the London records contain many illustrations of the activity of this function in regard of the sale of food, and otherwise in the interests of health. In regard particularly of bread, cases (the first in 1298) occur again and again of punishment for selling bread under due "assised" weight, or for selling bread of unsound quality. In regard of butcher's meat, and fish and poultry, traders repeatedly appear under punishment as having sold or offered rotten food, or having used (in the case of fish) dishonest measures. Sellers of wine were similarly looked after. So were sellers of fuel. Men and women undertaking cures, or practising the art of surgery, were under supervision of the master-surgeons of the city, and defaults brought them before the Mayor and Aldermen. Punishments in the various cases were rarely light, were often very severe, and sometimes amid their severity had touches of grim humor. The inculpated goods were always forfeited. To be drawn on the hurdle, or to be put on the pillory or (if a woman) upon the "thewe," were ordinary punishments, and sometimes there was imprisonment, perhaps for months. As the offender (male or female) stood in the pillory, having his offence proclaimed by the crier, the *corpus delicti*—the rotten meat or fish or capon or pigeon, the mouldy bread, the dishonest charcoal-sacks or fish-baskets, or what not, would be burnt under him. There is judgment on a certain taverner who had sold unsound wine (1364) that he must himself drink a draught of his wine, next have the remainder poured on his head, and then "forswear the calling of a vintner in the City of London for ever unless he can obtain the favour of our lord the King (Edward III.) as

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to the same." Certain bakers who had had their "molding-bordes" ingeniously contrived "after the manner of a mouse-trap," so that they might stealthily abstract portions of the dough brought them to be made into loaves, were to be pilloried with dough hung round their necks. A certain quack (1382) who had pretended to cure fevers by a charm of words written on parchment, was "to be led through the middle of the city with trumpets and pipes, he riding on a horse without a saddle, the said parchment, and a whetstone for his lies, being hung about his neck, an urinal also being hung before him, and another urinal behind his back." And so forth.

Supervision of Brothels.

It may additionally be noted that, during the period to which the *City Memorials* relate, and indeed from long before and till long after that period, London had certain privileged stew-houses or brothels, situate in Southwark on the bank-side, where they were within the jurisdiction, and apparently under the supervision, of the successive bishops of Winchester.* In Stow's *Survey of London* particulars are given as to the history of the local privilege: which seems to have existed from time immemorial, to have received Parliamentary recognition in 1162, under Henry the Second, and to have continued (except for a short while in 1506) till Henry the Eighth, in 1546, proclaimed its extinction. Likewise in the same book are cited the Orders which the Act of Henry the Second required to be observed by the keepers of the houses, and which in part were of sanitary intention.

Reference to other town-governments.

Thus much as to the sanitary management of mediæval London; and, for purposes of the present narrative, illustrations from farther afield need not be sought. For those who desire like details with regard to other towns and cities of our own country, innumerable local archæologies, and the series of Records published under the Master of the Rolls, are sources of endless information, though principally for later times than have here been under notice. With regard to other countries,

* Some of the taunts which in Shakespeare's play of Henry the Sixth—Part I., Act I., sc. 3, are addressed by the Duke of Gloster to Cardinal Beaufort, glance at that strange episcopal relation; and Mr. Rendle, in his book on *Old Southwark*, refers to a Bodleian manuscript of the *Winchester Rules and Regulations*, supposed to be of date 1430.

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more limited reference may suffice. As to France, there are the very instructive collections of local customary law;* and in the first volume of M. Monteil's learned and charming work, *Histoire des Français des divers Etats*, there are not only, in a popular form, the author's many admirable pictures of fourteenth-century municipal life, but also abundant references to the original sources of his large information. As to Germany, much information and many references are to be found in J. P. Frank's classical *Handbuch der Medizinischen Polizei*. As to Italy, Alexander Petronius Trajanus gave a sanitary description of Rome in the middle of the sixteenth century, and particulars for much later times are given by Lancisi and Ramazzini in their well-known works.

* That which I have consulted is Bourdot de Richebourg's *Nouveau Coutumier Général*, in four folio volumes, Paris, 1724.

CHAPTER IV.

MEDIÆVAL PHILANTHROPY.

AMONG influences which largely affect national statistics of disease and death, few are of greater power than Poverty, in its various direct and indirect ways of operation; and to make the poverty of a people either less extensive or less intense is among the best sanitary services which can be rendered. In the ages which have been spoken of, when nations had not at all learnt either the arts or the wisdom by which popular prosperity is best secured, and the multiplication of poverty best prevented, it was of immense sanitary interest that emergencies of distress threatening the poorer parts of the population should be relieved by palliative Philanthropy. It is therefore essential to remember that the so-called dark ages of European history were made illustrious by the best endeavours which the world had yet seen to ameliorate the lot of the poor, and to succour the sick and impotent.

Germs of philanthropy ubiquitous.

In the history of the development of mankind, philanthropic endeavours are hardly to be regarded as accidental facts. An aggregation of men, not having any kindly care for one another, and among whom the relatively prosperous would give no help soever to the needy, could not properly be termed social; and, without discussing whether any such aggregation has ever been, we may at least be sure that none such could have continued. Rather, it would seem probable that offices of charity from individual to individual have been exercised as long as men have gathered together; and we know that by degrees, as social development has advanced, the goodwill of the strong towards the weak, of the rich towards the poor, has learnt to express itself collectively and on system in organisations of a charitable kind. In our later times, when such organisations have been immensely developed, it is easy to see that, in the promotion of them, and especially as regards legal enactments for the relief

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of the poor, the common instincts of humanity have been very powerfully seconded by considerations of political prudence as to the requisites for social quiet; but till comparatively late times the prudential considerations have had no general influence; and the lot of the poor and weak would indeed have been hopelessly miserable, had it not been for the instincts of human kindliness, and the power of religious beliefs in which those instincts have had their embodiment or sanction. In the ethics of ancient Egypt, the duty of kindness to the poor and weak and aged, and even to the fugitive slave, was expressly taught;* and the Hebrew Scriptures abound with testimony that consideration for the helpless of all sorts had from old been of religious sanction among the Jews. From twenty-four centuries ago there has operated on a vast scale in Asia, especially in Eastern Asia, the insistence of the Buddhist religion on the principle of human brotherhood, and on the imperativeness of the duty of giving help to the poor and weak: doctrines, which Sakya-Mouni spent his life in propagating, and which at the present time are professed as articles of religious belief by the millions of the human race who call themselves his followers. Christian doctrine, from nearly two thousand years ago, has continued and emphasised previous sanctions. In terms which are familiar to the world, it has specially identified itself with commands of helpful sympathy towards human suffering, and with endeavours to promote the survival of even the weakest among mankind. Mohammedanism professes acceptance of the same law. There apparently is no widespread religion which does not recognise the duty of kindness to the weak and poor.

Early Christian institutions of beneficence.

In the parts of the Roman Empire which were soonest affected by the promulgation of Christianity, a greatly-increased thoughtfulness for the poor, with a great development of charitable service towards them, was a conspicuous first-fruit of the creed: so that, in all early Christian communities, the giving of alms to the poor, of personal tendance to the sick, of shelter to the homeless, and generally of brotherly or sisterly help to

* See, in Lepsius's *Zeitschrift* for 1872, Professor Brugsch's account of the *Alt-ægyptishe Lebensregeln* laid down in a certain Bulacq *papyrus* which he there describes, and which is supposed to have been written about 1000 B.C.

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persons in necessitous circumstances of mind, body, or estate, became, as it were, a characteristic ritual of the new faith. It was a ritual which the surrounding Roman world may have found the more impressive from the fact that in those early days it required no apparatus of Flamens and Pontiffs, nor even involved any burning of incense; and the Emperor Julian was led to confess something like envy on behalf of his co-religionists, as he saw how they were exceeded in charitable action by votaries of the faith which he despised.* In various great centres of population, Christian philanthropy soon shewed itself in the establishment of standing asylums and houses of hospitality of different sorts for persons, old and young, who might need them: *hospices* (in the narrow sense of the term) as places of refuge for strangers and outcasts, almshouses for the helpless poor, homes for orphans and foundlings, and reformatories for women who had gone wrong: and, not least among such establishments, hospitals for the sick and wounded, hitherto not precedented in the world, except to some extent in Buddhist India, and in extremely small degree in pre-Christian Greece and Rome, began to appear as Christian institutions. Thus, about the year 370, there was founded at Cæsarea, by its then bishop, Basil, an immense institution of miscellaneous charity, including a hospital for the sick; and some thirty years later, at Constantinople, a hospital was one of many beneficences which the poor of the city owed to the brief and stormy archiepiscopate of Chrysostom. In minor communities, endeavours of the same sort, though of course on a smaller scale, seem to have been general.

Instantiæ lampadis they indeed were, those early Christianities of action; and they assimilated practice to profession with a sincerity which made them worthy to live. Against their continuance, however, or at least their continuance in the full spirit of their founders, there were obstacles in the nature of the case, and also in the circumstances of the times. The philanthropic ardour which Basil and Chrysostom had awakened was perhaps too impulsive to be equally persistent. Often the founders of special charities would have passed away, and suc-

* My statement is founded on a quotation from Julian, given by Haeser in his *Geschichte der Heilkunde*, vol. i., p. 441.

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cessors like-minded with them would not have arisen. Still more, as war spread from region to region, and city after city was whirlpooled in social strife, the urban organisations of charity perished of mere inanition, like the children of slain parents, or were shattered and trampled under foot as savagely as the fences and gardens.

Benedictine Monasteries in relation to the Poor.

Meanwhile the monastic system had taken root in Europe, and was beginning to represent in a somewhat changed way, and for the most part in very changed local relations, the previous more communal charities. From about the year 529, when the religious order of Benedict of Nursia, with its great monastery at Monte Cassino, was established, and in proportion as the establishment of monasteries more or less after that pattern became general, first in Italy, and then in all parts of Western Europe, the monks, in those parts of Europe, were constant dispensers of help to the poor; and each monastery, besides being a centre of almsgiving to the poor of its neighbourhood, and a home of refuge to many a forlorn wayfarer, served also generally as a hospital for sick and wounded.

Yet not even the monasteries were endowed with perpetuity of invincible virtue. Dante (*Parad.* xxii. 85-93) represents Benedict of Nursia as saying, with reference to such religious enterprises as his own, that "the good beginning lasts no longer on the earth than while an oakling grows to bear acorns"; and certain it is that, as the monasteries multiplied in number, and increased in resources, much of their original character was lost. Not to mention here the grosser irregularities which eventually became the scandal of monastic life, it will suffice to advert to the irregularities which were of earliest date: the abandonment of the rule of strictly frugal life, and the abandonment of the rule of manual labour: irregularities which expressed in principle the admission of indolence and luxury, and tended to render the monasteries, in relation to the poor, less and less representative of the spirit of early Christianity. Saying this does not at all mean that they ceased to give alms to the poor: for, even long after the times which are here in question, hardly even the most apostate of monasteries would quite have deserved that extreme reproach. What however began very early, and what in spite of many attempted reforms went on from bad to worse, was,

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that monastic life became self-indulgent, and that, in proportion to its own acceptance of luxury, its relations to the poor must have become superficial. During the second six centuries of the Christian era, declension in that sense was extensively making way: monasteries which had become large land-owners, and large agricultural employers of labour, were, no doubt, always giving help, and often a great deal both of help and of kindness, to the poor of their respective neighbourhoods; but the relation between them and the poor was drifting into forms rather of condescension than of sympathy, was tending more and more to become a mere relation of Dives to Lazarus.

Francis of Assisi, and his Order.

In contrast to all such tendencies, it was indeed as an Apennine sunrise, when, at the beginning of the thirteenth century, Francis Bernardone of Assisi,* declaring himself the Bridegroom of Poverty, began to exercise the influence of his passionately earnest nature for the benefit of the outcasts of the world. In that "wedlock" of his, which Dante and Giotto a century afterwards commemorated and interpreted for their countrymen, Poverty was to be wedded for her own sake, as of divine blessing to him who won her: Poverty (as Giotto's fresco in the lower church of Assisi represents her) in scanty patchwork dress, and knee-deep among brambles, with curs and ragamuffins yelping at her from below, but with saintly nimbus about her head, and with a paradise of rose and lily behind her. Francis's symbolic marriage-vow was evidently one of rigid self-mortification: it meant the throwing aside of every sort of worldly possession, the utter abjuration of everything which the world in general understands as comfort and pleasure. Yet, bent on self-mortification though Francis was, pure and simple self-mortification, the asceticism which is centre and circumference to itself, was certainly not his sole thought. It greatly dominated him, no doubt, for it was a leading superstition of his time: that vain brahminical belief in sanctification by

* *Ascesi*, an older form of the word *Assisi*, is the name used by Dante in the comparison which my text borrows from him:—

Chi d'esso loco fa parole,
Non dica ASCESI, *che direbbe corto,*
Ma ORIENTE, *se proprio dir vuole.*—*Paradiso*, xi.

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laborious rituals, that deplorable remnant of devil-worship, which hopes to propitiate by self-torture; but, deeply possessed as he no doubt was by the sacerdotal doctrines of the time, Francis had also a genius of his own; and the context which this gave to his asceticism, rendered the asceticism eventful to the world. So far as we at the distance of seven centuries can discern his mind, it seems to have been singularly sympathetic. With the many-sided affectionateness of a poet's imagination towards all his fellow-subjects in the kingdom of Nature, with tenderness towards even the mute physical universe about him, and how much more towards the living forms which peopled it, infinite pity filled his soul at the thought of human sin and suffering, and care for self died its natural death in the soul which that passion pervaded. Thus, rigid as his asceticism was, it seems far less to have been of the substance of his life than the symbol of something deeper than itself. It may be read as the outward and visible sign of a mind ardently resolved to take brother's share in all the worst heritages of the miserable of the world; the almost instinctively adopted habit of one who was in deep sympathy with sorrow, and whose life was to be spent in deeds of mercy. For Francis, in seeking to follow his Master's teaching, did not understand as Christianity that mere self-pauperisation was the goal; but, taking Poverty to be his Bride, he adopted all her kindred as his own, and, vowing himself to that wedlock, he vowed himself the Servant of the Poor.*

Francis's fulfilment of his vow, in an immediately personal sense, was such as to move the wonder of his contemporaries. They illustrate by countless stories, how companionable and tender he was to the poor; and, above all, how, *sui victor* in what was most loathed by other men, he took as his peculiar care the function of ministering to lepers. In telling us of those services, they have also, in the spirit of their times, told us of many miraculous interventions in the life of their hero: describing

* "*Pater pauperum, pauper Franciscus, pauperibus omnibus se conformans, pauperiorem se quempiam conspicere gravabatur, non inanis gloriæ appetitu, sed solius compassionis affectu.*"—THOMAS DE CELANO, § 76. "*Pauperes intime diligebat, eis viscerosè compatiens.*"—TRES SOCII, § 57. "*Liquescebat animus ejus ad pauperes et infirmos, et quibus non poterat manum exhibebat affectum . . . Pluries cum oneratis obviaret in viâ pauperibus, imbecilles humeros illorum oneribus supponebat.*"—BONAVENTURA, § 107. *Acta Sanctorum*, die 4tâ Octobris.

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how heavenly visitations came to him in leprous guise, and how the stigmata of crucifixion were impressed upon his hands and feet: but the narrators of those interventions could hardly have deemed them more foreign to the common experience of the times than that a man should care for his leprous fellow-man, or that the heir of a comfortable home should voluntarily descend to equal lot with the poor. What Francis could with his own hands do for the innumerable afflicted of his kind was as nothing; and the good which the outcasts of that mediæval world so signally owed to him was rather the service which he gained for them from others by the influence of his teaching and example. From even before the year 1210, when the rule which he proposed for his new religious order was approved by Pope Innocent the Third, Francis's zeal had begun to infect other men on a scale for which history had given but the rarest precedents; and within a very few years the Franciscan Order of Mendicant Friars had become a great power in the world. In 1216, when the Order's first general convention was held at Assisi, missions were appointed for the chief divisions of continental Europe; and, after the second general chapter held at Assisi in 1219, and attended, it is said, by five thousand of the Order, as well as by a special legate whom the Pope had given to "protect" them, a mission was appointed for England.* Those various missions were in general received with the warmest enthusiasm; and in 1221 a vast popular extension was given to the influence of the Order by the promulgation of a supplementary rule which enabled "penitents" in unlimited number to attach themselves to the Order as a lower estate. The persons attached in this capacity were not under obligation of vows, nor forbidden to marry, nor to take part in worldly affairs; but they professed agreement with the Order in certain easier general principles as to the conduct of life, and declared that they would endeavour to bring their lives into conformity with those principles.

Such were the beginnings of the great missionary brotherhood

* The extremely interesting original records of the first English mission, with a very instructive introduction by the late Professor Brewer, who edited them, were published a few years back, under the title *Monumenta Franciscana*, in the series directed by the Master of the Rolls.

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which Francis founded: an addition, and at least incidentally a reproachful contrast, to the Benedictine system of his time: a brotherhood which was to distinguish itself from those of the elder system by habits of far stricter self-denial, as well as by the practice of more active good towards the poor. Of that many-sided great enterprise there are sides which do not concern our subject-matter. Neither into the field of theological controversy, which was worked almost equally by Dominicans and Franciscans, nor into the jungle of ecclesiastical and political relations in which the Vatican rather than either Dominic or Francis was instigator, is there here any need to enter. What concerns the narrative, is, that the Franciscan brotherhood (beside what else it may have been) was a gigantic missionary enterprise to mediate between rich and poor in a spirit of true sympathy with the latter; and though this enterprise no doubt contemplated religious infinitely more than physical aims, only the physical are here in question. Our present point is, that the Franciscan brotherhood represented, in relation to the poverty of the later middle ages, a most important organisation of charitable assistance. The Franciscan vowed the ordinary vows of monastic self-denial; but in the article of poverty, his rule went beyond the monastic standard, and, as it bound the individual that he would hold no property, so also it bound the collective brotherhood to hold none. The Franciscans were to depend solely on their own labour, or on such alms as might from day to day be given to them for their poor clients and their equally poor selves. Their life was not to be of the Benedictine type, sequestered and meditative in peaceful solitudes of rural scenery, but was to be a life of incessant combat against evil, in those busiest haunts of men where evil, moral and physical, most abounds: it was to be a life "in populous city pent, where houses thick and sewers annoy the air": above all, it was to be a life among the poor. The brethren were to dwell in the meanest quarters of the towns to which they resorted. Associating as equals with those whom they had to relieve, procuring for destitute persons such alms as might be needful for them, rendering to the sick (including above all the lepers) and to the aged and otherwise impotent poor, every requisite personal tendance and kindness, they, after

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the example of their founder, were emphatically to be the comforters of poverty and weakness, the servants of the helpless of mankind.*

The Franciscan Order, from the time when it was established, gave a new impulse to the care of the poor in Europe; † supplementing in that respect most usefully the action of the monasteries of Benedictine rule. The relations between the Franciscans and Benedictines were habitually relations of much mutual disfavour; and often also on either side there would be relations more or less invidious between brotherhoods following original rule, and brotherhoods purporting to be of "reformed" type: but the two sorts of organisation were able to work side by side throughout Europe; and thus working, they together represented, for some centuries, a large proportion of the charity on which the necessitous poor depended for relief.‡

Degeneration of the Franciscan Order.

The Franciscan rule, however, was not destined to remain more free than the Benedictine from the invasions of human frailty. Francis, though he lived but for sixteen years from the foundation of his Order, and was but forty-four years old when he died, must already have been haunted by doubts whether his life's work could last. It is piteous to read of the weepings of his later years: the weepings, which we are told almost blinded him. Well might he weep with that "divine despair" which only noble hearts can fully know, and which too many a Friend of Man has had at last to feel: when the autumn fields of waning life answer not to the ideals of spring-time; when all within the horizon seems but the emptiness of wasted toil; when the night is descending wherein no man can work, and the aspirations of youth—the once passionate hopes which made ambition virtue—are as fallen warriors beneath that darkening dome, whom never again clarion will wake, nor morning freshen. Francis had already found reason to doubt whether, even for the little

* As regards this, for England, see last footnote.

† The Dominican Order, which accepted the same Rule of Mendicancy as the Franciscan, did not profess the same special relation to the poor, but no doubt acted towards them largely in the same spirit.

‡ The remainder (where not quite casual) consisted in such alms as it was the duty of parish priests, and, in some cases, of the officers of municipalities and guilds, to dispense. Of the legal basis of the first-named of those dispensations in England, some particulars will be found below in chapter v.

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residue of his life-time, the brothers of his Order would be faithful to their vows: already he had presentiment of the seductions which the papal protectorate might involve: already he had seen that, not even within the girth of the hempen cord, would the pulses of covetousness and selfish ambition remain extinct. Scarcely was he dead, when his disciples obtained from the new Pope (Gregory IX.) a bull which released them in various respects from further obedience to their rule; and the Franciscan friaries which then at once came to be established as possessions of the order, and as places of fixed residence for its members, seem not to have differed much from the monasteries of the older system except as the conditions of town-life were different from those of land-owning life in the country. The Franciscan establishments were often of high architectural pretensions, abounding in "stately refectories and churches," "sumptuous shrines and superb monuments," and having libraries of distinguished excellence.* In various cases, as very notably in Oxford, Franciscan friaries became principal seats and seminaries of learning; and many of the brotherhood, who would not have disregarded their vows of self-denial in respect of sensual indulgence, did not deem it a breach of ascetic rule to enjoy the pleasures of philosophy and literature. The chronicle of Matthew Paris, which opens but nine years after the death of Francis, contains, during its first twenty-five years, repeated bitter accusations against the Franciscans: as to their encroachments of all sorts, their intriguing quest of wealth, their tenure of influential posts under kings and nobles, their tax-gathering subserviency to the Pope, their lavish expenditure on grand establishments in contrast to their professed poverty, and so forth.† It was early in the fourteenth century, when the Order was not yet a hundred years old, that, in the country of its birth, Dante wrote of it as already degraded, and in the passage before referred to) cited it as a mournful type of the speed with which good beginnings come to naught. Half a century later,

* The phrases within inverted commas are from Warton's *History of English Poetry*, section ix.

† See in Matthew Paris's *English History* from 1235 to 1259 inclusive (but of course with recollection that the writer was a Benedictine) the many entries which there are to the above effect.

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in England, the writings of Wycliffe against the Mendicant Orders began; and before the end of the century, the English popular estimate of the Friars, as they showed themselves in common life, had evidently fallen very low.* Meanwhile in all directions the more ambitious members of the Franciscan Order had been attaining innumerable positions of power and pomp, and were preparing ample justification for the sarcastic remark of a subsequent Italian historian, that, in proportion as poverty was made a religious vow, *Religion* and *Riches* became convertible terms.† The further progress of Franciscan decay seemed to illustrate the popular proverb, that, of things turning rotten, none turns so utterly bad as that which at starting was best: for Franciscanism during the next hundred and twenty years was always becoming more and more identified with whatever of fraud and avarice was basest and of worst moral effect in the successive papal pretences of Christianity; and the relation of the Mendicant Orders to the papal sale of indulgences was conspicuous among the scandals which induced the Protestant revolt of the sixteenth century.‡

Extensive demoralisation imputed to the religious orders generally.

For a long while before the outbreak of that revolt, demoralisation of various sorts had come to prevail so widely and deeply throughout the body of the religious orders—not only among those under the mendicant rule, but equally among those of the older type, that it must have been difficult to regard them as

* The satire of *Piers Plowman's Crede*, written at that time, illustrated the sectarian spites which there were between the different Orders of Friars; and Chaucer's well-known sketch in the *Prologue* to his *Canterbury Tales* hints the sort of life—"a wanton and a mery"—which the Friars of the end of the fourteenth century were leading under their ascetic vows.

† Giannone's *Storia di Napoli*, xix. 5, 5.—It must however be remembered that, amid the wide prevalence of that sort of corruption, a vast deal of service to the poor was at the same time being rendered by the Friars, and that on various historical occasions (as especially at times of pestilence) their devotion to the poor was heroic. See, for instance, with regard to the middle of the fourteenth century, the terms in which Dr. Milman describes their behaviour in the South of France during the prevalence of the Black Death, and the emotions which that behaviour excited among the people. *Latin Christianity*, book xii. ch. xi.

‡ Of the "Indulgences" which were sold, I will only note that the published versions of the *Taxa Sacræ Pœnitentiariæ* are described, and their bibliographical history given, in the articles BANCK, PINET, and TUPPIUS, of Bayle's Dictionary.

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fitting representatives or instruments of national duty towards the poor. The accusation against the houses does not pretend to be universal: by general consent at the time, some of them would no doubt have been declared free of reproach, while probably many more would have been declared free, or almost free, from the grosser scandals; and of course it may well have been, that, even in houses where gross disorder prevailed, there were individuals, perhaps sometimes many, who stood apart from it: but the system was to be judged as a whole; it was to be judged by the broad proportions of black and white which it exhibited to the world then around it; and the standard by which those spectators had to judge it was the standard of its own voluntary vows. To the knowledge of all the world the votaries of poverty in monasteries and friaries were, on a very large scale, enjoying whatever state and luxury belong to wealth; and it seems to have been equally notorious, with regard to the vowed continence of the orders, that, both within and without the walls of the religious houses, monks and friars were very often of incontinent, often of grossly dissolute, life, and often debauching where they pretended to guide. Of such facts, and of the proportions in which particular profligacies existed among men and women vowed to religious and continent life, it would not have been easy even at the time to speak in terms of exact quantity; and to attempt to do so now, after the lapse of 350 years, and with almost complete absence of documentary proof, would be absurd; but what is certain is, that the terms in which the sixteenth-century Reformers spoke of the vices of the religious orders declared or implied that the vices were so widespread and habitual as to represent utter rottenness of system.* That such was the case in England, was the view put before Parliament on various occasions during the years 1535-9 by King Henry the Eighth, on the particular testimony of Commissioners of Inquiry who had been appointed to visit the religious houses of this kingdom. The view was accepted by

* In passing, it may not be superfluous to note that, in regard of the monastic scandals, the story of the sixteenth-century revolt requires to be read in connexion with the story of the Council of Constance in the fifteenth century, and indeed with much other previous church history, as also in connexion with the text of the *Taxa*, to which my last footnote referred; but these are not particulars on which I need enter.

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Parliament; accepted altogether for purposes of action, and partly accepted in express terms.* And in substance it was soon afterwards authoritatively asserted on behalf of the Reformed Church of England (and reputedly by the hand of Cranmer) in the Fifth of the *Homilies of the Church*, issued in the first year of the reign of Edward the Sixth.†

Mediæval mendicancy tending to be ruinous.

While that state of the case, as to the morals of the religious orders, was displaying itself, there loomed into view beside it, and on an equally large scale, the threatening form of those social dangers which attach to an unskilful system of relief to the poor. Under mediæval religious sanctions, the administration of alms had been regardless of economical considerations. The incaution had been purposed, and on principle. To suspect or question the semblance of poverty would have been deemed irreligious. The Orders themselves were mendicants and proselytisers for mendicancy. Men and women in swarms had been urged by them on religious grounds to dispossess themselves of other means of livelihood, and to embrace mendicancy as their mode of life. A system such as that could only tend to one issue. Considering how general is the inclination of mankind to enjoy life on the easiest possible terms, and how many would prefer not to toil for livelihood where livelihood without toil can be had for the asking, communities, as they enlarge and become complicated, require more and more vigilance in their almsgiving, to discriminate genuine poverty from those imitations of it which mean laziness and fraud; and the uneducated benevolence which cannot or will not administer its gifts with such discrimination must at last inevitably find itself overwhelmed by the ever-increasing demands of an empty-bellied lounging proletariat. European philanthropy, in the later middle ages, was tending to that sort of consummation. With its utter want of economical

* The Act of Parliament, 1536, which dissolved the minor monasteries and friaries, said to have been 376 in number, declared, in its preamble, that "manifest sin, vicious, carnal and abominable living is daily committed among" them.

† The *Homily*, when discussing the vows of the religious orders, and the observance they had obtained, uses, as to the most delicate branch of the matter, the following very appropriate language:—"And how their profession of chastity was kept, it is more honesty to pass over in silence, and let the world judge of that which is well known than with unchaste words, by expressing of their unchaste life, to offend chaste and godly ears."

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caution, it was increasing the poverty it desired to relieve; and at some not very distant time, when it must inevitably become insolvent, its insolvency would give rise to social disorders. Meanwhile, too, of moneys meant for the comfort of the poor, just as of moneys intended for liturgical purposes, it was to be feared that large proportions were spent in enhancing the luxury of monasteries and friaries, or in tribute to the corruptions of Rome.

Criticism of ascetic vows as basis for philanthropic organisation.

As the system on which the mediæval philanthropy operated has now, for three and a half centuries, ceased to exist in England, further consideration need not be given to its merely economical errors; but the other elements in the case are of more abiding historical interest, and of them something further may be said. Those breaches of rule which had so long been increasing in the professedly religious organisations, and which before the beginning of the sixteenth century had become so scandalous that hardly the sarcasms of Erasmus and the wrath of Luther were needed to brand them for popular opinion, had a permanent deep significance of their own. That the ascetic vows of the Orders were such as evidently would be broken by a large proportion of the vast number of persons who took them, was a consideration which could not but bring into serious question the moral fitness of the vows themselves. Verdict against them on theological grounds was strongly pronounced by the general voice of the Protestant Reformation; notably in 1530 in the Augsburg *Confession* which Melanchthon formulated;* and apart from any question of those particular grounds, it may be said that the substance of the verdict has borne the test of time.

At our present date, when civilisation has had its further centuries of experimental progress, and when the most gifted minds of the successive ages have striven their best to understand and define what are the realities of human duty, it is no hasty generalisation to say, that, in proportion as moral culture has advanced, the ascetic standards of morality have been judged

* In Melanchthon's *Corpus Doctrinæ Christianæ*, particularly in the *Apologia* and *Loci præcipui theologici* relating to the Confession, the theological grounds are more amply stated: as in the articles *De Conjugio Sacerdotum*, *De Votis Monasticis*, *De Castitate*, and *De Satisfactione*.

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wrong. At each stage of the advance, they more and more distinctly have taken outline as a gigantic, but happily diminishing, shadow of superstition, cast, from the savage childhood of our race, along the ways which have led to better knowledge. True, no doubt, that, outside the rule of ascetic communities, the most esteemed teachers of mankind have ever advocated *certain sorts* of self-denial: the sorts, by which each man can best hope to contribute his share to the living worth and happiness of the world. They have taught that the self-control which determines to duty, and withholds from wrong, is the highest accomplishment of a man. They have taught that dissolute life, or life otherwise unduly surrendered to its bodily appetites, is a shameful bondage. They have taught that the true worth of a man is not in his circumstances and possessions; and that solicitude for pomps and redundant wealth is among the vainest wastes of life. They have warned against luxury, as enfeebling the lives which accept it, as debasing them into forgetfulness of duty, as bribing them away from justice to others. They have praised the simple frugal life which admits fewest artificial wants and cravings, and least develops the greed of gain; and for the training of the young they have approved such strictness of discipline as shall best prepare the individual body and mind for future duties of endurance and service. But while in senses such as those they have advocated *certain sorts* of self-denial, and have taught that the "self" which would err from that standard of right must be "mortified," self-mortification, abstractedly and indiscriminately, has not been their theme for praise. They have at least implied a belief that (subject to considerations as above) human nature is something to be cherished and utilised, not something to be arbitrarily suppressed. And *there* it is, that modern thought has drawn its dividing-line between the self-denials which it expects of every good man, and the asceticism which it deems superstitious. Assenting entirely to the principle of such self-denials as have been indicated, and valuing as the noblest of human lives those which by their self-devotion express the most generous feeling of duty to others, it yet ascribes no merit to feats of self-mortification which (terrestrially speaking) are purposeless. It is unaware of any divine command exacting such cruel tribute;

and, in the multiform readiness with which men from time immemorial have imposed such exactions on themselves, it discerns, as underlying fact, the untaught human mind timorously prostrate and servile before idols of its own creation. In the history of such self-mortifications is recorded a kind of compounding for that fuller ritual of human sacrifice with which in older times the same terror of darkness was appeased.* Not Phœnician Moloch, nor Aryan or Dravidian Kali, has ever been admitted by name into our western calendar of saints; but survival (more or less) of some such cult as theirs is to be inferred, wherever men impute religious merit to the otherwise purposeless pursuit of physical or spiritual pains and privations; and from the fakirism of the far East to the rules and practices of Pachomius and Basil and Benedict, of Bernard and Bruno, of Francis and Dominic, traces of that particular vein of superstition can be followed without breach of continuity. The wildest of its extravagances are now very far back in the annals of civilised countries; and against some of them, even in the sixteenth century, it may have been no longer worth while to argue; but, be it observed, the ascetic vows which the Reformers of 1530 denounced were in principle an acknowledgment of the same superstition, a homage to the same terror, as that which had wrought the earlier Christian ascetics to phrensies of self-mutilation and self-torture, had made anchorites desire to be walled-up within their cells, and had produced, as its opposite types of self-sterilising life, the painful acrobatics of the pillar-saints and the mute introvertedness of the monks of Athos.†

Such vows of ascetic self-mortification as were common to all the mediæval orders were pledges for immense quantities of human suffering; and their full meaning in that respect will most emphasise itself to persons who are helped by medical knowledge to measure it rightly. The merely physical privations of strict monasticism were such as few or none could have

* At page 271, vol. i., of Mr. Andrew Lang's interesting *Myth, Ritual, and Religion*, is the statement that "in Mexico, where human sacrifices and ritual cannibalism were daily events, Quetzalcoatl was credited with commuting human sacrifices for blood drawn from the bodies of the religious."

† The respective types to which the last words of the text refer are on familiar record in chapters xxxvii. and lxiii. of Gibbon's *Decline and Fall of the Roman Empire*.

endured without sacrifice of bodily health; probably the mere vigils and starvation and penances brought to early death more than a few of the devotees who fulfilled their vows; while, with the sworn celibacy, those whom age or temperament had not made passionless had to bear the thirsts and angers of their cruelly encaged animal instinct. Under any strict monastic system, the moral privations were to match. Life was to be rigidly withheld from all which general mankind enjoys. Of ordinary human interests, and ordinary human affections, there were to be none. All ties of home and kinship and friendship had been abjured; and "the world" in which fellow-men were at work was to be forgotten. If haply the rules of the order provided for exterior functions, the prescribed functions would be done; but, with that exception, the mental energies, day after day, and year after year, were to spend themselves in piacular offices, or in solitary brooding and prayer; no freedom for movements of thought, no vacant hours with mirthful or careless pastime; but, instead of variety and pleasure, unbroken pleasureless monotony; and, in the restricted meetings of inmates with each other, either silence, or but the scantiest permission of speech. That vows to the above effect were vows of self-immolation to a terribly-conceived unseen power,—that they were vows to thwart every kindly intention of nature, and cruelly to torture whatever instinct of life had not previously accepted *nirvana* for final good,—stands plainly expressed on the face of them; and, as regards our subject-matter, it is not imaginable that co-operation, founded on such vows, could be a permanent force in social development. In proportion as the primæval clouds of savage belief should remain undispelled, so, in their shade, might transiently continue to be seen some last survivals of confederated asceticism; but with the growing education of mankind, they, like the man-slaying rituals of prior date, would by degrees come only to be remembered as among ancient false-starts of moral endeavour. That the mediæval monastic system broke down in respect of its ascetic vows, is a fact which apparently has to be regarded in the light of those considerations. The vows not only were deeply superstitious, and in that respect such as the progress of time must necessarily deprive of their assumed sanction; but they also were of such cruelty, they meant

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so much useless suffering to the votaries, that ordinary flesh and blood would in general be unable to fulfil them. Organisations founded on them would therefore naturally tend to anarchy and disgrace; and the mediæval scandals in monastic life were but so many attestations of that tendency. They expressed the mutiny of human nature against engagements which ought not to have been entered into. They in their brute form declared, what, in other form, was the verdict of the *Augsburg Confession*, that sworn asceticism could no longer be deemed a legitimate basis of co-operation for purposes of social good.

Surviving gratitude to the mediæval Orders.

Surely, however, this conclusion does not at all clash with a feeling of deep thankfulness to the Religious Orders in respect of the good which they did for mankind during the ages which they more distinctively served. The fact which has brought them into this narrative—the fact that, against frightful amounts of physical misery, they, for many centuries, were the one great life-preserving influence in Europe, is surely no small praise. And with deepest homage the motive power of that life-preserving relation must be recognised: the humane spirit, the twice-blessed spirit of mercy, which, as there embodied, was powerful to shoot its rays into the hopelessness of masses of mankind. In those dreadful times, when often the strongest on the earth were little else than beasts of prey, and were rendering the weaker lives a wretched endurance of robbery and lust and bondage and slaughter, the Religious Orders, in spite of what may have been at fault in their religion, and notwithstanding even the irreligions which at times they showed, were generally by comparison, and often in absolute fact, the one beneficent power of the time and place. From them, and often only from them, millions of men got their first dreamy glimmerings of belief, that, in spite of the wickednesses which were done under so black a sky, the world needed not for ever be mere hell. While the great monasteries, considered as feudal lords, had exacted various of their feudal rights less strictly than most other masters, and had also represented towards their poorer villeins (as well as to others) much eleemosynary kindness, they further, with the church in general, had favoured the enfranchisement of the serfs; and, from early in the thirteenth century, the new religious impulse

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from Assisi began to be of power for that great human interest. More than a century before Wycliffe's "poor preachers," the Franciscan Mendicants, with their popular sympathies, and their rude witness for our common clay, were awakening in much of the feudal world its first dim conception of human rights as distinguishable from the privileges of class, its first vague movements towards the better times when man should no longer be chattel to man. If our full-grown bodily frame acknowledges humble beginnings for the organs which best serve its purpose, no haughtier tone needs be taken with regard to the steps of social development; and modern civilisation, as it more and more treasures the thought of equal justice between man and man, should less and less forget the rudimentary forms in which light-bearing to that end first began in the darkness of Europe. Often, very often, no doubt, those merely human hands which bore the torch were weak and let it fall to shame: but while in one place it would seem quenched in degradation, in another it would still shine and guide: and from then till now, in the continuity of our human thought, the once-kindled ideal light has never ceased to burn.

As in that, so in various other respects, the debt of modern times to the mediæval Religious Orders is far more than a mere sentiment of sympathy with the populations which received good at their hands. To say nothing of the obligations which scholars of all sorts acknowledge to the Benedictine and Mendicant Orders in respect of the stores of learning which they transmitted and increased, or of new lights of knowledge and wisdom which came from them,—to say nothing of those presages of scientific spirit which dawned among them, as, for instance, in the mind of Roger Bacon,—there are senses, purely medical, in which the philanthropy of the middle ages has been a continuing good to mankind. The hospital-system of modern Europe is raised upon that mediæval foundation. A large proportion of the noblest hospitals in Europe, giving help year after year to annual millions of the poor, exist by uninterrupted descent from monastic charities: two signal instances in our own metropolis, are St. Thomas's Hospital which is the continuation of a monastic charity of the thirteenth century, and St. Bartholomew's Hospital which is of even earlier monastic origin: and the cases which

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have not been of direct descent have been cases of obedience to example. Not least, too, in the Medical Profession, which counts technical skill to be only half of its fitting equipment, and which purports to owe heart, as well as brain and hand, to the service of even the least of mankind, we may reverently feel that, in those humane aspects, we inherit true light and leading from the ages which in science were darker than our own, and that Francis of Assisi, considered in his relation to the suffering poor, is almost one of the Fathers of Medicine.

Part Second.—POST-MEDIÆVAL ENGLAND.

CHAPTER V.

TUDOR LEGISLATION.

THE period of the Tudor reigns, with which England emerged from mediæval ways of thought and action into ways comparatively modern, and soon gave such signs of national life as are still among the proudest of her memories, was not only fruitful in those decisive political achievements, and those immortal works of imaginative and philosophical genius, which made it so truly a dividing-epoch between the old times and the new; but it was also able to spare energy and wisdom for relatively humble domestic reforms; and, among these, were some which have to be noticed as of interest to the Health of the Population.

The Medical Profession: Physicians;

First, as regards the MEDICAL PROFESSION itself:—In the third year of the reign of Henry the Eighth the Legislature considered, for the first time, under what conditions it should be lawful to practise medicine or surgery in England; and an Act (c. xi.) was passed, limiting the practice to such persons as should be duly examined and approved. The preamble of the Act recites (in Tudor spelling which this needs not copy) that "the science and cunning of physic and surgery, to the perfect knowledge whereof be requisite both great learning and ripe experience, is daily within this realm exercised by a great multitude of ignorant persons, of whom the great part have no manner of insight in the same nor in any other kind of learning, some also can no letters on the book, so far forth that common artisficers, as smiths, weavers, and women, boldly and customably take upon them great cures, and things of great difficulty, in the which they partly use sorcery and witchcraft, partly apply such medicines unto the disease as be very noyous and nothing meetly therefore, to the high displeasure of God, great infamy