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SECOND REPORT

OF THE

ROYAL SANITARY COMMISSION.

VOL. II.

Arrangement of Sanitary Statutes, Analysis of Evidence, Précis of Oral Evidence, Paper on Watershed Boards, and Memorandum on Duties of Medical Officers of Public Health.

Presented to both Houses of Parliament by Command of Her Majesty.

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B., C., D. „ „ Local Government Act of 1858, and its Amendment Acts of 1861 and 1863.

San., E., F., G. Refer respectively to the Sanitary Acts, 1866, 1868, 1869, and 1870.

M., N. „ „ Sewage Utilization Acts, 1865 and 1867.

R. Refers to the Diseases Prevention Act, 1855.

X., Y., Z., Zz. Refer respectively to the Nuisance Removal Act, 1855, and its Amendment Acts, 1860, 1863, and 1866.

In the following List the several Acts are arranged in the order of their Dates.

Letter of Reference.	Chapter.	Title.	Year.	Extent of Act.
A.	11 & 12 Vict. c. 63 -	Public Health Act - -	1848	England, except Metropolis.
R.	18 & 19 Vict. c. 116-	Diseases Prevention Act -	1855	England.
X.	18 & 19 Vict. c. 121-	Nuisance Removal Act - -	1855	„
Aa.	21 & 22 Vict. c. 97 -	Public Health Act - -	1858	„
B.	21 & 22 Vict. c. 98 -	Local Government Act - -	1858	„
Aa.	22 & 23 Vict. c. 3 -	Act to make Aa. perpetual -	1859	„
Y.	23 & 24 Vict. c. 77 -	Nuisance Removal, and Diseases Prevention Amendment Act -	1860	„
C.	24 & 25 Vict. c. 61 -	Local Government Act, 1858, Amendment Act - -	1861	„
D.	26 Vict. c. 17 -	Local Government Act, 1858, Amendment Act - -	1863	„
Z.	26 & 27 Vict. c. 117-	Nuisance Removal Act, 1855, Amendment Act - -	1863	„
M.	28 & 29 Vict. c. 75 -	Sewage Utilization Act - -	1865	Great Britain and Ireland.
Zz.	29 & 30 Vict. c. 41 -	Nuisance Removal Act (No. 1) -	1866	England.
San.	29 & 30 Vict. c. 90 -	Sanitary Act - - -	1866	Great Britain and Ireland.
N.	30 & 31 Vict. c. 113-	Sewage Utilization Act - -	1867	„
E.	31 & 32 Vict. c. 115-	Sanitary Act - - -	1868	England.
F.	32 & 33 Vict. c. 100-	Sanitary Loans Act - -	1869	„
G.	33 & 34 Vict. c. 53 -	Sanitary Act - - -	1870	England.

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		I.—Local Boards.		
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Aa.	21 & 22 Vict. c. 97 -	Public Health Act -	1858	„
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San.	29 & 30 Vict. c. 90 (certain sections of).	Sanitary Act - -	1866	Great Britain and Ireland.
C.	24 & 25 Vict. c. 61 -	Local Government Act, 1858, Amendment Act	1861	England.
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E.	31 & 32 Vict. c. 115 (certain sections of).	Sanitary Act - -	1868	„
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San.	29 & 30 Vict. c. 90., Part 1, &c.	Sanitary Act - -	1866	Great Britain and Ireland.
N.	30 & 31 Vict. c. 113-	Sewage Utilization Act Amendment Act.	1867	,,
E.	31 & 32 Vict. c. 115. (certain sections of).	Sanitary Act - -	1868	England.
		III.—Nuisance Authority.		
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2. Henry Thring, Esq.	The Parliamentary Counsel	346–511	236
3. Robert Rawlinson, Esq., C.B., C.E.,	Chief Inspector of the Local Government Act Office	512–723	237
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9. Wm. W. Willink, Esq.	Secretary to the Public Works Loan Commissioners	1592–1687	—
10. Charles Wilson, Esq.	Clerk to the Local Board of West Ham, Essex	1688–1788	—
11. John Simon, Esq., F.R.S.	Medical Officer of the Privy Council	1789–2180; 9695–9784; 9927–9979	241
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79. Henry Bleckley, Esq.	Ironmaster, Warrington	9980–10,027	303
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81. Basil T. Woodd, Esq.	Knaresborough	10,137–10,213	305
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11	Superseded by B.
12	24
13	26
14	26
15	28
16	28
17	28
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19	30
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40	48
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46	66
47	68
48	68
49	68
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51	70
52	72
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54	74
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56	76
57	76
58	76
59	78
60	80
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62	80
63	80
64	80
65	82
66	82
67	84 & 85
68	88
69	88
70	90
71	92
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73	96
74	102
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77	106
78	106
79	106
80	108
81	110
82	110
83	112
84	96
85	118
86	140
87	136
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109	152
110	152
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114	154
115	118
116	120
117	86
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120	160
121	52
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123	120
124	120
125	122
126	122
127	122
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129	124
130	124
131	126
132	126
133	126
134	126
135	126
136	128
137	128
138	128
139	48
140	50
§141	
142	58
143	64
144	124
§145	
146	156
147	168
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149	130
150	130
151	150
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2. Diseases Prevention Act, 1855, 18 & 19 Vict. c. 116. R.

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§3	
4	65
5	53
6	53
7	53
8	55
9	55
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11	55
12	55
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14	167
15	133

3. Nuisances Rem. Act, 1855, 18 & 19 Vict. c. 121. X.

1	1
2	3
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4	47
5	47
§6	
§7	
8	61
§9	
10	125
11	125
12	127
13	131
14	131
15	131
16	131
17	133
18	133
19	139
20	141
21	77
22	79
23	63
24	63
25	63
§26	
27	81
28	83
29	85
30	49 & 139
31	133
32	135
33	135
34	135
35	135
36	167
37	167
38	169
39	135
40	135
41	137
42	49
43	169
44	171
45	171
46	3

4. Public Health, 1858, 21 & 22 Vict. c. 97. Aa.

1	1
2	58
3	58
4	58
5	58
6	58
7	60
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9	60

5. Local Government, 1858, 21 & 22 Vict. c. 98. B.

Clause.	Page.
1	2
2	4
3	2
4	2
5	2
6	2
7	6
8	56
9	170
10	18 & 154
11	18
12	6
13	8
14	10
15	10
16	12
17	12
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19	14
20	14
21	14
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25	30
26	22
27	42
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42	92
43	94
44	98
45	98
46	100
47	100
48	80
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50	102
51	104
52	106
53	106
54	140
55	136
56	138
57	150
58	158
59	158
60	160
61	130
62	156
63	138
64	122
65	160
66	166
67	166
68	168
69	170
70	172
71	172
72	172
73	172
74	174
75	114
76	52
77	18
78	150
79	52
80	52
81	52
82	22

6. Nuisances Removal Act, 1860, 23 & 24 Vict. c. 77. Y.

Clause.	Page.
1	1
2	7
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4	137
5	47 & 139
6	9
7	110 & 111
8	169
9	47
10	3
11	7
12	65
13	129
14	49
15	2
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7. Local Government Act of 1861, 24 & 25 Vict. c. 61. C.

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2	10
3	164
4	62
5	64
6	64
7	64
8	68
9	164
10	88
11	130
12	140
13	140
14	56
15	164
16	90
17	90
18	116
19	152
20	106
21	112
22	96
23	158
24	124
25	118
26	88
27	116 & 148
28	98
29	20
30	2
31	2

8. Local Government Act of 1863, 26 & 27 Vict. c. 17. D.

1	2
2	16
3	14
4	16
5	18
6	88
7	10
8	2

9. Nuisances Removal Act, 1863, 26 & 27 Vict. c. 117. Z.

1	3
2	127
3	127
4	3

10. Sewage Utilization Act, 1865, 28 & 29 Vict. c. 75. M.

Clause.	Page.
1	2
2	2
3	1
4	62
5	64
6	136
7	114
8	124
9	42 & 138
10	110
11	62
12	150
13	1
14	60 & 142
15	2
16	

12. Sanitary Act, 1866, 29 & 30 Vict. c. 90. San.

1	2
2	1
3	2
4	46
5	12 & 138
6	12
7	12 & 114
8	68
9	68
10	68
11	104
12	136
13	110 & 111
14	138
15	1
16	53 & 131
17	1
18	83
19	61
20	49
21	129
22	63
23	65
24	65
25	65
26	65
27	111
28	111
29	65
30	67
31	127
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33	139
34	141
35	83
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46	124
47	118
48	124 & 133
49	54
50	106
51	169
52	67
53	69
54	168–9
55	1
56–69 relate to Ireland.	

13. Sewage Utilization Act, 1867, 30 & 31 Vict. c. 113. N.

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2	1, 2, 54
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4	66
5	66
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7	12
8	12
9	14
10	42
11	42
12	44
13	44
14	44, 138
15	60, 142, 148
16	2
17	136
18	138
19	1

14. Sanitary Act, 1868, 31 & 32 Vict. c. 115. E.

1	2
2	1
3	1
4	70 & 74
5	76
6	156
7	72
8	54
9	168
10	102
11	2
	132

11. Nuisances Removal Act (No. 1.), 1866, 29 & 30 Vict. c. 41. Zz.

1	1
2	133
3	3

15. Sanitary Loans Act, 1869, 32 & 33 Vict. c. 100. F.

1	2
2	1
3	4
4	56
5	56
6	56
7	56
8	56
9	56
10	58

16. Sanitary Act, 1870, 33 & 34 Vict. c. 53. G.

1	2
2	65
3	132
4	134

ARRANGEMENT OF SANITARY STATUTES.

NOTE.

The following Sections are not printed or referred to in the arrangement of Sanitary Statutes.

The sections which *connect* the term "Sewer authority" with the schedules, &c., viz., 3 **M.**; 2 **N.** 2 **San.** 3 **E.**

Ditto as to "Nuisance authority." 15 **San.**
Ditto as to "Local Board." 3 **M.**

1 **Aa.**, which adds certain powers of the General Board of Health under **R.** to those of the Privy Council, but in the sections of **R.** the words "Privy Council" are substituted for the "General Board of Health."

13 **M.** 19 **N.**, 55 **San.**, which provide that the powers given in **M. N.** 1, **San.** are cumulative.

2 **E.** and 2 **F.**, which provide that these Acts shall not extend to Scotland and Ireland.

4 to 11 **A.**, which *ceases to have operation* when General Board of Health was abolished.
Repealing and *Repealed* Sections.

1 **X.**, which repeals the Nuisances Removal Act, 1848, and the Nuisances Removal Amendment Act, 1849, so far as relates to England (saving all proceedings commenced, &c.)

Aa. which is repealed by the Act of 1859, making **Aa** perpetual.

1 **Y.**, which repeals 3, 6, 7, 9 **X.** (saving all things done, costs incurred, &c.)

6 **N.**, which repeals a limitation in 2 **M.**

17 **San.**, which repeals 3 **Y.**, continuing "Nuisance Removal Committees of Vestry," but reserves them in metropolis.

1 **Zz.** which repeals 16 **Y.**

Sections relating to Scotland and Ireland, or either of them exclusively.

N.B.—In places to which the Artizans and Labourers' Dwellings Act, 1868, 31 & 32 Vict. c. 130, applies, Local Authority, with approval of Secretary of State, must forthwith appoint "Officer of Health" if there be no such officer. The term "Officer of Health" there "means and "includes medical officer of health, sanitary inspector, or "any statutory officer performing the duties which a "medical officer or sanitary inspector performs under or "by virtue of any Act."

I.—ARRANGEMENT OF

Local Boards.	Sewer Authority.

PART I.—PREAMBLE, REPEAL OF ACTS, &c.

The following Acts are fully dealt with in this column, viz.,—

(1.) *Public Health*, 1848, (**A.**)
(2.) *Public Health Act*, 1858, (**Aa.**)
(3.) *Local Government Act*, 1858, (**B.**)
(4.) *Do. Amendment*, 1861, (**C.**)
(5.) *Do. Amendment*, 1863, (**D.**)

These Acts are declared to be one Act, &c., 4 **B**, 30 **C**, 8 **D**.

Powers of Sanitary Act are cumulative.

By certain Sections of the Sewage Utilization Acts (**M.** *and* **N.**) *and the Sanitary Acts*, 1866 (**San.**), 1868 (**E.**), *and* 1869 (**F.**), *local boards are affected either under the name "Local Boards" or as included within the definition "Sewer Authority," see* 2 **N.**, *page* 8.

These Sections are either cited or referred to in this column.

Mode of citing the Acts.

The Sections which provide the mode of citing the Acts are not printed. They are 3 **A**, 9 **Aa**, 1 **B**, 31 **C**, 1 **D**, 1 **San.**, 1 **E**, 1 **F**, 1 **G**.

Several Sections of **A** *affected by Sections of* **B** *are not repealed in express terms. Hence arises some uncertainty. The Sections which appear to be practically repealed are* 4 *to* 11 *inclusive. Sections* 12 *to* 16, *as not wholly superseded, are printed in this Digest. But these Acts are to be construed together and form one Act. There appears therefore to be direct conflict between Sections of* **A** *and Sections of* **B**, *except where the former relate exclusively to the General Board of Health, which is abolished by* **B**.

These Acts do not extend to the metropolis, 1 **A** *and* 3 **B**.

Period at which **B** *is to take effect. Not to affect qualification or powers of local boards.*

5. **B.** This Act shall take effect from the first day of September one thousand eight hundred and fifty-eight in places where the Public Health Act, 1848, is already in force, wholly or partially: Provided always, that nothing in this Act shall affect the qualification and number of the members of local boards of health in such places, or any power, right, privilege, or liability of any board of Improvement Commissioners exercising powers of the Public Health Act, 1848, or of any town council or local board of health, under or by virtue of any general or local Act of Parliament other than the said Public Health Act.

Powers, &c. of local boards under **B** *to be the same as under* **A**, *&c.*

6. **B.** Local boards under this Act shall, subject to this Act, have all the powers, rights, duties, and liabilities of local boards of health constituted under the Public Health Act, 1848, and the Acts incorporated therewith.

The following Acts are fully dealt with under this head, viz.,—
Sewage Utilization Act, 1865, **M.** *Ditto* 1867, **N.**
Part I. of Sanitary Act, 1866. **San.**
Certain other sections of the San. Act and of the Acts of 1868, **E.**, 1869 **F.**, *and* 1870 **G.** *are set out.*

N.B.—*By* 15 **M** *the making of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an "improvement of land" authorized by the "Land Improvement Act*, 1864," *and the provisions of that Act shall apply accordingly.*

2. **M.** This Act shall not extend to any part of the metropolis as defined by the Act of the session eighteenth and nineteenth years of the present reign, chapter one hundred and twenty, for better local management of the metropolis. (So the other Acts.)

Mode of citing these Acts—The sections which provide the mode of citing Acts are, 1 **M**, 1 **N**.

There does not appear to be any section in which all these Acts are declared to be one Act.

Part 1 (*i.e., sections* 2–13) *of Sanitary Act is construed as one with* **M.**, 3 **San.**

PART I A.—INTERPRETATION CLAUSES.

Interpretation of terms.

2 **A.** And be it enacted, that in the construction of this Act the following words and expressions shall have the meanings hereby assigned to them, unless such meanings be repugnant to or inconsistent with the context or subject matter in which such words or expressions occur; (that is to say,)

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

Words importing the masculine gender shall include females:

The word "person" and words applying to any person or individual shall apply to and include corporations, whether aggregate or sole:

The word "lands" and the word "premises" shall include messuages, buildings, lands, and hereditaments of any tenure:

The word "owner" shall mean the person for the time being receiving the rackrent of the lands or premises in connexion with which the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent:

"**Sewer Authority**" *in the whole of* **N** (2 **N**), and in 37 **San.** (16 **N**), *includes local boards. Powers thus conferred are incorporated in "Local Board" sections. See page* 8.

NOTE.—*That in all the Acts "sewer authority" includes any collegiate or other corporate body required, or authorized by or in pursuance of any Act of Parliament, to divert its sewers or drains from any river, or to construct new sewers, and any public department of the Government,* 2 **N.** *See page* 8.

"**Parish**" *in the Schedule of* **M**, *as amended by* 16 **N**, *includes any township or other place in which a separate rate is levied for the relief of the poor. There are also provisions as to description of local authority of districts, and of rate or fund out of which expenses are to be paid which apply to*

(1.) **Special Drainage District**, 5, 6, 7 **San.**, 7, 8 **N.**—*See pages* 12, 14, 138, *&c.*

(2.) **United District**, 10, 11, 12, 13, 14, *&c.*, **N.**—*See pages* 42, 44, 138, *&c.*

Sections affecting rates are placed in the "part" relating to that subject.

"**Owner**," *in first part of* **San.** (*i.e.*, §§ 1 *to* 13 *relating to sewer authority,*) *has, by* 11 **E**, *the same meaning as it has in the second part; i.e., the same as in Nuisance Removal Acts,* 14 **San.**

SANITARY STATUTES.

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

PART I.—PREAMBLE, REPEAL OF ACTS, &c.

The Acts fully dealt with under this head are,—
Nuisances Removal Act, 1855 (**X**).
Nuisances Removal Amendment Act, 1860 (**Y**).
Nuisances Removal Amendment Act, 1863 (**Z**).
Nuisances Removal Act (*No.* 1, 1866) (**Z** 2).
As to inspection, &c. of perishable articles of food.
Part II., and other Sections of **San.** *are incorporated.*

N.B.—*As to the relations of these Acts to each other, see* 15 **Y**, 4 **Z**.

Also 14 **San.**, *which declares that Part II., i.e. Sections* 14–34 *of the Sanitary Act, is to be construed as one with* **X** *and* **Y**.

Mode of citing these Acts—The Sections which provide the mode of citing these Acts are 46 **X**, 5 **Z**, 3 **Zz**.

15. **Y.** The several words used in this Act (**Y.**) shall be construed in the same manner as is declared with reference to the same words in the above-cited Act, termed "The Nuisances Removal Act for England, 1855," and all the provisions therein, and in "The Diseases Prevention Act, 1855," contained, shall respectively be applicable to this Act, except so far as they shall be hereby repealed, or be inconsistent with anything herein provided.

The following Act is fully dealt with under this head, viz.,—
Diseases Prevention Act, 1855, **R.**
Sections of the Nuisances Removal Amendment Act, 1860 (**Y**), *and of the Sanitary Act*, 1866 (**San.**), *relating to this authority, are set out.*
Mode of citing this Act. See 1 **R.**

Sections 2 *and* 3 *of* **R** 18 *&* 19 *Vict. c.* 116. *repealed.*

10. **Y.** Sections two and three of "The Diseases Prevention Act, 1855," and every other enactment constituting a local authority for the execution of the same Act, or providing for the expenses of the execution thereof, except those contained in the eighteenth and nineteenth of Victoria, chapter one hundred and twenty, the Metropolis Local Management Act, shall be repealed.

PART I A.—INTERPRETATION CLAUSES.

Interpretation of certain terms used in this Act.

2. **X.** In this Act the following words and expressions have the meanings by this section herein-after assigned to them, unless such meanings be repugnant to or inconsistent with the context; (that is to say,) the word "**place**" includes any city, borough, district under the Public Health Act, parish, township, or hamlet, or part of any such city, borough, district, town, parish, township, or hamlet; the word "**guardians**" includes the directors, wardens, overseers, governors, or other like officers having the management of the poor for any parish or place where the matter or any part of the matter requiring the cognizance of any such officer arises; the word "**borough**," and the expressions "**mayor, aldermen, and burgesses**," "**council**," and "**borough fund**," have respectively the same meaning as in the Acts for the regulation of municipal corporations, and shall also respectively mean, include, and apply to any royal borough, royal town, or other town having a warden, high bailiff, borough reeve, or other chief officer, and burgesses or inhabitants, however designated, associated with him in the government or management thereof, or any town or place having a governing body therein in the nature of a corporation or otherwise, and to the chief officers and governing bodies of such boroughs, towns, and

Local Boards.	Sewer Authority.
N.B.—*Under* 20 **A**, *the words "owner" and "owners" when used in that Act in relation to the right of voting at any election under that Act shall respectively be construed to mean any person or persons for the time being in the actual occupation of any kind of property rateable to the relief of the poor and not let to him or them at a rackrent, or any person or persons receiving either on his or their own account or as mortgagee or mortgagees or other incumbrancer or incumbrancers in possession, the rackrent of such property.* The expression "rackrent" shall mean rent which is not less than two thirds of the full net annual value of the property out of which the rent arises; and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes, and tithe commutation rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent: The word "month" shall mean calendar month: The expression "Commissioners of Her Majesty's Treasury" shall mean the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them, or the Lord High Treasurer of the united Kingdom of Great Britain and Ireland for the time being: The expression "Superior Courts" shall include Her Majesty's Superior Courts of Record at Westminster, and the Court of Common Pleas of the county palatine of Lancaster and the Court of Pleas of the county of Durham: The word "justice" shall mean any justice of the peace acting for the place in which the matter or any part of the matter, as the case may be, requiring the cognizance of the "justice" arises: The expression "two justices" shall mean two or more justices assembled and acting together in petty sessions, or one stipendiary or police magistrate acting in any police court, for the place in which the matter or any part of the matter, as the case may be, requiring the cognizance of "two justices" arises: The expression "court of general or quarter sessions" shall mean the court of general or quarter sessions of the peace having jurisdiction over the whole or any part of the district or place, as the case may be, in which the matter requiring the cognizance of the "court of general or quarter sessions" arises: The word "arbitrators" shall include a single arbitrator; and the words "arbitrators" and "arbitrator" shall include an umpire: The word "oath" shall mean and include an affirmation in the case of Quakers, and a declaration in the case of persons allowed by law to make a declaration in lieu of an oath: The expression ["borough" or "corporate borough" when used in this Act, or in any Act conferring powers of a public nature on the corporate bodies of boroughs by their council, shall include all cities, ports, cinque ports, or corporate towns, &c. (*see* 2 **B**.)], mentioned in the schedules annexed to an Act passed in the sixth year of the reign of King William the Fourth, intituled "An "Act for the Regulation of Municipal Corporations in "England and Wales," and any borough incorporated by charter granted or to be granted in pursuance of that or any subsequent Act: The word "district" shall mean the entire area, places, or parts of places comprised within the limits of any district to which this Act or any part thereof shall be applied by Order in Council or provisional order of the General Board of Health sanctioned by Parliament. The expression "corporate district" shall mean a district in which the powers, authorities, and duties of the local board of health of the district are exercised and executed by the council of a corporate borough: The expression "non-corporate district" shall mean a district in which the powers, authorities, and duties of the local board of health of the district are not exercised and executed by the council of a corporate borough: The word "street" shall apply to and include any highway (not being a turnpike road), and any road, public bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether a thoroughfare or not, and the parts of any such highway, road, bridge,	"**Parish.**" *See above.* "**Sewer**" *and* "**drain**" *are not interpreted, whereas under Local Government Acts, see "interpretation clause," they have a meaning there defined.* *Note.—As to all authorities affected by* 49 **San.** *so far as relates to* **F**;— "**Expenses**" *shall include all sums payable by or by order of the Secretary of State, or the person appointed by him on the occasion of a default being made by any Local Authority in the performance of its duties in relation to Sanitary matters,* 10 **F**. *(See pages* 54 *and* 56.) *As to meaning of terms "Sewer Authority, &c." and "Local Rate," in* **F**;— 3. **F**. "Sewer authority," "local board," and "nuisance authority" shall have the same meaning as they respectively have in the Sanitary Act, 1868, and "local authority" shall include all the said authorities. "Local rate" shall have the same meaning as it has in the eighth section of the Sanitary Act, 1868.

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
places, and to the funds and property under the management of or at the disposal of such chief officers and governing bodies; the expression "**improvement Act**" means an Act for regulating and managing the police of, and for draining, cleansing, paving, lighting, watching, and improving a place, and an Act for any of those purposes; the word "**owner**" includes any person receiving the rents of the property in respect of which that word is used from the occupier of such property on his own account, or as trustee or agent for any other person, or as receiver or sequestrator appointed by the Court of Chancery or under any order thereof, or who would receive the same if such property were let to a tenant; the word "**premises**" extends to all messuages, lands, or tenements, whether open or inclosed, whether built on or not, and whether public or private; the word "**parish**" includes every township or place separately maintaining its poor or separately maintaining its own highways; the expression "**quarter sessions**" means the court of general or quarter sessions of the peace for a county, riding, or division of a county, city, or borough; the word "**person**" and words applying to any person or individual, apply to and include corporations, whether aggregate or sole; and the expression "**two justices**" shall, in addition to its ordinary signification, mean one stipendiary or police magistrate acting in any police court for the district. *Note.—The words used in* **Y** *are to be construed in the same manner as the same words in* **X**. *See* 15 **Y**. DEFINITION—"NUISANCE AUTHORITY." N.B.—*The definition includes local board, and every provision relating to nuisance authority is, in absence of special provision in another sense, also applied to local board.*	

Local Boards.	Sewer Authority.
lane, footway, square, court, alley, or passage within the limits of any district: The word "house" shall include schools, factories, and other buildings in which more than twenty persons are employed at one time: The word "drain" shall mean and include any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed: The word "sewer" shall mean and include sewers and drains of every description, except drains to which the word "drain" interpreted as aforesaid applies: The term "slaughter-house" shall mean and include the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle, horses, or animals of any description for sale: The expression "waterworks company" shall mean any corporation, person, or company of persons supplying or who may hereafter supply water for their own profit: The term "waterworks" shall include streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines, and all machinery, lands, buildings, and things for supplying or used for supplying water, also the stock in trade of any waterworks company: The expression "the local board of health" shall mean the persons authorized to execute in each district all or any of the powers, authorities, and duties vested in or imposed upon the local board of health by this Act: The expressions "the officer of health," "the clerk," "the treasurer," "the surveyor," "the inspector of nuisances," shall mean the persons respectively appointed to be or authorized to execute the offices of the officer of health, clerk, treasurer, surveyor, and inspector of nuisances respectively in each district for the purposes of this Act. *Construction of terms, for purposes of this Act, &c. in Acts herein-after incorporated.* **7. B.** In the construction, for the purposes of this Act, of the Acts herein-after incorporated, the expression "the Special Act" shall mean the Public Health Act, 1848, as brought into operation within the district, and this Act; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean the date of the coming in force of this Act, or, in the case of districts under the Public Health Act, 1848, the first day of September one thousand eight hundred and fifty-eight; and the local board shall, according to the tenor of the incorporated Act, be deemed to be the promoters of the undertaking, "town commissioners," "commissioners," or "undertakers;" and all penalties incurred under the incorporated Acts shall be recovered in the same way as penalties incurred under the Public Health Act, 1848, and be applied in aid of the purposes of that Act and this Act.	

PART II.—AS TO ADOPTION OF ACT AND CONSTITUTION OF LOCAL AUTHORITY.

N.B.—*The Sections are so drawn that the subjects* (1) *adoption of Act,* (2) *constitution of local board, cannot be kept wholly separate. They are therefore placed in the same "Part."*

N.B.—*The statutes create the authority in each locality, and leave no discretion as to adoption.*

For constitution of Local Board see 24 B., page 38.

(1.) ADOPTION OF ACT.

Act to be adopted by resolution of council, improvement commissioners, or owners and ratepayers.

12. B. This Act may be adopted,

(1.) In corporate boroughs to which the Public Health Act, 1848, has not been applied, by a resolution of the council assembled at a meeting held for the purpose: Provided always, that this Act shall not be adopted in corporate boroughs until after the election of councillors on the first day of November one thousand eight hundred and fifty-eight:

(2.) In other places under the jurisdiction of a board of improvement commissioners, where all or part of the commissioners are elected by ratepayers, or by

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

PART II.—AS TO ADOPTION OF ACT AND CONSTITUTION OF LOCAL AUTHORITY.

N.B.—*The statutes create the authority in each locality, and leave no option as to adoption.*

Local authority to execute the Nuisances Removal Act.

2. Y. The following bodies shall respectively be the local authority to execute the said Nuisances Removal Act in the districts hereunder stated in England:

In any place within which the Public Health Act is or shall be in force, the local board of health:

In any other place wherein a council exists or shall exist, the mayor, aldermen, and burgesses by the council, except in the city of London and the liberties thereof, where the local authority shall be the Commissioners of Sewers for the time being, and except in the city of Oxford and borough of Cambridge, where the local authority shall be the commissioners acting in execution of the local improvement Acts in force respectively in the said city and borough:

In any place in which there is no local board of health or council, and where there are or shall be trustees or commissioners under an Improvement Act, such trustees or commissioners:

N.B.—*The Privy Council sets in motion these Acts, and in manner and at times mentioned, Part V.* *See page* 53.

Guardians and overseers of the poor to be the local authorities for executing Diseases Prevention Act.

11. Y. The board of guardians for every union, or parish not within an union, in England shall be the local authority for executing the said Diseases Prevention Act in every place within their respective unions and parishes, and in every parish and place in England not within a union, and for which there is no board of guardians, the overseers of the poor shall be the local authority to execute the same Act; and the expenses incurred in the execution of such Act by the board of guardians for a union shall be defrayed out of the common fund thereof, and the expenses of the board of guardians or overseers of the poor of any single parish or place shall be defrayed out of the rates for the relief of the poor of such parish or place; provided that every such board of guardians shall, for the execution of the said Act for the prevention of diseases, have the like powers of appointing committees, with the like authority, and where any such committee is appointed the expenses thereof and of the board shall be paid in the same manner,

Local Boards.

owners and ratepayers, by a resolution of such improvement commissioners assembled at a meeting held for the purpose:

(3.) In all other places having a known or defined boundary, by a resolution of the owners and ratepayers.

But no such resolution passed by any council or board of improvement commissioners shall be valid unless a month's previous notice of the meeting, and of the purpose thereof, has been given in manner in which notices of meetings of such council or board of commissioners are usually given, nor unless two thirds of the members present at the meeting concur in the resolution for such adoption; and it shall be lawful for the chairman of any such meeting, with the consent of a majority of the members present, to adjourn the same from day to day.

As to summoning meetings for purpose of preceding section.

13. **B.** (1.) Meetings for the purposes of the preceding section shall be summoned on the requisition in writing of any twenty ratepayers or owners;

In corporate boroughs, by the mayor;

In other places under the jurisdiction of such improvement commissioners as aforesaid, by the chairman of the said commissioners;

In places having known and defined boundaries, not being corporate boroughs, or towns under the jurisdiction of such improvement commissioners as are herein-before mentioned, by the churchwardens or one of them, or if there are no churchwardens, the overseers or one of them, or if there is none of the officers respectively above enumerated, or if such officer in any case neglects, is unable, or refuses to perform the duties hereby imposed on him, by any person appointed by one of Her Majesty's Principal Secretaries of State:

Notice of meeting.

(2.) In such places as last aforesaid the summoning officer shall upon such requisition fix a time and place for holding such meeting, and shall forthwith give notice thereof:

By advertisment in some one or more of the newspapers circulated in the place;

By causing such notice to be affixed to the principal doors of every church and chapel in the place to which notices are usually affixed:

Meeting to choose chairman.

(3.) the meeting, on its assembling together, shall choose one of its number as chairman, who may, with the consent of a majority of the persons present, adjourn the same from day to day:

Rules as to passing of resolutions of owners and ratepayers.

(4.) The chairman shall propose to the meeting the resolution for the adoption of the Act, and the meeting shall decide for or against such adoption: Provided that if any owner or ratepayer shall demand that such question be decided by a poll of the owners and ratepayers, such poll shall be taken by voting papers in the Form A. given in the schedule to this Act, in the same way, and with the same conditions as to notice of voting, delivery, filling up, collection, examination, declaration of the result, custody of voting papers, penalty for neglect or refusal to comply with the provisions of the Act, scale of votes, and in all other respects whatsoever as is provided in the Public Health Act, 1848, in respect of the election of local boards of health; and if no poll is demanded, or if the demand for a poll is withdrawn by the parties making the same, a declaration by the chairman shall, in the absence of proof to the contrary, be sufficient evidence of the decision of such meeting:

Penalty for forging, &c. of voting papers.

(5.) If any person fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any voting paper, or personates any person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the name or on the behalf of any person so entitled to vote, or interrupts the distribution of any voting papers, or distributes the same under a false pretence of being lawfully authorized so to do, he shall for every such offence be liable, on conviction before two justices, to be imprisoned in the common gaol or house of correction for any period not exceeding three months, with or without hard labour.

Sewer Authority.

CONSTITUTION OF SEWER AUTHORITY.

SCHEDULE REFERRED TO IN 3 M.

Description of Local Authority.	Description of Places.	Rate or fund out of which expenses to be paid.
The mayor, aldermen, and burgesses acting by the council.	In boroughs, with the exception of the boroughs of Oxford and Cambridge, not within the jurisdiction of a local board.	The borough fund or borough rate.
The commissioners, trustees, or other persons intrusted by any local Act of Parliament with powers of improving, cleansing, lighting, or paving the town.	The boroughs of Oxford and Cambridge, and any town or place not included within the above descriptions, and under the jurisdiction of commissioners, trustees, or other persons intrusted by any local Act with powers of improving, cleansing, lighting, or paving any town.	Any rate leviable by the commissioners, trustees, or other persons.
The vestry, select vestry, or other body of persons acting by virtue of any Act of Parliament, prescription, custom, or otherwise, as or instead of a vestry or select vestry.	In parishes not within the jurisdiction of any sewer authority herein-before mentioned and in which a rate is levied for the maintenance of the poor.	The poor rate.

This Schedule was amended by 2 **N**, *as follows, viz.:—*

2 **N.** The expression "Sewer Authority" shall in this Act (**N**) have the same meaning as in the Sewage Utilization Act, 1865 (**M**), and, in addition, shall include a **Local Board**, and shall in **N** and **M** include any collegiate or other corporate body required or authorized by or in pursuance of any Act of Parliament to divert its sewers or drains from any river, or to construct new sewers, and any public department of the Government.

See also 16 **N**, *which provides that "Parish" in the Schedule to* **M** *shall include any township or other place in which a separate rate is levied for the relief of the poor, and that "Sewer Authority" in* 37 **San.** *shall include a Local Board.*

Note.—3 **E** *provides that "Sewer Authority" in* **E** *has same meaning as in* **M**.

Nuisance Authority, including Local Boards.

In any place within which there is no such local board of health, council, body of trustees, or commissioners, if there be a board of guardians of the poor for such place, or for any parish or union within which such place is situate, such board of guardians, and, if there be no such board of guardians, the overseers of the poor for such place, or for the parish of which such place forms part.

Saving for the vestries and district boards of the metropolis.

6. **Y.** As regards the metropolis, the vestries and district boards under the Act of the session holden in the eighteenth and nineteenth years of Her Majesty, chapter one hundred and twenty, within their respective parishes and districts, shall continue and be the local authorities for the execution of the said Nuisances Removal Act, and their charges and expenses shall be defrayed as if this Act had not been passed.

Authority under Diseases Prevention Act.

as herein-before provided where such a board is the local authority for the execution of the said Nuisances Removal Act; provided also, that any expenses already incurred by any local authority in the execution of the said Act shall be defrayed as if this Act had not been passed; provided, moreover, that in respect of any place where, under this Act, the local authority for executing the Nuisances Removal Act is any other body than the board of guardians or the overseers of the poor, the Privy Council, if it see fit, may, in the manner provided for the exercise of its powers under the Public Health Act, 1858, authorize such other body to be, instead of the board of guardians or the overseers of the poor, the local authority for executing the Diseases Prevention Act; provided also, that as regards the metropolis the vestries and district boards under the Act of the session holden in the eighteenth and nineteenth years of Her Majesty, chapter one hundred and twenty, within their respective parishes and districts, shall continue to be the local authorities for the execution of the said "Diseases Prevention Act, 1855," and their charges and expenses shall be defrayed as if this Act had not been passed.

Guardians, &c. of the poor to be the local authorities for executing Diseases Prevention Act.

40. **San.** Where in any place two or more boards of guardians or local authorities have jurisdiction, the Privy Council may, by any order made under the Diseases Prevention Act, 1855, authorize or require such boards to act together for the purposes of that Act, and may prescribe the mode of such joint action and of defraying the costs thereof.

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
Provision as to security for costs of proceedings with a view to adopting the Local Government Act, when that Act is not adopted. 1. **C.** Ratepayers or owners making a requisition for the summoning of meetings for the purpose of deciding as to the adoption of "The Local Government Act, 1858," shall, if required, give security in a bond, with two sufficient sureties, for repayment to the summoning officer, in the event of the Act not being adopted, of the costs incurred in relation to such meetings or polls taken in pursuance of any demand made at such meetings, the amount of the security to be given by such sureties, and their sufficiency, and the amount of such costs to be settled by agreement between the summoning officer and such ratepayers or owners, or in the event of disagreement between them by any justice of the peace acting in and for the place in which it is proposed that the said Act shall be adopted. *Provision as to less place included within the limits of a greater.* 14. **B.** In cases where any place hereby authorized to adopt this Act includes within its limits any less place which, if it were not so included, would of itself be authorized to adopt this Act, such less place shall not be entitled to adopt this Act unless the greater place within the limits of which it is included has refused to adopt the same, or unless it has been determined by one of Her Majesty's Principal Secretaries of State, in manner herein-after mentioned, that such less place ought, as respects the adoption of this Act, to be excluded from the limits of such greater place. POWER FOR PARTIAL ADOPTION OF ACT. 15. **B.** Any corporation or body of commissioners exercising powers for sanitary regulations under the provisions of any local Act may adopt any part or parts of this Act by resolution of the council or commissioners, and such resolution shall in every case be passed and forwarded to one of Her Majesty's Principal Secretaries of State, as provided in this Act for the adoption thereof, and thereupon the part or parts of this Act named in such resolution shall be in force within the district comprised in such local Act as fully and effectually as if such part or parts of this Act had been enacted in such local Act: Provided always, that when the parts of this Act thus adopted confer any power of borrowing money, such power shall be exercised subject to the provisions of this Act with respect to borrowing. *Every local authority invested with powers of town government may adopt any part of Local Government Act. Provision for election of such local authorities when elected for life at the time of adopting Local Government Act.* 2. **C.** The power of adopting any part of "The Local Government Act, 1858," given by the fifteenth section of that Act to any corporation or body of commissioners exercising powers for sanitary regulation under the provisions of any local Act, shall extend to every local authority invested with powers of town government and rating by any local Act, by whatever name such local authority is called, and the words "local board" or "board of commissioners" as used in the said Local Government Act shall apply to such local authority: Provided always, that whenever the members of such local authority are elected for life they shall adopt, in lieu of the provisions for elections contained in the local Act, the provisions for and in relation to elections prescribed by "The Public Health Act, 1848," and "The Local Government Act, 1858," and within one month of such adoption one third of the members of such local authority shall retire, the order of retirement to be fixed by the local authority, and the election of members in lieu of such retiring members shall be governed in all respects by the said "Public Health Act, 1848," and "Local Government Act, 1858," and be conducted by the chairman of the local authority: Provided also, that such adoption shall not affect the qualification fixed for members of such local authority by the local Act under which it is constituted, or the qualification and tenure of office of *ex-officio* members of such local authority. *Amendment of preceding section* 15 **B.** 7. **D.** The power of adopting any part or parts of the Local Government Act, 1858, given by that Act and the Acts amending the same, shall not be exhausted by one adoption, but may be exercised from time to time.			

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
ADOPTION OF ACT BY PLACE NOT HAVING A KNOWN OR DEFINED BOUNDARY. *Provision as to settling boundaries on petition.* **16. B.** (1.) Any place not having a known or defined boundary may petition one of Her Majesty's Principal Secretaries of State to settle its boundary for the purposes of this Act: *Rules as to petitions for settlement of boundaries.* (2.) The petition shall state the proposed boundaries of the place, shall be signed by one tenth of the ratepayers resident within such boundaries, and shall be supported by such evidence as the said Secretary of State may require: (3.) Upon the receipt of such petition the Secretary of State may direct inquiry to be made as to the genuineness of the petition, and as to the propriety of the proposed boundaries: and (4.) Fourteen days notice of the time, place, and subject of such inquiry shall be given in the place to which it refers: (5.) The said Secretary of State may, upon consideration of the matter, either dismiss the petition altogether, or make order as to the boundaries of the place: He may also make order as to the costs of the proceedings under this section and the parties to whom such costs are to be borne: *Any place may adopt this Act when boundary settled.* (6.) Any place the boundaries of which have been settled in pursuance of the foregoing provisions shall thenceforth, for the purposes of this Act, be deemed to be a place with a known and defined boundary, and may adopt this Act accordingly; and for the purpose of enabling it so to do a summoning officer shall be appointed by the order settling the boundaries, whose duty it shall be forthwith to take all such steps as may be necessary for convening a meeting of the ratepayers to decide as to the adoption of this Act; and if such officer dies, becomes incapable, neglects or refuses to perform his duties, the said Secretary of State may, on the application of any four ratepayers, appoint another officer in his room. APPEAL AGAINST ADOPTION OF ACT. *Power to appeal, by petition, against resolution to adopt this Act.* **17. B.** (1.) In cases where a resolution adopting this Act has been passed in any place, if any number, being not less than one twentieth of the owners and ratepayers of such place, such twentieth to be one twentieth in number of the owners and ratepayers of the place, taken together, or the owners and ratepayers in respect of the one twentieth of the rateable property in the place, are desirous that the whole or any part of such place should be excluded from the operation of this Act, they may present a petition to one of Her Majesty's Principal Secretaries of State, appealing against such resolution and praying that such exclusion may be made: *Such petition to be presented to Secretary of State.* (2.) Such petition shall be presented within twenty-one days from the date of the passing of the resolution appealed against, and shall, where the exclusion of part of a place only is prayed for, state, (1.) The part of the place proposed to be excluded, accompanied with an explanatory plan; and (2.) The reasons for such exclusion: It shall be subscribed by the owners and ratepayers presenting the same: *Power to Secretary of State to direct inquiry to be made.* (3.) Upon the receipt of any such petition as aforesaid, the said Secretary of State may direct inquiry in the proposed district, As to the genuineness of the petition; and As to the matters alleged in such petition: *Notice of inquiry.* (4.) Fourteen days notice of the time, place, and subject of such inquiry shall be given: *Ordered to be made by Secretary of State.* (5.) The said Secretary of State shall make order with respect to the matter in question on such appeal, and such order shall be binding on the place in respect of which it is made, and there shall be stated in such order the time at which this Act is to come into force.	SPECIAL DRAINAGE DISTRICTS. *Formation of special drainage district and power to levy rate.* **5. San.** Where the sewer authority of a district is a vestry, select vestry, or other body of persons acting by virtue of any Act of Parliament, prescription, custom, or otherwise as or instead of a vestry or select vestry, it may, by resolution at any meeting convened for the purpose after twenty-one clear days notice affixed to the places where parochial notices are usually affixed in its district, form any part of such district into a special drainage district for the purposes of the Sewage Utilization Act, and thereupon such special drainage district shall, for the purposes of the Sewage Utilization Act, 1865, and the powers therein conferred, be deemed to be a parish in which a rate is levied for the maintenance of the poor, and of which a vestry is the sewer authority, subject, as respects any meeting of the inhabitants thereof in vestry, to the Act of the fifty-eighth year of the reign of King George the Third, chapter sixty-nine, and the Acts amending the same; and any officer or officers who may from time to time be appointed by the sewer authority of such special drainage district for the purpose shall have within that district all the powers of levying a rate for the purpose of defraying the expense of carrying the said Sewage Utilization Act into effect that they would have if such district were such parish as aforesaid, and such rate were a rate for the relief of the poor, and they were duly appointed overseers of such parish. *Appeal against constitution of special drainage district.* **6. San.** Where the sewer authority of any place has formed a special drainage district in pursuance of this Act, if any number of the inhabitants of such place, not being less than twenty, feel aggrieved by the formation of such district, or desire any modification in its boundaries, they may, by petition in writing under their hands, bring their case under the consideration of one of Her Majesty's Principal Secretaries of State, and the said Secretary of State may after due investigation annul the formation of the special drainage district or modify its boundaries as he thinks just. *Evidence of formation of special drainage district.* **7. San.** A copy of the resolution of a sewer authority forming a special drainage district shall be published by affixing a notice thereof to the church door of the parish in which the district is situate, or of the adjoining parish if there be no church in the said parish, and by advertising notice thereof in some newspaper published or circulating in the county in which such district is situate; and the production of a newspaper containing such advertisement, or a certificate under the hand of the clerk or other officer performing the duties of clerk for the time being of the sewer authority which passed the resolution forming the district, shall be evidence of the formation of such district, and after the expiration of three months from the date of the resolution forming the district such district shall be presumed to have been duly formed, and no objection to the formation thereof shall be entertained in any legal proceedings whatever. *Where part of parish is at time of passing of this Act under* **B.** *the other part constituted a special drainage district.* **7. N.** Where part of a parish as defined in the schedule to The Sewage Utilization Act, 1865, as amended by this Act, is at the time of the passing of this Act subject to the jurisdiction of a local board in pursuance of The Local Government Act, 1858, the portion of such parish which is not subject to the jurisdiction of any local board shall for the purposes of The Sewage Utilization Act, 1865, and of this Act, be deemed to be by this Act constituted a special drainage district, unless the Secretary of State, upon petition presented to him in manner provided by the sixth section of The Sanitary Act, 1866, within three months after the passing of this Act, otherwise directs. It shall not be necessary in the case of part of a parish which is by this section constituted a special drainage district, to give the notices required by section seven of The Sanitary Act, 1866. *Power of undefined inhabited place to apply to be constituted a special drainage district.* **8. N.** Any inhabited place not having a known or defined boundary may petition one of Her Majesty's Principal Secretaries of State in manner provided in the sixteenth section of The Local Government Act, 1858, to settle its		

Local Boards.	Sewer Authority.

Appeal to Secretary of State in case of alleged invalidity of vote for adoption of this Act.

18. **B.** It shall be lawful for any owner or ratepayer who disputes the validity of the vote for the adoption of this Act to appeal within fourteen days from the declaration of the vote to one of Her Majesty's Principal Secretaries of State, setting forth the grounds on which he disputes the validity of such vote, and it shall be lawful for any of Her Majesty's Principal Secretaries of State, on such appeal to direct inquiry by any officer employed by him in the execution of this Act into the circumstances of the case, and to issue such order thereon as he may deem requisite to determine the questions arising on such appeal, and as to the validity or invalidity of such vote.

Amendment of preceding sections, viz., 17 and 18 B.

3. **D.** Petitions appealing against the resolution of adoption, and praying for exclusion from the operation of the Local Government Act, under the seventeenth section of that Act, and appeals from owners and ratepayers who dispute the validity of the vote for adoption under the eighteenth section of the same Act, may be presented and had at any time before the expiration of six weeks from the date of any resolution adopting the Act.

Notice as to adoption of Act to be given to Secretary of State.

19. **B.** Whenever a resolution adopting this Act has been passed in any place notice thereof shall be given to one of Her Majesty's Principal Secretaries of State by the following persons; that is to say,

In corporate boroughs, by the mayor:

In other places under the jurisdiction of such improvement commissioners as aforesaid, by the chairman of the board of commissioners:

In other places by the summoning officer:

The notice so sent shall be in writing under the hand of the officer hereby required to give the same; and it shall be the duty of such last-mentioned officer to publish a copy of such notice in manner following; that is to say,

By advertisement for three successive weeks in some one or more of the newspapers circulated in the place:

By causing a copy of such notice to be affixed to the principal doors of every church and chapel in such place to which notices are usually affixed:

And when such notice has been so given, and the time for such appeal has expired, or such appeal has been dismissed, a notice shall be published in the "London Gazette," by one of Her Majesty's Principal Secretaries of State, that this Act has been adopted within such place.

Provision as to the time when this Act shall take effect.

20. **B.** Whenever any resolution adopting this Act has been passed in any place this Act shall, at the expiration of two months from the date of the passing of such resolution or in the event of an appeal, or of a division of the district into wards as herein-after provided, then at such time as may be mentioned in the order made on such appeal, or in the order setting out wards, have the force of law within such place; and the expiration of such period of two months, or such date as may be mentioned in the said order as the time for this Act to come into force, shall be called the date of the constitution of the district; provided that the provisions of this Act relating to purposes already included in any local Act in force within the district with relation to any of the purposes of the Public Health Act, 1848, or this Act, and not conferring powers or privileges upon corporations, companies, undertakers, or individuals, for their own pecuniary benefit, notwithstanding the adoption of the Act as herein-before provided, shall not come into operation until an order has been made and confirmed as herein-after prescribed, for the future execution, repeal, or alteration of the said local Act.

As to objections made to adoption of this Act.

21. **B.** No objection shall be made at any trial or in any legal proceeding to the validity of the adoption of this Act, or to any order made in pursuance of this Act, or to any proceedings upon which such order was founded, unless the objector has given 14 days previous notice to the other parties interested in such trial or proceeding of his intention to make the same, specifying fully the nature of the objection to be made; and no objection whatever in respect of the matters mentioned in this section shall be admissible at any trial or in any legal proceeding after the expiration of six calendar months from the date of the constitution of the district.

boundaries for the purposes of The Sewage Utilization Act, 1865, and of this Act, and the Secretary of State may, by order made in manner provided by the said section, settle the same accordingly, and from and after the date of such order, the place shall be deemed to have been constituted a special drainage district for the purposes of the said Sewage Utilization Act, 1865, and of this Act.

A copy of the order of the Secretary of State shall be published in manner provided by the seventh section of The Sanitary Act, 1866, and that section shall be construed in reference to a special drainage district formed under this section as if the order of the said Secretary of State were substituted for "resolution of a sewer authority."

Time for appeal against special drainage district.

9. N. No petition of appeal shall be presented to the Secretary of State in pursuance of the sixth section of The Sanitary Act, 1866, except within three months after the date of the resolution forming the district, and the said section shall be read as if after the words "petition in writing under their hands" there were inserted the words "presented within three months after the date of the resolution forming the district."

N.B.—*As to mode of defraying expenses of special drainage district, see* 5 **San.**, *page* 138.

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

Local Boards.	Sewer Authority.
Proof of adoption. 22. **B.** Publication of a notice by a Secretary of State once in the "London Gazette," and by the mayor, chairman of the board of improvement commissioners, or summoning officer, respectively, for three successive weeks in any newspaper published and circulated in the town or district that this Act has been adopted in any place, shall be conclusive evidence of such adoption. *Provision as to payment of costs, &c. incurred in relation to adoption.* 23. **B.** In cases where this Act has been adopted by any place, all costs, charges, and expenses incurred by any of Her Majesty's Principal Secretaries of State in relation to any such adoption, or to any proceedings connected therewith, or which such Secretary is required to take under this Act, and not hereby otherwise provided for, shall, to such amount as the Treasury, by order, think proper to direct, become a charge upon the general district rates levied in such district under the authority of this Act, and be repaid to the Treasury by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such last-mentioned order, upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid. THE FOLLOWING PROVISIONS OF **D.** RELATE TO DISTRICTS HAVING POPULATIONS ACCORDING TO LAST CENSUS LESS THAN 3,000:— (1.) *Restriction as to the adoption of the Act by certain places.* 2. **D.** The adoption of the Local Government Act, 1858, by any place where that Act was not in force on the first day of March one thousand eight hundred and sixty-three, and where the population according to the then last census is less than three thousand, shall not be of any validity unless it is approved by one of Her Majesty's Principal Secretaries of State, on proof being given to his satisfaction that by reason of special circumstances it is expedient that such place should be allowed to adopt the Act. Before signifying his approval or disapproval the said Secretary may cause an inquiry to be made in the place as to the circumstances alleged in support of the expediency of the adoption of the Act, of the time and place of which inquiry fourteen days public notice shall be given, and on the determination of such inquiry shall give or withhold, as he thinks just, his approval of the adoption of the Act. The approval or disapproval of the said Secretary of State shall be published by the said Secretary in the "Gazette," and such publication shall be evidence of the fact of that approval or disapproval having been given. (2.) *As to abandonment of Local Government Act in certain places.* 4. **D.** When a resolution adopting the Local Government Act has been passed in a place in which the population, according to the then last census, is less than three thousand, that resolution may at any time be rescinded by a subsequent resolution passed in the same manner in which resolutions for the adoption of the Act are required to be passed, but the rescinding resolution shall not be of any effect unless it is approved by one of Her Majesty's Principal Secretaries of State, and notice is published by him in the "London Gazette" of the passing of the resolution and of his approval thereof. An appeal may be had from any such rescinding resolution in the same manner and subject to the same conditions, as nearly as may be, in and subject to which an appeal may be had against a resolution adopting the Act; and the provisions of the Local Government Act relating to an appeal against the adoption of the Act shall, with the requisite variations, apply to an appeal under this section. The notice of the rescinding resolution shall not be published until the expiration of the time limited for an appeal, or until the determination of the appeal, but upon the publication thereof the adoption of the Local Government Act shall be deemed to be avoided as from the date of that publication, and from the same date the Local Government Act shall cease to be in force within the district, and the district shall revert to the position in which it was before the adoption of the Local Government Act; so nevertheless that any contracts that may have been entered into by or on behalf of the local board of any such district may be enforced in the same manner in all respects as if the Local Government Act had continued in force in	

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Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
the district, and so far as may be necessary for the enforcement of such contracts the local board and all their powers of levying money shall be deemed to be continued. (3.) *Provision for avoidance of constitution of district.* 5. **D.** In any district constituted under the Local Government Act, 1858, where by that Act the local board is required to be elected by the ratepayers, and where the population according to the then last census is less than three thousand, if no election of a local board in pursuance of the said Act takes place within three months from the date of the constitution of the district, or if in any such district as last aforesaid the local board makes default in appointing fit and proper persons to the following offices or any of them, that is to say, to the office of surveyor, inspector of nuisances, clerk, and treasurer, within two months after the election of the local board, then upon the happening of either of the above events the adoption of the Local Government Act in the said district shall be void, and the Local Government Act, 1858, shall cease to be in force within the district, and the district shall revert to the same position as it was in before the adoption of the Act; so nevertheless that any contracts that may have been entered into by or on behalf of the local board of any such district may be enforced in the same manner in all respects as if the Local Government Act had continued in force in the district, and so far as may be necessary for the enforcement of such contracts the local board and all their powers of levying money shall be deemed to be continued.			
PROVISION IN CASE OF FAILURE TO ELECT OR LAPSE OF LOCAL BOARD. *Powers of* 114 **A**, *under Expenses and Rates, for appointment of receiver, may be exercised in event of failure to elect a local board.* 10. **B.** The powers of the one hundred and fourteenth section of "The Public Health Act, 1848," for the appointment of a receiver, may be exercised in the event of a failure to elect a local board, or of the lapse of a local board from death, resignation, disqualification, or otherwise of the persons elected to serve on such local board; and in case of such failure or lapse any receiver appointed under that section may make as well as collect and receive rates as directed in that section, or such rates as are required to satisfy all liabilities of the local board, and may receive and recover all arrears due to the said local board, and apply the same to meet such liabilities; and any such receiver shall have the same powers with respect to other creditors of the local board as he has by the said section with regard to mortgagees.			
Course of proceeding in event of failure to elect a local board. 11. **B.** In the case of any failure to elect a local board, or of any lapse of a local board as aforesaid, it shall be lawful for the owners and ratepayers of the district, by resolution, as herein-after provided, for the adoption of this Act, to proceed to election of a new local board in the manner provided by this Act, with the same qualification of members from property or rating as the lapsed local board, and the result of such election shall be signified to one of Her Majesty's Principal Secretaries of State by the person conducting it, in the same manner as is herein-after directed with regard to the adoption of this Act; and all the rights and liabilities of the former local board shall attach to the new local board as if there had been no lapse before the election thereof, and from the date of such election all powers of any receiver to make rates under the preceding section shall determine.			
PROVISIONAL ORDERS AND POWERS OF SECRETARY OF STATE AS TO ADOPTION IN CERTAIN CASES. *Petition for* INCORPORATION WITH OR SEPARATION FROM DISTRICT, *or for* REPEAL, &c. OF LOCAL ACTS. 77. **B.** The one hundred and forty-first section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as follows: Whenever it appears desirable to the local board of any district, or to the majority of the owners and ratepayers in any parish, township, hamlet, or place maintaining its own roads or its own poor, adjoining any district, or to the majority of owners and ratepayers in any part of a district, such majorities to be ascertained in the way herein provided for voting with respect to the adoption of this Act, That any portion of such parish, township, hamlet, or place should be incorporated with the district, or that such part of the district should be separated therefrom,			

Local Boards.	Sewer Authority.
Or whenever it appears to the local board of any district desirable, That provision should be made for the future execution of any local Acts in force within such district, having relation to the purposes of this Act, and not conferring powers or privileges upon corporations, companies, undertakers, or individuals, for their own pecuniary benefit; or that any such Acts, or any exemptions from rating derived therefrom, or any provisional order or order in council applying the Public Health Act, 1848, or Act confirming such provisional orders, should be wholly or partially repealed or altered. (1.) They may present a petition to one of Her Majesty's Principal Secretaries of State, praying for such incorporation, separation, provision, repeal, and alteration as aforesaid, or for any of such things, and such petition shall be supported by such evidence as the said Secretary requires : *Power of Secretary of State on receipt of petition to issue order, and obtain consent of district.* (2.) Upon the receipt of any such petition inquiry may be directed in the district in respect of the several matters mentioned in the petition, after giving fourteen days notice of the time, place, and subject of the inquiry : (3.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a provisional order in relation to the several things mentioned in the petition, and either in accordance with the prayer thereof, or with such modifications as may be requisite; and when the order provides for the incorporation of a portion of any such parish, township, hamlet, or place with the district, or the separation of any part from the district, an inspector shall proceed to the district for the purpose of obtaining the consent to such order of the place of which it is proposed that a portion should be incorporated, or of the part to be separated, and also, if such order provide for any such incorporation, the consent of the petitioning district : *Consents how testified.* (4.) The consent of the petitioning district to such order shall be testified by a resolution of the local board of such district, and the consent of any place or part by a resolution passed by a majority of the ratepayers resident in any such place or part assembled at a meeting convened for the purpose; and the inspector shall, for the purpose of obtaining such consents, have power to convene meetings of the local board of any district, or meetings of the ratepayers of any place or part, with fourteen days notice of the time, place, and subject of such meetings, and to do all such matters and things as may be expedient for that purpose : *Provision as to meetings of part or place.* (5.) In the case of a meeting of the ratepayers of any place or part, the ratepayers present shall elect a chairman; and a declaration by the chairman that the opinion of the meeting is in favour or against any resolution, as the case may be, shall, in the absence of proof to the contrary, be sufficient evidence that the resolution is passed : the inspector shall have power to attend any such meeting : *Secretary of State to obtain confirmation of order.* (6.) Whenever such consents as aforesaid have been given in the cases in which they are herein-before required, the said Secretary of State shall, as soon as conveniently may be, take all necessary steps for the confirmation of such order by Act of Parliament; but previously to such confirmation it shall not be of any validity whatever, and every Act of Parliament confirming such order shall be deemed a public general Act. In case any petition shall be presented to either House of Parliament against any provisional order framed in pursuance of this Act, in the progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the order so petitioned against may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills. APPLICATION OF GENERAL ACTS TO LOCAL BOARDS OF HEALTH. 29. C. And whereas doubts exist whether local boards of health, constituted under or by virtue of local Acts, are affected by the provisions of "The Local Government Act, 1858," or by the provisions of "The Nuisances Removal Act for England, 1855," and "The Diseases Prevention Act, 1855," and it is desirable to remove such doubts :	

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Local Boards.	Sewer Authority.
Be it therefore enacted, that all the provisions of "The Local Government Act, 1858," as amended by this Act, and of "The Nuisances Removal Act for England, 1855," and "The Diseases Prevention Act, 1855," as amended by the "Act to amend the Acts for the removal of nuisances and prevention of diseases," which Acts are herein-after (*i.e., in this clause*) designated the general Acts, shall extend and apply to all local boards of health constituted under or by virtue of local Acts, with and subject to the two following qualifications; (that is to say,) (1.) Provisions of the general Acts opposed to or restrictive of the provisions (whether adopted or original) of any such local Act shall be of no force in the district for which the local Act was passed: (2.) Wherever the general Acts and a local Act contain provisions for effecting the same or a similar object, but in different modes, the local board of health may proceed under the general Acts or the local Act: And every future Act for amending or repealing any of the general Acts aforesaid shall, subject to the aforesaid qualifications, also extend and apply to every such local board of health.	
LOCAL BOARD OF HEALTH IN CASE OF A DISTRICT AFTERWARDS BECOMING A CORPORATE BOROUGH. 33. **A.** And be it enacted, that if, after the application of this Act to any district, the parts constituting the district shall afterwards become or be entirely comprised within the limits of a corporate borough, the mayor, aldermen, and burgesses of such borough shall from and after such day as shall have been specified in the charter of corporation in this behalf be, by the council of the borough, the local board of health within and for such district; and in case any day shall have been specified, but not otherwise, the powers, authorities, duties, property, and liabilities of any other persons as such local board shall from and after that day absolutely cease and determine, and be vested in such mayor, aldermen, and burgesses, as fully to all intents and purposes as if they had always been the local board of health from the time when the district was originally constituted. (*But by* 26 **B.** *it is not necessary to name a day.*)	
OXFORD AND CAMBRIDGE. *Local board of health in Oxford and Cambridge to consist of Oxford and Cambridge improvement commissioners.* 52 *G. III. c. lxxii.* 34 *G. III. c. civ.* 31. **A.** Provided always, and be it enacted, that nothing herein-before contained with respect to the appointment, selection, or election of any local board of health, or member thereof, shall apply to the city of Oxford, or the parts within the jurisdiction of the commissioners for amending certain mileways leading to Oxford, and making improvements in the university and city of Oxford, the suburbs thereof, and the adjoining parish of Saint Clement, (which commissioners are herein-after called the Oxford commissioners,) or to the borough of Cambridge, or the parts within the jurisdiction of the commissioners acting under an Act of the thirty-fourth year of the reign of King George the Third, for amending and enlarging the powers of a former Act of the same reign for the better paving, cleansing, and lighting the town of Cambridge, for removing and preventing obstructions and annoyances, and for widening the streets, lanes, and other passages within that town (which commissioners are herein-after called the Cambridge commissioners); and if the city of Oxford, or the parts within the first-mentioned jurisdiction, become a district under this Act, the same shall be called the Oxford district, and the said Oxford commissioners for the time being shall, within and for such district be the local board of health under this Act; and if the borough of Cambridge, or the parts comprised within the jurisdiction secondly above mentioned, become a district under this Act, the same shall be called the Cambridge district, and the said Cambridge commissioners for the time being shall, within and for such district, be the local board of health under this Act.	
Exception of Oxford and Cambridge. 82. **B.** Notwithstanding anything contained in this Act, the Oxford and Cambridge commissioners described in the thirty-first section of the Public Health Act, 1848, shall be the bodies authorized to adopt this Act for the districts respectively within their jurisdiction; and in the event of the adoption of this Act by the said Cambridge commissioners, the said commissioners shall be the local board	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

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for the district of Cambridge; and in the event of such adoption by the said Oxford commissioners, the local board of the Oxford district shall consist of the vice-chancellor of the University of Oxford and the mayor of Oxford for the time being, and of forty-five other commissioners, fifteen to be elected by the University of Oxford, sixteen by the town council of Oxford, and fourteen by the ratepayers of the parishes situate within the jurisdiction of the Oxford commissioners; and the election of such commissioners by the town council and by the ratepayers of the parishes respectively shall be conducted at the same time, in the same way, and subject to the same regulations in and subject to which members constituting the body of Oxford commissioners are now respectively chosen by such town council and parishes; and the fifteen commissioners to be elected by the university shall be elected as follows; namely, four commissioners shall be elected by the university in convocation, and eleven commissioners shall be elected by the heads and senior bursars of the several colleges, and by the heads of the several halls; and the elections shall be conducted by the said university, and by the colleges and halls respectively, at the same time and in the same way, and subject to the same regulations in and subject to which guardians of the poor for the university and for the colleges and halls are now chosen by them respectively, save that in the election of commissioners the heads and bursars of all the colleges and the heads of all the halls shall be summoned by the vice-chancellor for that purpose, and shall be entitled to vote; and differences between either of the universities of Oxford and Cambridge and the local boards of Oxford and Cambridge respectively within the meaning of the one hundred and fifth section of the Public Health Act, 1848, shall be settled by arbitration in the manner provided by that Act.	
(2.) Constitution of Local Boards.	
N.B.—*The following sections* 12 **A.** *to* 16 **A.**, *and* 18 **A.**, 19 **A.**, *are not repealed by* **B**, *but are the source of considerable confusion, since they are more or less in conflict with sections of* **B**. *Compare for example the disqualifications of* 19 **A.** *with those of* 25 **B**. *The reader may find it convenient to refer to* 24 **B.**, *page* 38, *and* 31 **A.** *with* 82 **B.**, *page* 23, *before examining these sections of* **A**.	
Town council to be the local board in districts consisting of one borough, &c. Selection &c., of local boards by town councils. Selection of part of local board by town councils, and part by owners and ratepayers.	
12. A. And be it enacted, that in every district exclusively consisting of the whole or part of one corporate borough, the mayor, aldermen, and burgesses of such borough shall be by the council of the borough, within and for such district, the local board of health under this Act, and such council shall exercise and execute the powers, authorities, and duties of such local board, according to the laws for the time being in force with respect to municipal corporations in England and Wales; and in every district exclusively consisting of two or more of such boroughs, or of one or more of such boroughs, and also of part of any other such borough or boroughs, or exclusively consisting of part of two or more of such borough or boroughs, the mayors for the time being of the boroughs whereof the whole or part is within such last-mentioned district, and such number of other persons as shall be fixed by such provisional order as aforesaid to be selected by each of such councils respectively out of their own number, or from persons qualified to be councillors of the borough in respect of which the selection is to be made, and shall be named and selected by such councils accordingly, shall, within and for such district, be the local board of health under this Act; and in every district comprising the whole or part of any such borough or boroughs and also parts not within the boundaries of any such borough, the mayor or mayors for the time being of the borough or boroughs whereof the whole or part is within such last-mentioned district, and such number of other persons as shall be fixed by such provisional order to be selected by such council or each of such councils respectively out of their own number, or from the persons qualified to be councillors of the borough in respect whereof the selection is to be made, and shall be named and selected by such council or councils accordingly, shall, together with such number of persons as shall be elected as herein-after mentioned in respect of such noncorporate parts, be, within and for such district, the local board of health under this Act; and the first selection by any such council in pursuance of this Act shall be made on a day to be appointed by Parliament; and each person selected by	

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Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
the council out of their own number shall be a member of the local board with which he is selected to act so long as he continues without re-election to be member of the council from whom he was selected, and no longer; and each person selected by the council otherwise than out of their own number shall be a member of the local board with which he is selected to act for one year from the date of his selection and no longer; and in case of any vacancy in the number selected some other person or persons (as the case may require) shall be selected by the council by whom the person or persons causing the vacancy was or were selected, within one month after the occurrence of the vacancy; and the meeting of any council at which any selection as aforesaid is made in pursuance of this Act shall to all intents and purposes be deemed to be a meeting held in pursuance of an Act passed in the sixth year of the reign of King William the Fourth, intituled "An Act for the "regulation of municipal corporations in England and "Wales." *Election of members of local board by owners and ratepayers.* 13. **A.** And be it enacted, that in every district comprising the whole or part of any corporate borough or boroughs as aforesaid, and also any part or parts not within the boundaries of any corporate borough or boroughs, such number of persons, qualified as herein-after prescribed, as shall be fixed by such provisional order as aforesaid to be elected for such part or parts or for each of such parts respectively, shall from time to time be elected in such manner and by such owners of property and ratepayers as herein-after mentioned, to be, together with the persons selected as aforesaid in respect of the corporate parts of such district, and shall be, within and for such district, the local board of health under this Act; and in every district not comprising the whole or part of any corporate borough or boroughs, but being a district to which this Act may be applied by order of Her Majesty in council, such number of persons, qualified as herein-after prescribed in this behalf, as shall be fixed by such order in council, shall be elected, in such manner and by such owners of property and ratepayers as herein-after mentioned, to be, and shall be, within and for such district, the local board of health under this Act; and in every district not comprising the whole or part of any corporate borough or boroughs, and being a district to which this Act cannot be applied without the authority of Parliament, such number of persons, qualified as herein-after prescribed, as shall be fixed by such provisional order as aforesaid, shall be elected, in such manner and by such owners of property and ratepayers as herein-after mentioned, to be, and shall be, within and for such district, the local board of health under this Act, and the first election for any district or part of a district, shall take place on a day to be appointed by order of Her Majesty in council or by Parliament (as the case may require); and one third of the number elected for the whole or any part or parts of a district respectively shall go out of office on such day in each year subsequently to that of the first election as shall be appointed by such order in council or provisional order as aforesaid (as the case may require); and the order in which the persons first elected shall go out of office shall be regulated by each local board: Provided always, that if the number of persons to be elected be not divisible by three, the proportion to go out of office in each year shall be regulated by such order in council or provisional order (as the case may require) so that as nearly as may be one third shall go out of office in each year; and if the numbers of persons to be elected for any part of a district be less than three the persons elected shall go out of office on such day in each year, or at such other period, not being less than a year, as such order in council or provisional order (as the case may require) shall direct; but no person elected shall in any case continuously remain in office for more than three years; and on the days appointed for going out of office a number of persons shall be elected equal to the number of those so going out, and so many others as may be necessary to complete the full number of the local board of health in respect of which the election is to be made. *Regulations as to the number of persons to be selected or elected members of local boards. In case of vacancies, remaining members may act. Persons both selected and elected, &c. to serve in respect of one title only.* 14. **A.** And be it enacted, that the number of persons to be selected or elected for the whole or any part of a district shall from time to time be regulated by such order in council or provisional order as aforesaid (as the case may			

Local Boards.	Sewer Authority.

require), due regard being had to the size and circumstances of each district, as may appear to be just and proper; and that any member of the local board of health after going out of office, resigning, or otherwise ceasing to be such member, may, if otherwise qualified, be again selected or elected (as the case may require); and in the event of any vacancy in the number of persons elected, by death, resignation, or otherwise, between the times appointed for election as aforesaid, or if at any time the said local board be without its full number of members, the remaining members shall continue and be as competent to act until the time appointed for election, or until the full number is selected or elected (as the case may require), as if no vacancy had occurred; and if any person be both selected and elected to be a member of the local board of health, he shall, within three days after notice thereof from the clerk, choose, or in default of such choice, the local board of which he is so selected and elected to be member shall determine the title in respect of which he shall serve, and immediately upon such choice or determination the person so selected and elected shall be deemed to be member only in respect of the title so chosen or determined, and his office as member in respect of any other title shall thereupon become vacant.

Members elected for part of a sewerage district to constitute separate board for other purposes of the Act.

15. A. Provided always, and be it enacted, that if any corporate borough or part thereof be included only for the purposes of sewerage in any district comprising any part or parts not within the boundaries of any such borough, and the last-mentioned part or parts, or any of them, be constituted a district or districts for any other purposes of this Act, the persons elected for such sewerage district shall, within and for the separate district within which they shall have been so elected, be and constitute the local board of health in the same manner and as fully to all intents and purposes as if they had been expressly elected to constitute the same.

Qualification of elected members.

16. A. And be it enacted, that every person elected as aforesaid shall, at the time of his election, and so long as he shall continue in office by virtue of such election, be resident within the district for which or for part of which he is elected, or within seven miles thereof, and be seised or possessed of real or personal estate, or both, to such value or amount as shall be fixed by such order in council or provisional order as aforesaid (as the case may require), within the limits next herein-after provided, or be so resident, and rated to the relief of the poor of some parish, township, or place of which some part is within such district or part of a district, upon such annual value as shall be fixed by such order in council or provisional order (as the case may require), within the limits next herein-after provided: Provided always, that it shall not be lawful to require that any person be seised or possessed as aforesaid to a value or amount exceeding one thousand pounds, or to require that any person be rated upon an annual value exceeding thirty pounds; provided also, that if two or more persons be jointly seised or possessed of real or personal estate, or both, of such value or amount as would, if equally divided between them, qualify each to be elected, or if two or more persons be jointly rated in respect of any property which if equally divided between them would qualify each to be so elected, each of the persons so jointly seised, possessed, or rated may be elected; but the same property shall not at the same time qualify both the owner and the occupier thereof.

Declaration to be made by members of local boards before acting.

17. A. And be it enacted, that no person elected as aforesaid, or selected by any council otherwise than out of their number, shall act as member of the local board of health (except in administering the following declaration) until he shall have made and signed before two or more other members for the district for which he is elected a declaration in writing to the effect following; (that is to say,)

'I *A.B.* do solemnly declare, that I am seised or possessed 'of real or personal [*or* real and personal] estate to the 'value or amount of [*or* that I am 'rated to the relief of the poor of upon 'the annual value of].

'(Signed) *A.B.*

'Made before us, *C.D.* and *E.F.*, members of 'the local board of health for the district of 'this day of .'

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
False declaration a misdemeanor. And such declaration shall be made and signed by the person making the same, and shall be filed and kept by the clerk; and any person who shall falsely or corruptly make and subscribe the said declaration knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor. *Person neglecting to make declaration or to act for three months to cease to be a member.* **18. A.** And be it enacted, that any person elected as aforesaid, or selected by any council otherwise than out of their own number, who neglects to make and subscribe the declaration required by this Act for the space of three months next after his selection or election, and any person selected or elected under this Act who during three successive months is absent from all meetings and committees of the local board of health of which he is elected or selected to be member, shall be deemed to have refused to act, and shall cease to be a member of such local board, and his office as such shall thereupon become vacant. (*See* 25 (2) **B.** *infra.*) *Disqualifications of elected and selected members under* **19. A.** And be it enacted, that no bankrupt, insolvent, or other person not qualified as aforesaid shall be capable of being elected as aforesaid; and if any person, after being so elected or selected by any council otherwise than out of their own number, shall lose or discontinue to hold his qualification, or shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief or protection of insolvent debtors, or shall compound with his creditors, or if any member selected or elected under this Act shall accept or hold any office or place of profit under the local board of health of which he is a member, or shall in any manner be concerned in any bargain or contract entered into by such board, or participate in the profit thereof, or of any work done under the authority of this Act in or for the district for which he is member, then and in every such case such person shall, except in the cases next hereinafter provided, cease to be such member, and his office as such shall thereupon become vacant; and any person who, not being duly qualified to act as member of the said local board, or who has not made and subscribed the declaration required of him by this Act, or who after being disqualified or disabled from acting by any provision of this Act shall so act, shall for every such offence be liable to a penalty of fifty pounds, which may be recovered by any person with full costs of suit, by action of debt; and in such action it shall be sufficient for the plaintiff to prove in the first instance that the defendant at the time when the offence is alleged to have been committed acted as such member, and the burden of proving qualification, and the making and subscription of the declaration, or negativing disqualification, by reason of non-residence, or not being seised or possessed of the requisite real or personal estate, or both, shall be upon the defendant: Provided always, that no person, being a proprietor, shareholder, or member of any company or concern established for the supply of water, or for the carrying on of any other works of a like public nature, shall be disabled from being, continuing, or acting as member of the said local board by reason of any contract entered into between such company or concern and such board; but no such person shall vote as a member of the said local board upon any question in which such company or concern is interested: Provided also, that all acts and proceedings of any person disqualified, disabled, or not duly qualified as aforesaid, or who has not made and subscribed the said declaration, shall, if done previously to the recovery of the last-mentioned penalty, be valid and effectual to all intents and purposes whatsoever. *Disqualification of same under* **B.** 25. **B.** Notwithstanding anything contained in the Public Health Act, 1848,— (1.) No member of a local board shall vacate his office by reason of his being interested in any sale or lease of any lands, or any loan of money to the local board: (2.) Nor by absenting himself from meetings of the board, if he be not absent from the district, for more than six months at one and the same time, unless in case of illness, nor by reason of his being interested in any contract with the local board as			

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

a shareholder in any company established under the provisions of the Joint Stock Companies Acts or any of them, with or without a limited liability; provided no member of a local board, being a shareholder, shall vote on any question in which the company is interested:

(3.) It shall be lawful for one of Her Majesty's Principal Secretaries of State to dispense in any case with the prohibition contained in the nineteenth section of the Public Health Act, 1848, by which no member of a local board, being a shareholder in any company or concern established for the supply of water, or for the carrying on of any other works of a like public nature, is entitled to vote upon any question in which such company or concern is interested.

Qualification of elector, and scale of voting. Definition of the words "owner" and "owners" as applied to this Act for purposes of voting.

20. A. And be it enacted, that at every such election as aforesaid the ratepayers in respect of property in the district or part of a district for which the election is held, and the owners of such property, shall be entitled to vote according to the scale following; (that is to say,) if the property in respect of which the person is entitled to vote be rated upon a rateable value of less than fifty pounds he shall have one vote; if such rateable value amount to fifty pounds and be less than one hundred pounds he shall have two votes; if it amount to one hundred pounds and be less than one hundred and fifty pounds he shall have three votes; if it amount to one hundred and fifty pounds and be less than two hundred pounds he shall have four votes; if it amount to two hundred pounds and be less than two hundred and fifty pounds he shall have five votes, and if it amount to or exceed two hundred and fifty pounds he shall have six votes; and any person who is owner and also *bonâ fide* occupier of the same property shall be entitled to vote both in respect of such ownership and of such occupation; and the votes shall be given, taken, collected, and returned according to the directions herein-after contained; and the majority of the votes actually collected and returned shall be binding on the district or part of a district for which the election is had; and whosoever shall not vote or shall not comply with such directions shall be omitted in the calculation of votes, and be deemed to have had no vote: Provided always, that the word "owner" and "owners," when used in this Act, in relation to the right of voting at any election under this Act, shall respectively be construed to mean any person or persons for the time being in the actual occupation of any kind of property rateable to the relief of the poor, and not let to him or them at a rackrent, or any person or persons receiving, either on his or their own account, or as mortgagee or mortagees, or other incumbrancer or incumbrancers, in possession, the rackrent of any such property; and no person shall be deemed a ratepayer, or be entitled to vote as such at any such election unless he shall have been rated to the relief of the poor in the district or part of a district for which he claims to vote for the space of one whole year immediately preceding the day of tendering his vote, and shall have also paid all rates made upon him for the relief of the poor in such district or part of a district for the period of one whole year, and shall have also paid all such rates, and all rates due from him under this Act, before that day, in such district or part of a district, except rates which shall have been made or become due within the six months immediately preceding: Provided also, that in case of property belonging to a corporation aggregate or to a joint stock or other company, or to any body of proprietors or undertakers, such corporation, company, body of proprietors or undertakers, respectively, shall be deemed to be one owner for the purpose of voting under this Act, and shall vote by proxy appointed in writing under the common seal (in case of a corporation) or (in any other case) under the hands of three directors or other persons in the direction or management of the company or concern; and no member of such corporation, nor any proprietor or person interested in such company or concern, shall be entitled to vote individually as owner in respect of such property; and no owner whosoever shall be entitled to vote as such, unless fourteen days at least previously to the day of tendering his vote he shall have delivered to the clerk or (in case of the first election) to such person within the district in which the qualification to vote is situate as shall be directed by such order in council or provisional order (as the

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case may require), a statement in writing of his name and address, and containing a description of the nature of his interest or estate in the property giving the qualification, and a statement of the amount of all rent-service (if any) which he may receive or pay in respect thereof, and of the persons for whom he may receive or to whom he may pay the same; and no such corporation aggregate, joint stock or other company, body of proprietors or undertakers, shall be entitled to vote unless such statement contain the name and address of the proxy appointed, and a true copy of the appointment of such proxy. *Elections, by whom to be conducted.* 21. **A.** And be it enacted, that at every election by owners of property and ratepayers under this Act the chairman of the local board of health, or, in case of the first election, the summoning officer (see 24 (5), **B.**), as the case may require, shall have the powers and perform the duties vested in or imposed upon the said chairman by this Act in relation to any such election, and shall perform all other duties which it may be requisite for him to perform in conducting and completing elections under this Act; and in case the office of chairman shall be vacant at the time when any such power or duty must be executed or performed, or in case the chairman or summoning officer, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act, some other person, who shall be appointed by the local board of health, shall exercise or perform such of the said powers and duties as then remain to be exercised or performed; and the said local board, or (in case of the first election) the summoning officer, shall, before or during the election, appoint a competent number of persons to assist and attend upon the chairman or the person so appointed (as the case may require) in conducting and completing the same. *Production of parochial books, &c. for purposes of election. List of voters, &c. to be made if necessary.* 22. **A.** And be it enacted, that the clerk of the board of guardians of any union, and the overseers or other officers of every parish, wholly or in part within the parts for which any such election shall be held, and having the custody of any books or papers relating to the election of guardians of the poor, or the poor rate books relating to any such parish, shall permit the same to be inspected and copies or extracts to be taken therefrom by the said chairman, or (in case of the first election) by the summoning officer; and the said chairman may, if he shall see fit, cause to be made an alphabetical list of the persons entitled to vote at the election. *Publication of notices previously to election.* 23. **A.** And be it enacted, that the said chairman shall, before every such election, prepare, sign, and publish a notice, which shall contain the particulars following; that is to say, the number and qualification of the persons to be elected, the persons by whom and the places where the nomination papers herein-after mentioned are to be received, and the last day on which they are to be sent, the mode of voting in case of a contest, and the days on which the voting papers will be delivered and collected, and the time and place for the examination and casting up of the votes; and he shall also cause such notice to be affixed on such places in the parts for which the election is to be held as are ordinarily made use of for affixing thereon notices of parochial business: Provided always, that whenever the day appointed for the performance of any act in relation to any such election shall be on a Sunday, Christmas Day, or Good Friday, or any day appointed for public fast or thanksgiving, such act shall be performed on the next day following. *Nomination and election of candidates.* 24. **A.** And be it enacted, that any person entitled to vote may nominate for the office of member of the local board of health himself (if qualified to be elected), or any other person or persons so qualified (not exceeding the number of persons to be elected); and every such nomination shall be in writing, and shall state the names, residence, calling, or quality of the persons nominated, and shall be signed by the party nominating, and be sent to the said chairman; and if the number of persons nominated shall be the same or less than the number of persons to be elected, such persons (if duly qualified) shall be deemed to be elected, and shall be certified accordingly by the said chairman			

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under his hand; but if the number so nominated exceed the number to be elected, the said chairman shall cause voting papers, in the form contained in the schedule (A.) to this Act annexed, to be prepared and filled up, and shall insert therein the names of all the persons nominated, in the order in which the nomination papers were received, but it shall not be necessary to insert more than once the name of any person nominated; and the said chairman shall, three days before the day of election, cause one of such voting papers to be delivered by the persons appointed for that purpose, to the address in the parts for which the election is to be held of each owner and proxy, and at the residence of each ratepayer entitled to vote therein: Provided always, that if any person put in nomination shall tender to the officer conducting the election his refusal in writing to serve as a member of the local board of health, and if in consequence of such refusal the number of persons nominated shall be the same as or less than the number of persons to be elected, all or so many of the remaining candidates as shall be duly qualified shall be deemed to be elected, and shall be certified as such by the chairman under his hand. *Mode of voting.* **25. A.** And be it enacted, that each voter shall write his initials in the voting paper delivered to him against the name or names of the person or persons (not exceeding the number of persons to be elected) for whom he intends to vote, and shall sign such voting paper; and when any person votes as a proxy he shall in like manner write his own initials, and sign his own name, and state also in writing the name of the corporation, company, or body of proprietors or undertakers for which he is proxy: Provided always, that if any voter cannot write he shall affix his mark at the foot of the voting paper in the presence of a witness, who shall attest and write the name of the voter against the same, as well as the initials of such voter against the name of every candidate for whom the voter intends to vote. *Regulations as to collection of voting papers.* **26. A.** And be it enacted, that the said chairman shall cause the voting papers to be collected on the day of election by the persons appointed or employed for the purpose in such manner as he shall direct; but no voting paper shall be received or admitted unless the same have been delivered at the address or residence as aforesaid of the voter within the parts for which the election is had, nor unless the same be collected by the persons appointed or employed for that purpose, except as next herein-after provided: Provided always, that if any person qualified to vote shall not have received a voting paper as aforesaid, he shall, on application before that day to the said chairman, be entitled to receive a voting paper from him, and to fill up the same in his presence, and then and there to deliver the same to him: Provided also, that in case any voting paper duly delivered shall not have been collected, through the default of the said chairman, or the persons appointed or employed to receive the same, the voter in person may deliver the same to the said chairman before twelve o'clock at noon on the day, or the first day, (as the case may be,) appointed for the examination and casting up of the votes. *Regulations as to examination of votes and elections of local boards. Notices to be sent to persons elected. List of persons elected, &c. to be transmitted to local boards, who shall deposit the same, which shall be open to inspection.* **27. A.** And be it enacted, that the chairman shall on the day immediately following the day of the election, and on as many days immediately succeeding as may be necessary, attend at the office of the local board of health, and ascertain the validity of the votes, by an examination of the rate books and such other books and documents as he may think necessary, and by examining such persons as he may see fit; and he shall cast up such of the votes as he shall find to be valid, and to have been duly given, collected, or received, and ascertain the number of such votes for each candidate; and the candidates to the number to be elected who, being duly qualified, shall have obtained the greatest number of votes shall be deemed to be elected, and shall be certified as such by the said chairman under his hand; and to each person so elected the said chairman shall send or deliver notice of such election; and the said chairman shall also cause to be made a list containing the names of the candidates, together with (in case of a contest) the number of votes given for each, and the names of the persons elected, and shall sign and certify the same, and	

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shall deliver such list, together with the nomination and voting paper which he shall have received, to the local board of health at their first or next meeting (as the case may be), who shall cause the same to be deposited in their office, and the same shall, during office hours thereat, be kept open to public inspection, together with all other documents relating to the election, for six months after the election shall have taken place, without fee or reward; and the said chairman shall cause such list to be printed, and copies thereof to be affixed at the usual places for affixing notices of parochial business within the parts for which the election shall have been made. *Penalty upon persons conducting elections neglecting to comply with provisions of this Act.* 28. **A.** And be it enacted, that if the said chairman or other person charged with taking, collecting, or returning the votes at any such election as aforesaid shall neglect or refuse to comply with any of the provisions of this Act in that behalf, he shall be liable for every such offence to a penalty not exceeding fifty pounds; and any person employed for the purposes of any such election, by or under the said chairman or other person charged as aforesaid, who shall be guilty of any such neglect or refusal, shall be liable for every such offence to a penalty not exceeding five pounds. *Defects in election, &c. not to invalidate proceedings.* 29. **A.** And be it enacted, that all proceedings of the local board of health, and of any person acting as member or under the authority thereof, shall, notwithstanding any defect in the selection or election of such board or any member thereof, be as valid and effectual as if no such defect had ever existed. *Expenses of elections to be defrayed out of general district rates.* 30. **A.** And be it enacted, that the necessary expenses attendant upon any such election as aforesaid, and such reasonable remuneration to returning officers and other persons for services performed or expenses incurred by them in relation thereto as shall from time to time be allowed by the local board of health in that behalf, shall be paid out of the general district rates to be levied under this Act. PROVISIONS OF **B.** AS TO CONSTITUTION OF LOCAL BOARDS. *Local boards how constituted.* 24. **B.** The duty of carrying into execution this Act shall be vested in a local board; and such local board shall be, (1.) In corporate boroughs, the mayor, aldermen, and burgesses acting by the council: (2.) In other places under the jurisdiction of such a board of improvement commissioners as hereinbefore mentioned, the board of commissioners: (3.) In other places, such number of elective members as may be determined by a resolution of the owners and ratepayers, passed in manner in which resolutions for the adoption of this Act are hereinbefore directed to be passed, at any meeting held for the purpose of adopting this Act, or at any meeting to be summoned by the summoning officer for the purpose of this section; but no person shall be qualified to be a member of such local board unless he is at the time of his election, and so long as he shall continue in office by virtue of such election, resident within the district for which or for part of which he is elected, or within seven miles thereof, and is seised or possessed of real or personal estate, or both, to the value of not less than five hundred pounds, in districts containing less than twenty thousand inhabitants, or to the value of not less than one thousand pounds in districts containing twenty thousand or more inhabitants, or rated to the relief of the poor of such district, or of some parish within the same, upon an annual value of not less than fifteen pounds in districts containing less than twenty thousand inhabitants, or on an annual value of not less than thirty pounds in districts containing twenty thousand or more inhabitants; provided that if two or more persons be jointly seised or possessed of real or personal estate or both, of such value	

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or amount as would, if equally divided between them, qualify each to be elected, or if two or more persons be jointly rated in respect of any property which, if equally divided between them, would qualify each to be so elected, each of the persons so jointly seised, possessed, or rated may be elected, but the property shall not at the same time qualify the owner and the occupier thereof:	
District may be divided into wards, with sanction of Secretary of State.	
(4.) Local boards of health in districts where the Public Health Act, 1848, is applied, may, with the sanction of one of Her Majesty's Principal Secretaries of State, divide their district into separate wards, and declare what proportion of the members of the local board is to be elected by each ward: In districts where this Act is adopted, the owners and ratepayers may by resolution direct a petition to one of Her Majesty's Principal Secretaries of State to divide the district into wards, for the purpose of election of the local board, and to declare what proportion of the members of the local board shall be elected by each ward, and the said Secretary of State may by his order make such division and declaration after such inquiry as he shall deem necessary, and fourteen days notice shall be given of the time, place, and object of such inquiry; and if any member be elected in more than one ward, he shall within three days notice thereof choose, or, in default of his choosing, the local board at their next meeting shall decide for which one of the wards the member shall serve, and he shall thereupon be held to be elected in that ward only, and a vacancy shall be held to exist on account of the other ward or wards; no person entitled to vote shall give in the whole of the wards a greater number of votes than he would have been entitled to give if the district had not been divided into wards, nor in any one ward a greater number of votes than he is entitled to in respect of property in that ward; but subject to these limitations, any ratepayer or owner may, by notice in writing delivered to the clerk of the local board, or in case of the first election to the person appointed to conduct that election, elect in what ward or wards he will vote for the ensuing year, and determine the proportion of votes which he will give in any one or more of such wards, and if he do not give such notice he shall not be entitled to vote for any ward in which he does not reside:	
As to election of local boards.	
(5.) The election of local boards shall be conducted in the manner directed by the Public Health Act, 1848, for the election of local boards of health; and the summoning officer shall conduct the first election; and the members of the local board shall take such declaration, continue in office for the same time, and be liable to such disqualifications and penalties, as the members of local boards of health under the said Public Health Act as altered by this Act:	
(6.) If any person nominated, or any person on his behalf, give at least one clear day's notice in writing to the returning officer, before the delivery or collection of the voting papers, of an intention to send some agent to accompany the deliverer or collector of the papers, the returning officer shall make his arrangements so as to enable the person appointed by him to be so accompanied; provided that no such agent shall interfere in any respect in the delivery or collection of the voting papers:	
As to casual vacancies.	
(7.) Any casual vacancy occurring by death, resignation, disqualification, or otherwise in the local board may be filled up within one month by the local board out of qualified persons, but the member so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred:	

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As to first meeting of local board. (8.) In the case of districts not consisting of boroughs or towns under the jurisdiction of such improvement commissioners as aforesaid, the first meeting shall be held on such day, not more than ten days after the election of the local board, and at such place, as the returning officer may, by notice sent by post or delivered to each member of such board, appoint.	
PART III.—POWERS TO COMBINE FOR ALL OR ANY PURPOSES.	
Power to adjoining districts to unite, with sanction of Secretary of State. **27. B.** Adjoining districts may unite together upon such terms and subject to such conditions as the respective local boards of such districts may, with the sanction of one of Her Majesty's Principal Secretaries of State, determine.	
Power to local board to execute works in adjoining places. **28. B.** Every local board may, with the consent of the local board of any adjoining district, or with the consent of any adjoining place maintaining its own poor, do and execute in such adjoining district or place all or any of such works and things as the local board may do and execute within their own district, and upon such terms as to payment or otherwise as may be agreed upon between such local board and the local board of the adjoining district, or the local authority under the Nuisance Removal Act, 1855, in and for such adjoining place; and any sums agreed to be paid by the local board of the adjoining district in pursuance of this section, shall be payable out of the rates leviable under the Public Health Act, 1848, and this Act; and any sums agreed to be paid by such local authority shall be payable out of the same rates as the expenses of executing the said Nuisance Removal Act; and the consent of any such place to any work or thing proposed to be done under this section shall be signified in the same manner in which the consent of a place to the adoption of this Act is herein-before required to be signified; and where the expenses of any such work or thing would, if the same had been executed in a district under the powers of this Act, have been recoverable from owners or occupiers, such expenses shall be recoverable by the local board or local authority of the district or place respectively from such owners or occupiers.	
Power of local boards to combine. **9. M.** Two or more * * local boards may combine together for the purpose of executing and maintaining any works that may be for the benefit of their respective districts, and all monies they may agree to contribute for the execution and maintenance of such common works shall, in the case of each authority, be deemed to be expenses incurred by them in the execution of works within their district, and shall be raised accordingly.	*Power of sewer authorities to combine.* **9. M.** Two or more sewer authorities * * may combine together for the purpose of executing and maintaining any works that may be for the benefit of their respective districts, and all monies they may agree to contribute for the execution and maintenance of such common works shall, in the case of each authority, be deemed to be expenses incurred by them in the execution of works within their district, and shall be raised accordingly.
UNION OF DISTRICTS. N.B.—*"Local board" is included in definition of "sewer authority" in* **N.**	UNION OF DISTRICTS.
Constitution of joint sewerage district. **10. N.** Where it appears to the sewer authority of any district that it would be for the advantage of such district, and of any district or districts adjoining or lying within the same drainage area, or otherwise conveniently situate, that all such districts should be formed into a united district for the purpose of The Sewage Utilization Act, 1865, and of this Act, or for any of such purposes, such sewer authority may, with the consent of the sewer authority of every district affected, apply to one of Her Majesty's Principal Secretaries of State for an order forming such districts into one district, herein-after referred to as a united district, and the Secretary of State, if satisfied of the expediency of such union of districts, may make an order accordingly.	*Constitution of joint sewerage district.* **10. N.** Where it appears to the sewer authority of any district that it would be for the advantage of such district, and of any district or districts adjoining or lying within the same drainage area, or otherwise conveniently situate, that all such districts should be formed into a united district for the purposes of The Sewage Utilization Act, 1865, and of this Act, or for any of such purposes, such sewer authority may, with the consent of the sewer authority of every district affected, apply to one of Her Majesty's Principal Secretaries of State for an order forming such districts into one district, herein-after referred to as a united district, and the Secretary of State, if satisfied of the expediency of such union of districts, may make an order accordingly.
Advertisement of intention to form united district. **11. N.** The intention of a sewer authority to apply to one of Her Majesty's Principal Secretaries of State for an order forming a united district shall be advertised in some newspaper circulating within the area of such proposed united district once at least in each of the three weeks before such application is made.	*Advertisement of intention to form united district.* **11. N.** The intention of a sewer authority to apply to one of Her Majesty's Principal Secretaries of State for an order forming a united district shall be advertised in some newspaper circulating within the area of such proposed united district once at least in each of the three weeks before such application is made.

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
PART III.—POWERS TO COMBINE FOR ALL OR ANY PURPOSES.	
	Guardians, &c. of the poor to be the local authorities for executing Diseases Prevention Act. **40. San.** Where in any place two or more boards of guardians or local authorities have jurisdiction, the Privy Council may, by any order made under the Diseases Prevention Act, 1855, authorize or require such boards to act together for the purposes of that Act, and may prescribe the mode of such joint action and of defraying the costs thereof.

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Constitution of joint sewerage board. 12. N. A united district shall be subject to the jurisdiction of a joint sewerage board consisting of members elected by each of the sewer authorities of the component districts in such manner as may be determined by the said Secretary of State, and such board shall be a body corporate, with perpetual succession and a common seal, having a capacity to acquire and hold lands for all the purposes of The Sewage Utilization Act, 1865, and of this Act, or for any of such purposes. The first meeting of a joint sewerage board shall be held in such manner and at such time as may be determined by the said Secretary of State, and "The Rules as to Proceedings of Drainage Boards" contained in the second part of the schedule annexed to The Land Drainage Act, 1861, shall apply to a joint sewerage board constituted under this Act.	*Constitution of joint sewerage board.* 12. N. A united district shall be subject to the jurisdiction of a joint sewerage board consisting of members elected by each of the sewer authorities of the component districts in such manner as may be determined by the said Secretary of State, and such board shall be a body corporate, with perpetual succession and a common seal, having a capacity to acquire and to hold lands for all the purposes of The Sewage Utilization Act, 1865, and of this Act, or for any of such purposes. The first meeting of a joint sewerage board shall be held in such manner and at such time as may be determined by the said Secretary of State, and "The Rules as to Proceedings of Drainage Boards" contained in the second part of the schedule annexed to The Land Drainage Act, 1861, shall apply to a joint sewerage board constituted under this Act.
Powers of joint sewerage board. 13. N. A joint sewerage board shall, in the united district, have all the same powers, except the power of levying a rate, and be subject to the same obligations, so far as relate to the purposes of its constitution, as if it were the only sewer authority of that district, subject to this proviso, that the said joint board may delegate to any sewer authority of a component district such powers of superintendence or otherwise within its own district as such joint board think fit.	*Powers of joint sewerage board.* 13. N. A joint sewerage board shall, in the united district, have all the same powers, except the power of levying a rate, and be subject to the same obligations, so far as relate to the purposes of its constitution, as if it were the only sewer authority of that district, subject to this proviso, that the said joint board may delegate to any sewer authority of a component district such powers of superintendence or otherwise within its own district as such joint board think fit.
Expenses of joint sewerage board how defrayed. 14. N. Any expenses incurred by a joint sewerage board in pursuance of this Act shall be defrayed out of a common fund to be contributed by the component districts in proportion to the rateable value of each district, or in such other proportion as the said Secretary of State may, with the consent of the sewer authority of each component district, by order determine. The rateable value of a district shall be deemed to be the value on which any such rate would be assessed as would, if such district were not in union, be applicable by the sewer authority of that district to the payment of any expenses legally incurred by that authority, and the amount of contribution shall be paid out of such last-mentioned rate, and the sewer authority of each component district shall levy the same accordingly.	*Expenses of joint sewerage board how defrayed.* 14. N. Any expenses incurred by a joint sewerage board in pursuance of this Act shall be defrayed out of a common fund to be contributed by the component districts in proportion to the rateable value of each district, or in such other proportion as the said Secretary of State may, with the consent of the sewer authority of each component district, by order determine. The rateable value of a district shall be deemed to be the value on which any such rate would be assessed as would, if such district were not in union, be applicable by the sewer authority of that district to the payment of any expenses legally incurred by that authority, and the amount of contribution shall be paid out of such last-mentioned rate, and the sewer authority of each component district shall levy the same accordingly.

PART IV.—MODE OF CONDUCTING BUSINESS, COMMITTEES, OFFICERS, &c.

Meetings, &c. of Local Boards.

Meetings of local boards of noncorporate districts, and regulation of business, &c.

34. A. And be it enacted, that the local board of health of every noncorporate district shall hold an annual meeting, and other meetings for the transaction of business under this Act once at least in each month, and at such other times as may be necessary for properly executing its powers and duties under this Act, and shall from time to time make byelaws with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business by such board under this Act: Provided always,

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PART IV.—MODE OF CONDUCTING BUSINESS, COMMITTEES, OFFICERS, &c.

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that no business shall be transacted at any such meeting unless at least one-third of the full number of members be present thereat, except in either of the districts to be called the Oxford or Cambridge district, in which cases business may be transacted if at least seven members be present; and all questions shall be decided by a majority of votes; and the names of the members present, as well as of those voting upon each question, shall be recorded; and the said local board shall at their first meeting under this Act, and afterwards from time to time at their annual meeting, appoint one of their number to be chairman for one year at all meetings at which he is present, and in case the chairman so appointed be absent from any meeting at the time appointed for holding the same, the members present shall appoint one of their number to act as chairman thereat; and in case the chairman appointed as first aforesaid die, resign, or become incapable of acting, another member shall be appointed to be chairman for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office, and no longer; and the chairman at any meeting shall have a second or casting vote in case of an equality of votes; but nothing herein contained with respect to the appointment of chairman shall apply to any district to be called the Oxford or Cambridge district, and in such districts the Oxford or Cambridge commissioners respectively shall appoint a chairman as heretofore.	
Local boards to provide offices for transacting business, and cause a seal to be made.	
35. A. And be it enacted, that the local board of health shall from time to time provide and maintain such offices as may be necessary for transacting their business and that of their officers and servants under this Act, and (in the case of a noncorporate district) shall cause to be made a seal for the use of such board in the execution of this Act; and documents or copies of documents purporting to proceed from the said local board, and to be signed by any five or more members thereof, and to be sealed or stamped with such seals or (in the case of a corporate district) to be sealed with the common seal, shall be received as *primâ facie* evidence in all courts and places whatsoever.	
Committees may be appointed.	*Power to sewer authority to form committee of its own members and others.*
36. A. And be it enacted, that the local board of health may from time to time appoint out of their own number so many persons as they may think fit, for any purposes which in the opinion of the said local board would be better regulated and managed by means of a committee: Provided always, that the Acts of every such committee shall be submitted to the said local board for their approval.	**4. San.** Any sewer authority may from time to time, at any meeting specially convened for the purpose, form one or more committee or committees consisting wholly of its own members, or partly of its own members and partly of such other persons contributing to the rate or fund out of which the expenses incurred by such authority are paid, and qualified in such other manner as the sewer authority may determine, and may delegate, with or without conditions or restrictions, to any committee so formed, all or any powers of such sewer authority, and may from time to time revoke, add to, or alter any powers so given to a committee. A committee may elect a chairman of its meetings. If no chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. A committee may meet and adjourn as it thinks proper. The quorum of a committee shall consist of such number of members as may be prescribed by the sewer authority that appointed it, or, if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present, and voting on that question; and in case of an equal division of votes the chairman shall have a second or casting vote. The proceedings of a committee shall not be invalidated by any vacancy or vacancies amongst its members. A sewer authority may from time to time add to or diminish the number of the members or otherwise alter the constitution of any committee formed by it, or dissolve any committee. A committee of the sewer authority shall be deemed to be the agents of that authority, and the appointment of such committee shall not relieve the sewer authority from any obligation imposed on it by Act of Parliament or otherwise. *The sewer authority does not appear to have given to it by these Acts in explicit terms any power to appoint or employ officers. In Sanitary Act,* 48 **San.**, *reference is made to "clerk or any officer" of sewer authority.*
DISTRICT MAPS, &c.	
Map exhibiting system of sewerage.	
41. A. And be it enacted, that the said local board of health may, if they shall think fit, cause to be prepared, or to procure, a map exhibiting a system of sewerage for effectually draining their district for the purposes of this Act, upon a scale to be prescribed by the General Board of Health; and every such map shall be kept at the office of the said local board, and shall at all reasonable times be open to the inspection of the ratepayers of the district to which it applies.	
Expense of surveys, &c.	
42. A. And be it enacted, that the expense of surveys, maps, or plans made, prepared, or procured by the local board of health for the purposes of this Act shall be defrayed out of the general district rates to be levied under this Act.	
APPOINTMENT OF OFFICERS.	
Power to local boards to appoint surveyor, inspector of nuisances, clerk, treasurer, &c. Same person may be surveyor and inspector of nuisances, but not clerk and treasurer.	
37. A. And be it enacted, that the local board of health shall from time to time appoint fit and proper persons to be surveyor, inspector of nuisances, clerk, and treasurer for the purposes of this Act, and shall appoint or employ such collectors and other officers and servants as may be necessary and proper for the efficient execution of this Act, and shall make byelaws for regulating the duties and conduct of the several officers and servants so appointed	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
Power to local authority to appoint committees.	
5. X. The local authority may appoint any committee of their own body to receive notices, take proceedings, and in all or certain specified respects execute this Act, whereof two shall be a quorum; and such local authority, or their committee, may, in each particular case, by order in writing under the hand of the chairman of such body or committee, empower any officer or person to make complaints and take proceedings on their behalf.	
Board of guardians may appoint committees for particular parishes.	
5. Y. The board of guardians for a union *may* appoint a committee or committees of their own body, under section five of the said Nuisances Removal Act, to act in and for one or more of the parishes or places for which the board is the local authority; and every committee so appointed shall have the full power of executing the said Act in all respects, within the specified place or places for which it is appointed, unless its power be expressly limited by the terms of its appointment.	
N.B.—*Expenses to be paid out of rates under further provisions of same section, see page* 139.	
But the Nuisances Removal Committee which might be appointed under **X.** *is abolished, except so far as relates to any vestry or district board under the Metropolis Local Management Act,* 1855 (18 & 19 *Vict., c.* 120), *or to any Committee appointed by such vestry or district board for the purpose of carrying into effect the Nuisances Removal Acts, or any of them. See* 3 **Y.** *and* 17 **San.**	
OFFICERS TO BE EMPLOYED.	
Appointment of inspectors of nuisances.	
9. Y. Local authorities under this Act may, for the purposes of the Act, severally appoint or employ inspectors of nuisances, and make such payments as they see fit for the remuneration and expenses of such inspectors.	

Local Boards.	Sewer Authority.
or employed; and the said local board may pay, out of the general district rates to be levied under this Act, to such officers and servants, such reasonable salaries, wages, or allowances as the said local board may think proper; and every such officer and servant shall be removable by the said local board at their pleasure, subject, nevertheless, in the case of the removal of the surveyor, to the approval of the General Board of Health: Provided always, that the same person may be both surveyor and inspector of nuisances; but neither the person holding the office of treasurer, nor his partner, nor any person in the service or employ of them or either of them, shall hold, be eligible to, or shall in any manner assist or officiate in the office of clerk; and neither the person holding the office of clerk, nor his partner, nor any person in the service or employ of them or either of them, shall hold, be eligible to, or shall in any manner assist or officiate in the office of treasurer; and whosoever offends in any of the cases enumerated in this proviso shall forfeit and pay the sum of one hundred pounds, which may be recovered by any person, with full costs of suit, by action of debt.	
Power to appoint an officer of health.	
40. A. And be it enacted, that the local board of health may from time to time, if they shall think fit, appoint a fit and proper person, being a legally qualified medical practitioner or a member of the medical profession, to be and be called the officer of health, who shall be removable by the said local board; and the same person may be officer of health for two or more districts; and the local board or boards of health of the district or districts respectively for which any such officer is appointed may pay to him, out of the general district rates to be levied under this Act, such remuneration by way of annual salary or otherwise as the said local board or boards may by order in writing determine and appoint, and (in case of a joint appointment for two or more districts) in such proportions as the said general board may by order in writing determine and appoint.	
PROTECTION OF OFFICERS.	
Notice of action. Limitation of Actions. Venue. General issue. Tender of amends, &c. Money may be paid into court.	
139. A. And be it enacted, that no writ or process shall be sued out against or served upon any superintending inspector, or any officer or person acting in his aid, or under the direction of the General Board of Health, nor against the local board of health, or any member thereof, or the officer of health, clerk, surveyor, inspector of nuisances, or other officer or person whomsoever acting under the direction of the said local board, for anything done or intended to be done under the provisions of this Act, until the expiration of one month next after notice in writing shall have been delivered to him, or left at their or his office or usual place of abode, clearly and explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the last-mentioned notice; and unless such notice be proved the jury shall find for the defendant; and every such action shall be brought or commenced within six months next after the accrual of the cause of action, and not afterwards, and shall be laid and tried in the county or place where the cause of action occurred, and not elsewhere; and the defendant shall be at liberty to plead the general issue, and give this Act and all special matter in evidence thereunder; and any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney or agent, at any time within one month after service of such notice, and in case the same be not accepted may plead such tender in bar, and (by leave of the court) with the general issue or other plea or pleas; and if upon issue joined upon any plea pleaded to the whole action the jury find generally for the defendant, or if the plaintiff be nonsuited or discontinue, or if judgment be given for the defendant, then the defendant shall be entitled to full costs of suit, and have judgment accordingly; and in case amends have not been tendered as aforesaid, or in case the amends tendered be insufficient, the defendant may, by leave of the court, at any time before trial, pay into court, under plea, such sum of money as he may think proper, and (by the like leave) may plead the general issue or other plea or pleas, any rule of court or practice to the contrary notwithstanding.	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
Guardians may procure sanitary reports and pay for the same.	
14. Y. The guardians of any union, or parish not within an union, may at any time employ one of their medical officers to make inquiry and report upon the sanitary state of their union or parish, or any part thereof, and pay a reasonable compensation for the same out of their common fund.	
Note.—As to "officer of health" under Artizans and Labourers Dwellings Act, 1868, see Note on page 1, at foot.	
DUTIES OF NUISANCE AUTHORITIES AS TO INSPECTION OF DISTRICT.	
20. San. It shall be the duty of the nuisance authority to make from time to time, either by itself or its officers, inspection of the district, with a view to ascertain what nuisances exist calling for abatement under the powers of the Nuisance Removal Acts, and to enforce the provisions of the said Acts in order to cause the abatement thereof, also to enforce the provisions of any Act that may be in force within its district requiring fireplaces and furnaces to consume their own smoke; and any justice upon complaint upon oath may make an order to admit the nuisance authority or their officers for these purposes, as well as to ground proceedings under the eleventh section of the Nuisances Removal Act, 1855.	
Local Authority to order costs of prosecutions to be paid out of the rates.	
30. X. The local authority may, within the area of their jurisdiction, direct any proceedings to be taken at law or in equity in cases coming within the purview of this Act, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or in relation to appeals under this Act, and may order the expenses of all such proceedings to be paid out of the rates or funds administered by them under this Act.	
PROTECTION OF LOCAL AUTHORITY AND OFFICERS.	
42. X. The local authority, and any officer or person acting under the authority and in execution or intended execution of this Act, shall be entitled to such protection and privilege in actions and suits, and such exemption from personal liability, as are granted to local boards of health and their officers by the law in force for the time being. (See 139 and 140 **A.**)	

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
Persons acting in execution of Act not to be personally liable. **140. A.** And be it enacted, that no matter or thing done or contract entered into by the local board of health, nor any matter or thing done by any superintending inspector, or any member of the said local board, or by the officer of health, clerk, surveyor, inspector of nuisances, or other officer or person whomsoever acting under the direction of the said local board, shall, if the matter or thing were done or the contract were entered into *bonâ fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such local board, member, officer of health, clerk, surveyor, inspector of nuisances, or other officer or person acting as last aforesaid, shall be borne and repaid out of the general district rates levied under the authority of this Act.			
Penalty upon officers, &c., interested in contracts or taking fees improperly. **38. A.** And be it enacted, that no officer or servant appointed or employed by or under the local board of health shall in anywise be concerned or interested in any bargain or contract made with such board for the purposes of this Act; and if any such officer or servant be so concerned or interested, or shall, under colour of his office or employment, exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Act, and shall forfeit and pay the sum of fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt.			
Officers, &c., intrusted with money to give security, and to account. Summary proceedings to be taken in case of failing to account, &c. **39. A.** And be it enacted, that before any such officer or servant enters upon any office or employment under this Act by reason whereof he will or may be intrusted with the custody or control of money, the local board of health by whom he is appointed shall require and take from him sufficient security for the faithful execution of such office or employment, and for duly accounting for all monies which may be intrusted to him by reason thereof; and every such officer or servant employed in the collection of rates under the authority of this Act shall, within seven days after he shall have received any monies on account of such rates, pay over the same to the treasurer, and shall, as and when the said local board may direct, deliver a list, signed by him, containing the names of all persons who have neglected or refused to pay any such rate, and the sums respectively due from them; and every officer and servant appointed or employed by or acting under the said local board shall respectively, when and in such manner as shall be required by such board, make out and deliver to them a true and perfect account in writing of all monies received by him for the purposes of this Act, and stating how, and to whom, and for what purpose such monies have been disposed of, and shall, together with such account, deliver the vouchers or receipts for all payments made by him, and pay over to the treasurer all monies owing by him upon the balance of accounts; and if any such officer or servant fail to render such account, or to produce and deliver up such of the said vouchers and receipts as may be in his possession or power, or to pay over any such monies as aforesaid, or if for the space of five days after being thereunto required he fail to deliver up to the said local board all papers and writings, property, effects, matters, and things, in his possession or power, relating to the execution of this Act, or belonging to such board, then and in every such case a justice shall, on complaint being made to him in that behalf, summon the party charged to appear and answer the complaint before two justices at a time and place to be specified in the summons; and upon the appearance of the party charged, or upon proof that the summons was personally served upon him, or left at his last known place of abode or business, and if it appear to the last-mentioned justices that he has failed to render any such accounts, or to produce and deliver up any such vouchers or receipts, or any such papers, writings, property, effects, matters, or things as aforesaid, and that he still fails or refuses so to do, they may, by warrant under their hands and seals,			

Local Boards.	Sewer Authority.
commit the offender to gaol, there to remain, without bail, until he shall have rendered such accounts, and produced and delivered up all such vouchers, receipts, books, papers, writings, property, effects, matters, and things in respect of which the charge was made; and if it appear that the party charged has failed to pay over any such monies as aforesaid, and that he still fails or refuses so to do, the last-mentioned justices may, by a like warrant, cause the same to be levied by distress and sale of his goods and chattels, and in default of any sufficient distress commit him to gaol, there to remain, without bail, for a period of three months, unless such monies be sooner paid: Provided always, that if the complainant, by deposition on oath, show to the satisfaction of any justice that there is probable cause for believing that the party charged intends to abscond, such justice may, without previous summons, by warrant under his hand and seal, cause him to be forthwith apprehended; and in such case the said party shall, within twenty-four hours after apprehension, be brought before the same or some other justice, who may order that he be discharged from custody, if such justice think that there is no sufficient ground for detention, or that he be further detained until he be brought before two justices at a time and place to be named in the order, unless bail to the satisfaction of the justice be given for the appearance of the party before such two justices: Provided also, that no such proceeding shall be construed to relieve or discharge any surety of the offender from any liability whatsoever.	

PART V.—SUPERVISION AND CONTROL OVER LOCAL AUTHORITY.

Local Board.

N.B.—*Appeals to quarter sessions are not noted here.*

Local board to report.

76. B. Every local board shall make an annual report, in such form and at such time as the Secretary of State may from time to time direct, of all works executed by them during the preceding year, and of all sums received and disbursements made, under and for the purposes of this Act, and publish the same in some newspaper circulating in the district, and shall send a copy to the Secretary of State.

Secretary of State to provide for execution of Act.

79. B. It shall be lawful for the Secretary of State to report annually to Parliament on the execution of this Act, to make or direct such inquiries as are directed by this Act, and to appoint from time to time such officers, clerks, and servants as he may require for the purposes of this Act, and at his pleasure to remove any such officers, clerks, or servants; and the Commissioners of Her Majesty's Treasury shall fix the salaries and allowances of such officers, clerks, and servants.

Orders of Secretary of State to be binding.

81. B. All orders made by one of Her Majesty's Principal Secretaries of State in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer; and any such secretary may make orders as to the costs of any appeal to him under this Act, and the parties by whom such costs are to be borne; and every such order may be made a rule of one of the superior courts of law, on the application of any party named therein.

Powers for inquiry directed by Secretary of State and powers of officer appointed by him.

80. B. Any officer directed by one of Her Majesty's Principal Secretaries of State to inquire into any matter into which such secretary is empowered to direct inquiry under this Act shall, for the purposes of such inquiry, have all the powers vested in superintending inspectors by the one hundred and twenty-first section of the Public Health Act, 1848, viz:

Superintending inspectors may summon witnesses, call for plans, rates, &c.

121. A. During any inquiry by a superintending inspector under this Act he may and he is hereby empowered to summon before him any persons whomsoever, and to examine them upon oath or otherwise touching any matter relating to the purposes of the inquiry, and he may by any such summons require any parochial officer, or any officer of or acting under any corporation, guardians, or directors of the poor, and any commissioner, trustee, officer, or person acting under any local Act of Parliament in force within the district or place to which any such inquiry may relate to

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

PART V.—SUPERVISION AND CONTROL OVER LOCAL AUTHORITY.

Power of police with respect to nuisances.

16. San. In any place within the jurisdiction of a nuisance authority the chief officer of police within that place, by and under the directions of one of Her Majesty's Principal Secretaries of State, on its being proved to his satisfaction that the nuisance authority have made default in doing its duty, may institute any proceeding which the nuisance authority of such place might institute with respect to the removal of nuisances; provided always, that no officer of police shall be at liberty to enter any house or part of a house used as the dwelling of any person without such person's consent, or without the warrant of a justice of the peace, for the purpose of carrying into effect this Act.

Power to Privy Council to issue orders that provisions herein contained for prevention of diseases may be put in force.

5. R. Whenever any part of England appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious disease, the Lords and others of Her Majesty's most honourable Privy Council, or any three or more of them, (the Lord President of the Council or one of Her Majesty's Principal Secretaries of State being one,) may, by order or orders to be by them from time to time made, direct that the provisions herein contained for the prevention of diseases be put in force in England, or in such parts thereof as in such order or orders respectively may be expressed, and may from time to time, as to all or any of the parts to which any such order or orders extend, and in like manner, revoke or renew any such order; and, subject to revocation and renewal as aforesaid, every such order shall be in force for six calendar months, or for such shorter period as in such order shall be expressed; and every such order of Her Majesty's Privy Council, or of any members thereof, as aforesaid, shall be certified under the hand of the clerk in ordinary of Her Majesty's Privy Council, and shall be published in the "London Gazette;" and such publication shall be conclusive evidence of such order, to all intents and purposes.

[Privy Council] to issue regulations to carry out such provisions.

6. R. From time to time after the issuing of any such order as aforesaid, and whilst the same continues in force, the [Privy Council] may issue directions and regulations, as the said board think fit—

For the speedy interment of the dead:

For house to house visitation:

For the dispensing of medicines, guarding against the spread of disease, and affording to persons afflicted by or threatened with such epidemic, endemic, or contagious diseases such medical aid and such accommodation as may be required.

Local extent and duration of regulations of [Privy Council].

And from time to time, in like manner, may revoke, renew, and alter any such directions and regulations as to the [Privy Council] appears expedient, to extend to all parts in which the provisions of this Act for the prevention of disease shall for the time being be put in force under such orders as aforesaid, unless such directions and regulations be expressly confined to some of such parts, and then to such parts as therein are specified; and (subject to the power of revocation and alteration herein contained) such directions and regulations shall continue in force so long as the said provisions of this Act shall, under such order, be applicable to the same parts.

Publication of such regulations.

7. R. Every such direction and regulation as aforesaid, when issued, shall be published in the "London

Local Boards.	Sewer Authority.
produce before him any surveys, plans, sections, rate books, or other like documents which may by reason of their office be in their custody or control touching any matter relating to the purposes of such inquiry, and such inspector may examine, inspect, or take copies of any such books, surveys, plans, sections, and documents, or any of them, or part thereof; and whosoever wilfully disobeys any such summons, or prevents any such inspector from examining, inspecting, or taking copies as last aforesaid, or refuses to answer any question put to him by such inspector for the purposes of the said inquiry, shall be liable to a penalty not exceeding five pounds: Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him; and no person shall be required in any case, in obedience to any such summons, to travel more than ten miles from his place of abode.	
Mode of proceeding where local board has made default in providing sufficient sewers, &c.	
49. San. Where complaint is made to one of Her Majesty's Principal Secretaries of State that a sewer authority or local board of health has made default in providing its district with sufficient sewers, or in the maintenance of existing sewers, or in providing its district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a nuisance authority has made default in enforcing the provisions of the Nuisance Removal Acts, or that a local board has made default in enforcing the provisions of the Local Government Act, the said Secretary of State, if satisfied, after due inquiry made by him, that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of its duty in the matter of such complaint; and if such duty is not performed by the time limited in the order, the said Secretary of State shall appoint some person to perform the same, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default; and any order made for the payment of such costs and expenses may be removed into the Court of Queen's Bench, and be enforced in the same manner as if the same were an order of such court.	49 **San.** *applies to sewer authority.*
2. N. [Part of] And any person appointed by the Secretary of State in pursuance of the forty-ninth section of The Sanitary Act, 1866, to perform the duty of a sewer authority or local board that has been guilty of a default as therein mentioned, shall, in the performance of such duty and for the purposes thereof, be invested with all the powers of the sewer authority or local board in default, except the power of levying rates.	
But by subsequent enactment there is provision for recovery of expenses by Secretary of State.	
8. E. Whereas by the forty-ninth section of the Sanitary Act, 1866, power is given to one of Her Majesty's Principal Secretaries of State in case of any sewer authority, local board, or nuisance authority making default in performing the sanitary duties specified in the said section, and imposed on them by Act of Parliament, to appoint a person to perform the same, and to direct by order that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default, and that any order made for the payment of such costs and expenses may be removed into the Court of Queen's Bench, and be enforced in the same manner as if the same were an order of such court: And whereas it is expedient to make further provision for enforcing payment of any sum so specified as aforesaid in the order of the Secretary of State, together with the costs of the proceedings occasioned by the default made in payment of such sum:	8 **E.** *applies to sewer authority.*
Be it enacted, that the sum so specified in the order of the Secretary of State, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by the authority in default and to be a debt due from such authority, and payable out of any monies in the hands of such authority or their officers, or out of any rate applicable to the payment of any expenses properly incurred by the defaulting authority, and which rate is in this section re-	

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	Gazette," and the gazette in which such direction or regulation was published shall be conclusive evidence of the direction or regulation so published, to all intents and purposes.
	The local authority to see to the execution of such regulations, &c.
	8. R. The local authority shall superintend and see to the execution of such directions and regulations, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things as may be necessary for mitigating such disease, or for superintending or aiding in the execution of such directions and regulations, or for executing the same, as the case may require.
	And may direct prosecutions for violating the same.
49 **San.** *applies to nuisance authority.*	**9. R.** The local authority may, from time to time, direct any prosecutions or legal proceedings for or in respect of the wilful violation or neglect of any such direction and regulation.
	Orders of Council, directions, and regulations to be laid before Parliament.
	10. R. Every order of Her Majesty's Privy Council, and every direction and regulation of the [Privy Council], under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within fourteen days next after the commencement of the then next session of Parliament.
	Order in Council may extend to parts and arms of the sea.
	11. R. Orders in Council issued in pursuance of this Act for putting in force the provisions for the prevention of disease in the said Nuisances Removal and Diseases Prevention Acts contained in Great Britain, may extend to parts and arms of the sea lying within the jurisdiction of the Admiralty; and the [Privy Council] may issue under this Act directions and regulations for cleansing, purifying, ventilating, and disinfecting, and providing medical aid and accommodation, and preventing disease in ships and vessels, as well upon arms and parts of the sea aforesaid as upon inland waters.
	Medical officer of unions and others entitled to costs of attending sick on board vessels, when required by orders of the [Privy Council].
8. **E.** *applies to nuisance authority.*	**12. R.** Whenever, in compliance with any regulation of the [Privy Council], which they may be empowered to make under this Act, any medical officer appointed under and by virtue of the laws for the time being for the relief of the poor shall perform any medical service on board of any vessel, such medical officer shall be entitled to charge extra for any such service, at the general rate of his allowance for his services for the union or place for which he is appointed, and such charges shall be payable by the captain of the vessel, on behalf of the owners, together with any reasonable expenses for the treatment of the sick; and if such services shall be rendered by any medical practitioner who is not a union or parish officer, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid; and in case of dispute in respect of such charges, such dispute may, where the charges do not exceed twenty pounds, be determined summarily, at the place where the dispute arises, as in case of seamen's wages not exceeding fifty pounds, according to the provisions of the law in that behalf for the time being in force; and any justice before whom complaint is made shall determine summarily as to the amount which is reasonable, according to the accustomed rate of charge within the place for attendance on patients of the like class or condition as those in respect of whom the charge is made.
	Note.—The powers, &c. originally given by 6, 10, 11, *and* 12 **R.** *to the General Board of Health were added by* 1 **A a.** *to those of the Privy Council; and "Privy Council" has accordingly been substituted for "General Board of Health" in those sections.*

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
ferred to as the local rate; and in the event of any authority refusing to pay any such sum with costs as aforesaid for a period of fourteen days after demand, the Secretary of State may by precept empower any person to levy by and out of the local rate such sum (the amount to be specified in the precept) as may, in the opinion of the said Secretary of State, be sufficient to defray the debt so due from the defaulting authority, and all expenses incurred in consequence of the nonpayment of such debt; and any person or persons so empowered shall have the same powers of levying the local rate, and requiring all officers of the defaulting authority to pay over any monies in their hands, as the defaulting authority itself would have in the case of expenses legally payable out of a local rate to be raised by such authority; and the said person or persons, after repaying all sums of money so due in respect of the precept, shall pay the overplus, if any, (the amount to be ascertained by the Secretary of State,) to or to the order of the defaulting authority.	*Note.—The Sanitary Loans Act, 1869, from which the following sections are taken was passed subsequently to the printing of the earlier copies of this arrangement; and these sections have therefore been placed in this instead of the first column in order to preserve the paging. The sections relate to all authorities affected by 49 San. See pages 54, 55.*		
Note.—The assent of the Secretary of State is required to sundry matters, e.g., byelaws, exercise of borrowing powers, formation of special drainage districts, union of districts, adoption of Act where the population is less than 3,000.	*Certificate of Secretary of State as to expenses and loans.*		
Note.—4, 5, 6, 7, 8, 9, and 10 **F.** *apply to local boards.*	**4. F.** One of Her Majesty's Principal Secretaries of State may, from time to time, certify under his hand the amount of expense that has been incurred, or an estimate of the expenses about to be incurred, by any person appointed by the Secretary of State for the purpose of performing the duty of a defaulting local authority; he may also, from time to time, certify under his hand the amount of any loan required to be raised for the purpose of defraying any expense that may have been so incurred, or is estimated as about to be incurred; and the certificate of the said Secretary of State shall be conclusive as to the matters to which it refers.	4 5 6 7 8 9, and 10 **F.** *apply to Nuisance Authority.*	
Provision in relation to exercise of powers under Public Health Act requiring sanction of General Board of Health.	*Power of Secretary of State to borrow money for sanitary purposes.*		
8. B. Whenever the sanction, consent, direction, or approval of the General Board of Health is required by law to the exercise of the powers of local boards of health or boards of Improvement Commissioners, such powers may, from the first day of September one thousand eight hundred and fifty-eight, be exercised without such sanction, consent, direction, or approval, or any sanction, consent, direction, or approval in lieu thereof, except in so far as is provided by this Act: Provided always, that all sanctions for the mortgage of rates given by the General Board of Health before the passing of this Act shall continue in full force and effect until all monies the borrowing of which is thereby sanctioned have been borrowed.	**5. F.** Whenever the said Secretary of State certifies any loan to be required for the purpose of defraying any expenses incurred or to be incurred in the performance of the duty of a defaulting local authority, the Public Works Loan Commissioners, as defined for the purposes of the Public Works Loan Act, 1853, may, in manner and subject to the provisions of the said Act, and the other enactments relating to the said Commissioners, and applicable to the case, advance to the said Secretary of State, or to any person appointed by him as aforesaid, the amount of the loan so certified to be required on the security of the local rate, without requiring any other security, and the said Secretary of State, or the person so appointed as aforesaid, may, by any instrument under his hand, charge the local rate with the repayment of the principal and interest due in respect of such loan, and any such charge shall have the same effect as if the defaulting local authority were empowered to raise such loan on the security of the local rate, and had duly executed an instrument charging the same upon the local rate; and the certificate of the Secretary of State certifying any loan to be required or appointing a person to perform the duty of a defaulting local authority shall be taken as conclusive evidence that all the requirements of the 49th section of the Sanitary Act, 1866, and of any other enactment relating thereto, have been duly complied with, and that the person appointed to perform the duty of the defaulting local authority has been duly appointed.		
	Remedy for principal and interest.		
	6. F. Any principal money or interest for the time being due in respect of any loan under this Act made for payment of the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority shall be taken to be a debt due from such authority, and, in addition to any other remedies, may be enforced in the manner in which a debt due from a defaulting authority may be enforced in pursuance of the said eighth section of the Sanitary Act, 1868.		
	Application of surplus of loan.		
	7. F. If the amount of any loan raised for defraying the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority is not wholly expended in defraying such expenses, the overplus (if any), the amount to be ascertained by a certificate of the Secretary of State, shall be paid to or to the order of the defaulting authority.		
The sanction of the Secretary of State substituted for the sanction of the General Board of Health, which has ceased to exist.	*Secretary of State may change person performing duties of local authority.*		
14. C. In all cases in which prior to the passing of "The Local Government Act" all or any of the powers or provisions of "The Public Health Act, 1848," relative to the borrowing of money or the mortgaging of rates, are repeated in any local Act of Parliament, or in which it is declared in and by such local Act that the same shall be read and construed as if all or any of such powers and provisions had been repeated therein, so as to confer thereunder upon any such local board of health or board of improvement commissioners powers corresponding with all or any of the borrowing or mortgaging powers contained in "The Public Health Act, 1848," and where the sanction, consent, direction, or approval of the General Board of Health is rendered requisite in or by such local Act to the due exercise of any of the powers vested thereby in any local board of health or board of improvement commissioners, such powers or any of them shall and may be henceforth exercised with and under the sanction, consent, direction, and approval of one of Her Majesty's Principal Secretaries of State, in lieu of the sanction, consent, direction, and approval of the General Board of Health aforesaid, and not otherwise.	**8. F.** The said Secretary of State may, from time to time, by order under his hand, change the person appointed by him to perform the duty of a defaulting local authority.		
	Power of Secretary to order payments.		
	9. F. The Secretary of State may make order for the payment of the cost of all inquiries or proceedings directed by him in pursuance of the Local Government Act, 1858, the Sanitary Acts, 1866, 1868, the Sewage Utilization Acts,		

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
Publication of orders in council, &c. Reports of superintending inspectors, &c. to be laid before Parliament. 142. **A.** And be it enacted, that all orders in council under this Act shall take effect and be in full force and operation within the district to which they apply from and after a day which shall be specified in such orders for that purpose; and a copy of every such order shall be published in the "London Gazette," and shall be laid before Parliament in the month of January in every year if Parliament be then sitting, or if Parliament be not then sitting then within one week after the next meeting thereof; and whenever any provisional order is submitted to Parliament for confirmation, one of Her Majesty's Secretaries of State (?) shall present to both Houses of Parliament a copy of all reports of any superintending inspector with respect to the parts to which the provisional order relates, and of all memorials forwarded to the said general board with respect to such reports. *N.B. Qy. How much of this section is in force?* *In addition to the powers of supervision and control which may be exercised in reference to the several authorities therein dealt with, there are* GENERAL POWERS GIVEN TO THE PRIVY COUNCIL, *under the Public Health Act,* 1858, *as follows:—* (1.) *Certain powers in relation to public vaccination vested in Privy Council.* **2. Aa.** The Privy Council may from time to time issue such regulations as they think fit for securing the due qualification of persons to be hereafter contracted with by guardians and overseers of unions and parishes in England for the vaccination of persons resident in such unions and parishes, and for securing the efficient performance of vaccination by the persons already or hereafter to be contracted with as aforesaid; and any money from time to time provided by Parliament for or towards defraying the expenses of the national vaccine establishment, or otherwise providing for the supply of vaccine lymph, shall be applied under the directions of the Privy Council. (2.) *Privy Council may direct inquiries.* **3. Aa.** The Privy Council may from time to time cause to be made such inquiries as they see fit in relation to any matters concerning the public health in any place or places, and to the observance of the regulations and directions issued by them under this Act. (3.) *Privy Council to appoint medical officer, &c.* **4. Aa.** The powers of appointing and removing a medical officer, vested in the General Board of Health under the General Board of Health Continuance Act, 1855, shall, upon the discontinuance of that board, be vested in the Privy Council; and the person who at the time of the cesser of the General Board of Health may be their medical officer shall become the medical officer of the Privy Council subject to such power of removal as aforesaid; and the Privy Council may also from time to time employ such other persons as they deem necessary for the purposes of this Act; and there shall be paid to the medical officer such salary not exceeding fifteen hundred pounds per annum, and to such other persons such remuneration and allowances, as the commissioners of Her Majesty's Treasury may direct; and such salary, remuneration, and allowances shall be paid out of such monies as shall be provided by Parliament. (4.) *Medical officer to report annually as to the execution of this Act.* **5. Aa.** The medical officer shall from time to time report to the Privy Council in relation to any matters concerning the public health or such matters as may be referred to him for that purpose, and shall, in or before the month of March in each year, report to the Privy Council the proceedings had and taken under this Act during the preceding year ending on the thirty-first day of December. (5.) *Reports to be laid before Parliament.* **6. Aa.** The annual report made by the medical officer as aforesaid shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be sitting, and if not, then within fourteen days after the next meeting of Parliament, together with all other reports made by him under this Act, during the period to which such annual report relates.	1865, 1867, or any of such Acts, and as to the parties by whom or the rates out of which such costs shall be borne; and such orders may be enforced in the same way as orders for costs of appeals under the 81st section of the Local Government Act, 1858. *Definition of expenses.* **10. F.** "Expenses" for the purposes of this Act shall include all sums payable by or by the order of the Secretary of State, or the person appointed by him, on the occasion of a default being made by any local authority in the performance of its duties in relation to sanitary matters.		

Local Boards.	Sewer Authority.
(6.) *As to the making and authentication of orders, &c.* **7. Aa.** All powers vested in the Privy Council by this Act may be exercised by any three or more of the lords and others of the Privy Council, the Vice-president of the Committee of the said Privy Council on Education being one of them, and all orders, regulations, directions, and acts of the Privy Council under this Act shall be sufficiently made and signified by a written or printed document, signed by one of the clerks of the Privy Council, or such officer as may be appointed by the Privy Council in this behalf; and all orders, regulations, directions, and acts made or signified by any written or printed document purporting to be so signed shall be deemed to have been duly made, issued, and done by the Privy Council, and every such document shall be received in evidence in all courts and before all justices and others without proof of the authority or signature of such clerk or other officer, or other proof whatsoever, until it be shown that such document was not duly signed by the authority of the Privy Council. (7.) *Short title and continuance of Act.* **9. Aa.** This Act may be cited as "The Public Health Act, 1858," and shall be in force only until the first day of August one thousand eight hundred and fifty-nine. *Note.—The Public Health Act,* 1858, **Aa.**, *originally passed for a year, was made perpetual by* 22 & 23 *Vict. c.* 3.	

PART VI.—MATTERS AS TO WHICH POWERS ARE GIVEN TO LOCAL AUTHORITIES, THE NATURE OF THOSE POWERS, AND THE MODE OF EXERCISING THEM IN CERTAIN CASES.

Sewer authority, &c. may contribute to works under contracts relating to supply of sewage, and may become shareholders.

15. N. Where a sewer authority, or any corporate or other body, under any power enabling them in that behalf, or by any agreement confirmed by Parliament, has agreed or hereafter agrees with any person or persons or body of persons, corporate or unincorporate, as to the supply of all or any of the sewage of any place, and the works to be made for the purpose of that supply, they may contribute to the expense of carrying into execution by such person or persons or body of persons all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such sewer authority or corporate or other body, or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested; and all expenditure in consequence of the exercise of the power hereby conferred shall be deemed to have been incurred by such sewer authority or corporate or other body in the construction or due maintenance of the necessary sewers for carrying away the said sewage, and shall be provided for accordingly.

N.B.—"*Sewer authority*" *here includes local boards.*

UTILIZATION.

POWERS GIVEN TO SEWER AUTHORITY.

Sewer authority may enter into contract for supply of sewage.

14. M. The sewer authority of any place may from time to time, for the purpose of utilizing its sewage, agree with any person or body of persons, corporate or unincorporate, as to the supply of such sewage, and works to be made for the purpose of that supply, and the parties to execute the same and to bear the costs thereof, and the sums of money, if any, to be paid for that supply; provided that no contract shall be made for the supply of sewage for a period exceeding twenty-five years.

CONTRIBUTION TO WORKS UNDER CONTRACTS.

Sewer authority, &c. may contribute to works under contracts relating to supply of sewage.

15. N. Where a sewer authority, or any corporate or other body, under any power enabling them in that behalf, or by any agreement confirmed by Parliament, has agreed or hereafter agrees with any person or persons or body of persons, corporate or unincorporate, as to the supply of all or any of the sewage of any place, and the works to be made for the purpose of that supply, they may contribute to the expense of carrying into execution by such person or persons or body of persons all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such sewer authority or corporate or other body, or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested; and all expenditure in consequence of the exercise of the power hereby conferred shall be deemed to have been incurred by such sewer authority or corporate or other body in the construction or due maintenance of the necessary sewers for carrying away the said sewage, and shall be provided for accordingly.

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

PART VI.—MATTERS AS TO WHICH POWERS ARE GIVEN TO LOCAL AUTHORITIES, THE NATURE OF THOSE POWERS, AND THE MODE OF EXERCISING THEM IN CERTAIN CASES.

NUISANCES.

N.B.—*Many matters which may be dealt with under sections of the other Acts are "Nuisances," under the Nuisance Removal Acts, and may be the subjects of procedure under them, e.g., "overcrowding," is provided against by certain clauses and is a "nuisance" under* 19 **San.** *It appears unnecessary to mention this two-fold provision in each case.*

What are deemed nuisances under this Act.

8. X. The word "nuisances" under this Act shall include—

Any premises in such a state as to be a nuisance or injurious to health:

Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit, so foul as to be a nuisance or injurious to health:

Any animal so kept as to be a nuisance or injurious to health:

Any accumulation or deposit which is a nuisance or injurious to health:

Provided always, that no such accumulation or deposit as shall be necessary for the effectual carrying on of any business or manufacture shall be punishable as a nuisance under this section, when it is proved to the satisfaction of the justices that the accumulation or deposit has not been kept longer than is necessary for the purposes of such business or manufacture, and that the best available means have been taken for protecting the public from injury to health thereby.

Addition to definition of nuisance.

19. San. The word "nuisances" under the Nuisance Removal Acts shall include,

1. Any house or part of a house so overcrowded as to be dangerous or prejudicial to the health of the inmates:

2. Any factory, workshop, or workplace not already under the operation of any general Act for the regulation of factories or bakehouses, not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other im-

Note.—The local authority must see to execution of the regulations of the Privy Council.

8. R. The local authority shall superintend and see to the execution of such directions and regulations, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things as may be necessary for mitigating such disease, or for superintending or aiding in the execution of such directions and regulations, or for executing the same, as the case may require.

The local authority may direct prosecutions for violating the same.

9. R. The local authority may from time to time direct any prosecutions or legal proceedings for or in respect of the wilful violation or neglect of any such direction and regulation.

Local Boards.	Sewer Authority.
SEWERS.	
[*Note the definition of "drain" and "sewer" in the interpretation clause of* **A.**—*"Sewer" shall mean and include sewers and drains of every description, except drains to which the word "drain" interpreted as aforesaid* [*i.e. in the same section*] *applies. For that interpretation, see interpretation clause,* 2 **A.** *p.* 6, *above.*]	
Sewers, &c. vested in local board.	
43. **A.** And be it enacted, that all sewers, whether existing at the time when this Act is applied or made at any time thereafter, (except sewers made by any person or persons for his or their own profit or for the profit of proprietors or shareholders, and except sewers made and used for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating land, and sewers under the authority of any commissioners of sewers appointed by the Crown,) together with all buildings, works, materials, and things belonging or appertaining thereto, shall vest in, belong to, and be entirely under the management and control of the local board of health.	
Power to purchase, &c. certain sewers.	
44. **A.** And be it enacted, that the local board of health may, if they shall think fit, purchase the rights, privileges, powers, and authorities vested in any person for making sewers, or contract for the use of any sewers within their district, or purchase any such sewers, with or without the buildings, works, materials, and things belonging or appertaining thereto; and any person to whom any such rights, privileges, powers, authorities, sewers, buildings, works, materials, or things belong may sell and dispose of the same to or otherwise contract with the said local board; and in case of any such sale the purchase money shall be settled and applied to the same uses and trusts to which the property purchased may have been subject at the time of such sale, and the property purchased shall vest in and belong to the local board of health purchasing the same, anything to the contrary notwithstanding: Provided always, that, notwithstanding any such purchase, any person who previously thereto may have acquired perpetual right to use any sewer so purchased shall be entitled to use the same or any other sewer substituted in lieu thereof, in as full and ample a manner as he would or might have done if such purchase had not been made.	
Making, alteration, and discontinuance of sewers vested in local board.	
45. **A.** And be it enacted, that the local board of health shall from time to time repair the sewers vested in them by this Act, and shall cause to be made such sewers as may be necessary for effectually draining their district for the purposes of this Act; and the said local board may carry any such sewers through, across, or under any turnpike road, or any street or place laid out as or intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any street, and, after reasonable notice in writing in that behalf, (if upon the report of the surveyor it should appear to be necessary,) into, through, or under any lands whatsoever; and the said local board may from time to time enlarge, lessen, alter, arch over, or otherwise improve all or any of the sewers vested in them by this Act, and discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the discontinuance, [closing up, or destruction of any sewer shall be so done as not to create a nuisance; and if by reason thereof any person is deprived of the lawful use of any sewer, the said local board shall provide some other sewer as effectual for his use as the one of which he is so deprived.	
Local board may exercise powers of preceding section, viz. 45. **A.**, *also without their district, if necessary, for purposes of outfall or distribution of sewage, on making compensation.*	
4. **C.** Local boards may exercise the powers given by the forty-fifth section of "The Public Health Act, 1848," also without their district, for the purpose of outfall or distribution of sewage, upon making due compensation, to be settled in the manner provided in the one hundred and forty-fourth section of "The Public Health Act, 1848:" Provided always, that nothing herein contained shall give or be construed to give power to any local board to construct or use any outfall drain or sewer for the purpose of	*Powers of sewer authorities.*
	4. **M.** Sewer authorities shall have power to construct such sewers as they may think necessary for keeping their district properly cleansed and drained, and shall, as respects all sewers constructed by them or under their control, whether the same were made before or after the passing of this Act, have all the powers that local boards have, in respect of sewers vested in or constructed by them, under the forty-fifth and forty-sixth sections of "The Public Health Act, 1848," the thirtieth section of "The Local Government Act, 1858," and the fourth section of "The Local Government Act, 1858, Amendment Act, 1861," subject to the provisions of the fifth and sixth sections of the last-mentioned Act, and to the saving clauses in "The Local Government Act, 1858," mentioned, from sixty-eight to seventy-four, both inclusive: and in Scotland, in addition to such of the aforesaid powers as are applicable to Scotland, all the powers contained in section seven (public sewers) of part four of "The General Police and Improvement (Scotland) Act, 1862."
	Sewer authority has the power under 45 **A.**, *not under* 43 **A.** *and* 44 **A.**
	Sewer authority has the power under 4 **C.**
	But sewer authority by 11 **M.** *is prohibited from "making a sewer so as to drain direct into any stream or watercourse."*
	11. **M.** Nothing contained in this Act, or in the Acts referred to therein, shall authorise any sewer authority to make a sewer so as to drain direct into any stream or watercourse.

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
purities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or so overcrowded while work is carried on as to be dangerous or prejudicial to the health of those employed therein: 3. Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used in such fireplace or furnace, and is used within the district of a nuisance authority for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufactory or trade process whatsoever: Any chimney (not being the chimney of a private dwelling house) sending forth black smoke in such quantity as to be a nuisance: Provided, first, that in places where at the time of the passing of this Act no enactment is in force compelling fireplaces or furnaces to consume their own smoke, the foregoing enactment as to fireplaces and furnaces consuming their own smoke shall not come into operation until the expiration of one year from the date of the passing of this Act: Secondly, that where a person is summoned before the justices in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the justices may hold that no nuisance is created within the meaning of this Act, and dismiss the complaint, if they are satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.	
GAS WASHINGS.	
(1.) *Penalty for causing water to be corrupted by gas washings.*	
23. **K.** Any person or company engaged in the manufacture of gas who shall at any time cause or suffer to be brought or to flow into any stream, reservoir, or aqueduct, pond, or place for water, or into any drain communicating therewith, any washing, or other substance produced in making or supplying gas, or shall wilfully do any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond, or place for water shall be fouled, shall forfeit for every such offence the sum of two hundred pounds.	
(2.) *Penalty to be sued for in superior courts within six months.*	
24. **K.** Such penalty may be recovered, with full costs of suit, in any of the superior courts, by the person into whose water such washing or other substance shall be conveyed or shall flow, or whose water shall be fouled by any such act as aforesaid, or if there be no such person, or in default of proceedings by such person, after notice to him from the local authority of their intention to proceed for such penalty, by the local authority; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it shall have ceased.	
(3.) *Daily penalty during the continuance of the offence.*	
25. **K.** In addition to the said penalty of two hundred pounds (and whether such penalty shall have recovered or not), the person or company so offending shall forfeit the sum of twenty pounds (to be recovered in the like manner) for each day during which such washing or other substance shall be brought or shall flow as aforesaid, or during which the Act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on such person or company by the local authority, or the person into whose water such washing or other substance shall be brought or flow, or whose water shall be fouled thereby, and such penalty shall be paid to the parties from whom such notice shall proceed; and all monies recovered by a local authority under this or the preceding section shall, after payment of any damage caused by the Act for which the penalty is imposed, be applied towards defraying the expenses of executing this Act.	
PROVISIONS AGAINST INFECTION.	
Power to cause premises to be cleansed or otherwise disinfected.	
22. **San.** If the nuisance authority shall be of opinion upon the certificate of any legally qualified medical	

Local Boards.	Sewer Authority.
conveying sewage or filthy water into any natural watercourse or stream until such sewage or filthy or refuse water be freed from all excrementitious or other foul or noxious matter, such as would affect or deteriorate the purity and quality of the water in such stream or watercourse.	
Notices of the intended works before commencement.	
5. **C.** Provided also, that no sewer or other work shall be constructed or extended, under the enactment lastly herein-before contained, unless three months at the least before the commencement of such work notice of the intended work, describing the nature thereof, and stating the intended termini thereof, and the names of the parishes, townships, and places, and the turnpike roads and streets or places laid out or intended for streets, and other lands, if any, through, across, or under which the work is to be made, and naming a place where a plan of the intended work is open for inspection at all reasonable hours, shall be given by advertisement in one or more of the newspapers usually circulated in the place where the work is to be made, and a written or printed copy of such notice shall be served in manner directed by "The Public Health Act (1848)" on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the overseers of such parishes, townships, or places, and the trustees, surveyors of highways, or others, having the care of such roads or streets.	*Sewer authority has the power under* 5 **C.**
If objection be made by any party interested, the work not to be proceeded with without sanction of Secretary of State.	
6. **C.** In case any of such owners, lessees, or occupiers, or such overseers, trustees, surveyors, or others as aforesaid, or any other owner, lessee, or occupier who would be affected by the proposed work, object to such work, and serve notice in writing of such objection on the local board at any time within the said three months, the proposed work shall not be made or commenced without the sanction of one of Her Majesty's Principal Secretaries of State, after such inquiry and report as herein-after mentioned (unless such objection be withdrawn).	*Sewer authority has the power under* 6 **C.** *Note.—These powers of the sewer authority are subject to saving clauses* 68 *to* 74 *of* **A.**, *both inclusive. See pages* 168–174.
An inspector to be appointed to make inquiry on the spot, and report to the Secretary of State.	
7. **C.** It shall be lawful for the Secretary of State, upon application of any local board, to appoint an inspector to make inquiry on the spot into the propriety of any such work as aforesaid, and into the objections thereto, and to hold one or more meeting or meetings for the purpose of hearing all persons desirous of being heard before him on the subject of such inquiry, and to report to such Secretary of State upon the matters with respect to which such inquiry was directed:	*The section* 7 **C** *does* NOT *apply to sewer authority.*
ENTRY UPON LANDS *for the purposes of these Acts.*	
143. **A.** And be it enacted, that in case it shall become necessary to enter, examine, or lay open any lands or premises for the purpose of making plans, surveying, measuring, taking levels, examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises shall refuse to permit the same to be entered upon, examined, or laid open for the purposes aforesaid or any of them, the local board of health may, upon notice to such owner or occupier, apply to two justices for an order authorizing the members of such local board, and the superintending inspector, surveyor, and inspector of nuisances, or any of them, to enter, examine, and lay open the said lands and premises for the purposes aforesaid or any of them, and if no sufficient cause shall be shown against the same the said justices may make an order authorizing the same accordingly, and thereupon any superintending inspector, the local board of health, or any member thereof, the surveyor and inspector of nuisances, and any person authorized by any such superintending inspector, local board, surveyor, or inspector of nuisances, may, at all reasonable times between the hours of ten in the forenoon and four in the afternoon, enter, examine, or lay open the lands or premises mentioned in such order, for such of the said purposes as shall be specified in the said order, without being subject to any action or molestation for so doing: Provided always, that, except in case of emergency, no entry shall be made or works commenced under the powers of this enactment unless twenty-four hours at the least previously thereto notice of the intended entry, and of the object thereof, be given to the occupier of the premises intended to be entered.	*Power of entry.* 5. **M.** The sewer authority shall have the powers of entry conferred by the one hundred and forty-third section of the "Public Health Act, 1848," for the purposes of making or keeping in repair any works made or to be made by them, as well as for the purposes specified in the said section.
N.B.—*The above section is placed in this position in order more conveniently to bring into one view all powers given to sewers authority under* 4 **M.**	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious or contagious disease, it shall be the duty of the nuisance authority to give notice in writing requiring the owner or occupier of such house or part thereof to cleanse and disinfect the same as the case may require; and if the person to whom notice is so given fail to comply therewith within the time specified in the notice, he shall be liable to a penalty of not less than one shilling and not exceeding ten shillings for every day during which he continues to make default; and the nuisance authority shall cause such house or part thereof to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner; when the owner or occupier of any such house or part thereof as is referred to in this section is from poverty or otherwise unable, in the opinion of the nuisance authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupier, with its consent, at its own expense, cleanse and disinfect such house or part thereof and any articles therein likely to retain infection.	
Power to provide means of disinfection.	
23. **San.** The nuisance authority in each district may provide a proper place, with all necessary apparatus and attendance, for the disinfection of woollen articles, clothing, or bedding, which have become infected, and they may cause any articles brought for disinfection to be disinfected free of charge.	
Nuisance authorities may provide carriages for conveyance of infected persons.	*Local authorities may provide carriages for conveyance of infected persons.*
24. **San.** It shall be lawful at all times for the nuisance authority to provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any contagious or infectious disease, and to pay the expense of conveying any person therein to a hospital or place for the reception of the sick or to his own home.	12. **Y.** It shall be lawful for the local authority for executing the said "Diseases Prevention Act" to provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any contagious or infectious disease, and to convey such sick and diseased persons as may be residing within such locality to any hospital or other place of destination, and the expense thereof shall be deemed to be an expense incurred in executing the said Act.
Penalty on person suffering from infectious disorder entering public conveyance without notifying to driver that he is so suffering.	
25. **San.** If any person suffering from any dangerous infectious disorder shall enter any public conveyance without previously notifying to the owner or driver thereof that he is so suffering, he shall on conviction thereof before any justice be liable to a penalty not exceeding five pounds, and shall also be ordered by such justice to pay to such owner and driver all the losses and expenses they may suffer in carrying into effect the provisions of this Act; and no owner or driver of any public conveyance shall be required to convey any person so suffering until they shall have been first paid a sum sufficient to cover all such losses and expenses.	*Power of entry.* 4. **R.** The local authority and their officers shall have power of entry for the purposes of this Act, and for executing or superintending the execution of the regulations and directions of [Her Majesty's Privy Council] issued under this Act.
Removal of persons sick of infectious disorders, and without proper lodging, in any district.	
26. **San.** Where a hospital or place for the reception of the sick is provided within the district of a nuisance authority, any justice may, with the consent of the superintending body of such hospital or place, by order on a certificate signed by a legally qualified medical practitioner, direct the removal to such hospital or place for the reception of the sick, at the cost of the nuisance authority, of any person suffering from any dangerous contagious or infectious disorder, being without proper lodging or accommodation, or lodged in a room occupied by more than one family, or being on board any ship or vessel.	
Note.—*As to the Metropolis, see* 2 **G.**	
Power to remove to hospital SICK PERSONS BROUGHT BY SHIPS.	
29. **San.** Any nuisance authority may, with the sanction of the Privy Council, signified in manner provided by "The Public Health Act, 1858," lay down rules for the removal to any hospital to which such authority is entitled to remove patients, and for keeping in such hospital so long as may be necessary, any persons brought within their district by any ship or boat who are infected with a dangerous and infectious disorder, and they may by such rules impose any penalty not exceeding five pounds on any person committing any offence against the same.	

Local Boards.	Sewer Authority.
As to cleansing and emptying their sewers, &c. by local board.	
46. **A.** And be it enacted, that the local board of health shall cause the sewers vested in them by this Act to be constructed, covered, and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary, and may cause all or any of such sewers to communicate with and be emptied into such places as may be fit and necessary, or to cause the sewage and refuse therefrom to be collected for sale for any purpose whatsoever, but so as not to create a nuisance.	*Sewer authority has the like power under* 46 **A.**
Powers for disposing of sewage.	
30. **B.** Local boards may, (1.) Exercise the powers given by the forty-sixth section of the Public Health Act, 1848, also without their district, if necessary for the purpose of outfall and distribution of sewage, upon making due compensation, to be settled in the manner provided in the one hundred and forty-fourth section of the Public Health Act, 1848; (2.) Contract with any company or person for the sale of sewage, or for the distribution of it over any land; (3.) Contract for, purchase, or take on lease any lands, buildings, engines, materials, or apparatus for the purpose of receiving, storing, disinfecting, or distributing sewage: Provided always, that these things shall be done so as not to create a nuisance.	*Sewer authority has the like power under* 30 **B.** N.B.—*Above powers are given by* 4 **M.**
Powers for Distribution of Sewage.	
N.B.—*In* **N.** *"sewer authority" includes a local board. But "sewer authority" does not include a local board in the earlier Act (i.e. in .)*	
	Sewer authority may exercise without their district powers in relation to distribution of sewage.
Local Board has the like power under 4 **N.**	3. **N.** A sewer authority may, without their district, provide any works and do any act for the purpose of receiving, storing, disinfecting, or distributing sewage which they may provide or do within their district, subject to the conditions to which they would be subject in providing such works or doing such acts within their district, and to the conditions imposed on local boards in carrying into effect the fourth section of the Local Government Act (1858) Amendment Act, 1861. (*See* pages 62 and 64.)
	Sewer authority may purchase land for distribution of sewage in pursuance of section 75 of Local Government Act.
Local Board has the like power under 4 **N.**	4. **N.** A sewer authority, for the purpose of receiving, storing, disinfecting, and distributing sewage, and of the construction of any works for receiving, storing, disinfecting, or distributing sewage, and of the construction of any sewer or drain, or for any of the above purposes, may purchase or take on lease any lands either within or without their district, and shall for carrying into effect any such purchase have all the powers of taking land conferred by the seventy-fifth section of the Local Government Act, 1858, as amended by this Act.
	Power for sewer authority to deal with land appropriated to sewage purposes.
Local Board has the like power under 5 **N.**	5. **N.** A sewer authority may deal with any land held by them for the purpose of receiving, storing, disinfecting, or distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding seven years, for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such land, or by farming such land, and disposing of the produce thereof; subject to this restriction, that in any appropriation which may be made of land held by a sewer authority for the above purposes, care shall be taken that provision be made for receiving, storing, disinfecting, or distributing all the sewage which it is the duty of the sewer authority to cause to be disposed of in that manner.

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
N.B.—*The carrying out of the two following sections is not the special duty of any authority. They are printed in this place as dealing with infection.*	
Penalty on any person, with infectious disorder, exposing himself, or on any person in charge of such sufferer causing such exposure.	
38. **San.** Any person suffering from any dangerous infectious disorder who wilfully exposes himself, without proper precaution against spreading the said disorder, in any street, public place, or public conveyance, and any person in charge of one so suffering who so exposes the sufferer, and any owner or driver of a public conveyance who does not immediately provide for the disinfection of his conveyance after it has, with the knowledge of such owner or driver, conveyed any such sufferer, and any person who without previous disinfection gives, lends, sells, transmits, or exposes any bedding, clothing, rags, or other things which have been exposed to infection from such disorders, shall, on conviction of such offence before any justice, be liable to a penalty not exceeding five pounds: Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any such bedding, clothing, rags, or other things for the purpose of having the same disinfected.	
Penalty on persons letting houses in which infected persons have been lodging.	
39. **San.** If any person knowingly lets any house, room, or part of a house in which any person suffering from any dangerous infectious disorder has been to any other person without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a qualified medical practitioner as testified by a certificate given by him, such person shall be liable to a penalty not exceeding twenty pounds. For the purposes of this section the keeper of an inn shall be deemed to let part of a house to any person admitted as a guest into such inn.	
Ships and Vessels.	
Provision as to district of nuisance authority extending to places where ships are lying.	
30. **San.** For the purposes of this Act, any ship, vessel, or boat that is in a place not within the district of a nuisance authority shall be deemed to be within the district of such nuisance authority as may be prescribed by the Privy Council, and until a nuisance authority has been prescribed then of the nuisance authority whose district nearest adjoins the place where such ship, vessel, or boat is lying, the distance being measured in a straight line, but nothing in this Act contained shall enable any nuisance authority to interfere with any ship, vessel, or boat that is not in British waters.	
Provision as to ships within the jurisdiction of nuisance authority.	
32. **San.** Any ship or vessel lying in any river, harbour, or other water shall be subject to the jurisdiction of the nuisance authority of the district within which such river, harbour, or other water is, and be within the provisions of the Nuisances Removal Acts, in the same manner as if it were a house within such jurisdiction, and the master or other officer in charge of such ship shall be deemed for the purposes of the Nuisances Removal Acts to be the occupier of such ship or vessel; but this section shall not apply to any ship or vessel belonging to Her Majesty or to any foreign government.	
Description of vessels within provisions of 6 *G. IV. c.* 78.	
52. **San.** Every vessel having on board any person affected with a dangerous or infectious disorder shall be deemed to be within the provisions of the Act of the sixth year of King George the Fourth, chapter seventy-eight, although such vessel has not commenced her voyage, or has come from or is bound for some place in the United Kingdom; and the lords and others of Her Majesty's most honourable Privy Council, or any three or more of them, (the Lord President of the Council or one of Her Majesty's Principal Secretaries of State being one,) may, by order or orders to be by them from time to time made, make such rules, orders, and regulations as to them shall seem fit, and every such order shall be certified under the hand of the clerk in ordinary of Her Majesty's Privy Council, and shall be published in the London Gazette, and such publication shall be conclusive evidence of such order to all intents and	

Local Boards.

Penalty for making unauthorized sewers and building over sewers and under streets.

47. A. And be it enacted, that it shall not be lawful to cause any sewer or drain to communicate with or to be emptied into any sewer of the local board of health, nor to cause any building to be newly erected over any such last-mentioned sewer, nor to cause any vault, arch, or cellar to be newly built or constructed under the carriageway of any street, without the written consent of the said local board first had and obtained; and whosoever offends against this enactment shall forfeit to the said local board the sum of five pounds, and a further penalty of forty shillings for every day during which the offence is continued after notice in writing from them in this behalf; and if any sewer, drain, building, vault, arch, or cellar be made, erected, or constructed contrary to this enactment, the said local board may cause the same to be altered, pulled down, or otherwise dealt with as they may think fit, and the expenses incurred by them in so doing shall be repaid to them by the offender, and be recoverable from him in the summary manner herein-after provided.

Use of sewers by persons beyond district.

48. A. And be it enacted, that any owner or occupier of premises adjoining or near to, but beyond the limits of any district, may cause any sewer or drain of or from such premises to communicate with any sewer of the local board of health, upon such terms and conditions as shall be agreed upon between such owner and occupier and such local board, or, in case of dispute, as shall be settled by arbitration in the manner provided by this Act.

Yearly sum to be paid for premises without district drained into sewer within district.

8. C. Where already or hereafter any premises not being within the limits of the district of the local board have a drain communicating, directly or indirectly, with a sewer within the district, and maintained by the local board, and any sewage from the premises flows into the sewer, there shall (except in cases where the owner is entitled to use such sewer without making any payment) be paid to the local board in respect thereof such a yearly sum as is agreed on between them and the owner of the premises, or, failing agreement between them, as on the application of the local board is determined by two justices; and the yearly sum so agreed on or determined shall be private improvement expenses, and shall be charged on the premises, and be paid and recoverable accordingly, as if the premises were within the district: Provided, that the yearly sum so charged shall cease to be payable if and when the connexion between the drain from the premises and the sewer is discontinued, so that a proportionate part thereof up to the time of the discontinuance shall alone be payable; but if after the discontinuance the connexion be re-established the yearly sum shall again become payable, and so from time to time.

DRAINS, PRIVIES, &C., IN CASE OF NEW OR REBUILT HOUSES AND OLD HOUSES.

No new house to be built without drains, &c. Local board may, upon report of surveyor that any house is without a drain, cause one to be constructed, &c.

49. A. And be it enacted, that it shall not be lawful newly to erect any house, or to rebuild any house which may have been pulled down to or below the floor commonly called the ground floor, or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed, of such size and materials, and at such level, and with such fall as upon the report of the surveyor shall appear to be necessary and sufficient for the proper and effectual drainage of the same and its appurtenances; and if the sea, or a sewer of the local board of health, or a sewer which they are entitled to use, be within one hundred feet of any part of the site of the house to be built or rebuilt, the drain or drains so to be constructed shall lead from and communicate with such one of those means of drainage as the said local board shall direct, or if no such means of drainage be within that distance, then the last-mentioned drain or drains shall communicate with and be emptied into such covered cesspool or other place, not being under any house, and not being within such distance from any house, as the said local board shall direct; and whosoever erects or rebuilds any house or constructs any drain contrary to this enactment shall be liable for every such offence to a penalty not exceeding fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt; and if at any time, upon

Sewer Authority.

N.B.—*Compare* 47 **A.** *with* 8 **San.**, *and observe the greater facilities given to owner in section of the Sanitary Act.*

Power to drain into sewers of sewer authority.

8. San. Any owner or occupier of premises within the district of a sewer authority shall be entitled to cause his drains to empty into the sewers of that authority on condition of his giving such notice as may be required by that authority of his intention so to do, and of complying with the regulations of that authority in respect of the mode in which the communications between such drains and sewers are to be made, and subject to the control of any person who may be appointed by the sewer authority to superintend the making of such communications; but any person causing any drain to empty into any sewer of a sewer authority without complying with the provisions of this section shall incur a penalty not exceeding twenty pounds, and it shall be lawful for the sewer authority to close any communication between a drain and sewer made in contravention of this section, and to recover in a summary manner from the person so offending any expenses incurred by them under this section.

Use of sewers by persons beyond district.

9. San. Any owner or occupier of premises beyond the limits of the district of a sewer authority may cause any sewer or drain from such premises to communicate with any sewer of the sewer authority upon such terms and conditions as may be agreed upon between such owner or occupier and such sewer authority, or in case of dispute may, at the option of the owner or occupier, be settled by two justices or by arbitration in manner provided by the Public Health Act, 1848, in respect of matters by that Act authorized or directed to be settled by arbitration.

As to the drainage of houses.

10. San. If a dwelling house within the district of a sewer authority is without a drain or without such drain as is sufficient for effectual drainage, the sewer authority may by notice require the owner of such house within a reasonable time therein specified to make a sufficient drain emptying into any sewer which the sewer authority is entitled to use, and with which the owner is entitled to make a communication, so that such sewer be not more than one hundred feet from the site of the house of such owner; but if no such means of drainage are within that distance, then emptying into such covered cesspool or other place not being under any house, as the sewer authority directs; and if the person on whom such notice is served fails to comply with the same, the sewer authority may itself, at the expiration of the time specified in the notice, do the work required, and the expenses incurred by it in so doing may be recovered from such owner in a summary manner.

Nuisance Authority, including Local Boards.

purposes; and such orders shall be binding and be carried into effect as soon as the same shall have been so published, or at such other time as shall be fixed by such orders, with a view to the treatment of persons affected with cholera and epidemic, endemic, and contagious disease, and preventing the spread of cholera and such other diseases, as well on the seas, rivers, and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and to declare and determine by what nuisance authority or authorities such orders, rules, and regulations shall be enforced and executed; and any expenses incurred by such nuisance authority or authorities shall be deemed to be expenses incurred by it or them in carrying into effect the Nuisances Removal Acts.

PERIODICAL REMOVAL OF MANURE IN MEWS, &C.

53. San. Where notice has been given by the nuisance authority, or their officer or officers, for the periodical removal of manure or other refuse matter from mews, stables, or other premises (whether such notice shall be by public announcement in the locality or otherwise), and subsequent to such notice the person or persons to whom the manure or other refuse matter belongs shall not so remove the same, or shall permit a further accumulation, and shall not continue such periodical removal at such intervals as the nuisance authority, or their officer or officers, shall direct, he or they shall be liable, without further notice, to a penalty of twenty shillings per day for every day during which such manure or other refuse matter shall be permitted to accumulate, such penalty to be recovered in a summary manner: Provided always, that this section shall not apply to any place where the board of guardians or overseers of the poor are the nuisance authority.

Authority under Diseases Prevention Act.

Local Boards.	Sewer Authority.
the report of the surveyor, it appear to the said local board that any house, whether built before or after the time when this Act is applied to the district in which it is situate, is without any drain, or without such a drain or drains communicating with the sea or a sewer as is or are sufficient for the proper and effectual drainage of the same and its appurtenances, and if the sea or a sewer of the said local board, or a sewer which they are entitled to use, be within one hundred feet of any part of such house, they shall cause notice in writing to be given to the owner or occupier of such house, requiring him forthwith, or within such reasonable time as shall be specified therein, to construct and lay down in connexion with such house and one of those means of drainage, one or more covered drain or drains, of such materials and size, at such level, and with such fall as upon the last-mentioned report shall appear to be necessary; and if such notice be not complied with, the said local board may, if they shall think fit, do the works mentioned or referred to therein, and the expenses incurred by them in so doing shall be recoverable by them from the owner in a summary manner, or by order of the said local board shall be declared to be private improvement expenses, and be recoverable as such in manner herein-after provided.	
EXECUTION OF MINOR WORKS BY OVERSEERS, &c.	
AS TO CONSTRUCTION OF SEWERS, WELLS, PUMPS, *&c. for parishes, &c. with less than* 2,000 *inhabitants, and in which this Act is not otherwise applied.*	
50. A. And be it enacted, that if it shall appear to a majority of not less than three-fifths of the rated inhabitants of any parish or place containing less than two thousand inhabitants on the then last census in which this Act shall not have been applied by order in council or provisional order as aforesaid, assembled at a public meeting to be called as is herein-after provided, that it would contribute to the health and convenience of the inhabitants, that any pond, pool, open ditch, sewer, drain, or place containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature, or likely to be prejudicial to health, should be drained, cleansed, covered, or filled up, or that a sewer should be made or improved, a well dug, or a pump provided, for the public use of the inhabitants, the churchwardens and overseers of such parish or place shall procure a plan and an estimate of the cost of executing such works, or any of them, and shall lay the same before another public meeting of such rated inhabitants, to be called as is herein-after provided; and if the same shall be approved and sanctioned by a majority of the rated inhabitants assembled at such last-mentioned meeting, such churchwardens and overseers shall cause the works in respect of which such estimate shall have been made and sanctioned as aforesaid to be executed, and shall pay the cost thereof out of the poor rates of such parish or place: Provided always, that notice of every such meeting shall be given by such churchwardens and overseers as is by this Act directed to be given by superintending inspectors, before proceeding upon inquiries previously to the application of this Act, and every such notice shall also contain a statement of the works proposed or intended to be submitted for consideration and approval.	
DRAINS, PRIVIES, &c.	
Penalty on persons erecting houses without watercloset, &c. Local board may, upon report of surveyor, order watercloset, &c. to be erected in houses, whether built before or after this Act is applied, &c.	
51. A. And be it enacted, that it shall not be lawful newly to erect any house, or to rebuild any house pulled down to or below the floor commonly called the ground floor, without a sufficient watercloset or privy and an ashpit, furnished with proper doors and coverings; and whosoever offends against this enactment shall be liable to a penalty not exceeding twenty pounds; and if at any time, upon the report of the surveyor, it appear to the local board of health that any house, whether built before or after the time when this Act is applied to the district in which it is situate, is without a sufficient watercloset or privy and an ashpit, furnished with proper doors and coverings, the said local board shall give notice in writing to the owner or occupier of such house requiring him forthwith, or within such reasonable time as shall be specified therein, to provide a sufficient watercloset or privy and an ashpit, so furnished as aforesaid, or either of them, as the case may	
	Power to sewer authority in relation to privies.
	4. E. The following sections of the Public Health Act, 1848, [**A.**] as amended by any subsequent Act of Parliament, that is to say,
	(1.) The fifty-first section, requiring every new house and every house pulled down to or below the ground floor and rebuilt to have a sufficient watercloset or privy and ashpit, shall extend to the district of every sewer authority in which there is no enactment of any public or private Act of Parliament to the like effect in force, and the said sections when so extended shall be construed in reference to the district of any sewer authority as if the expression "sewer authority" were inserted therein in the place of the expression "local board," and any officer for the time being appointed by the sewer authority to examine any premises shall be deemed to be the surveyor within the meaning of the said sections.
	Where the sewer authority and the nuisance authority of a district are different bodies of men, the jurisdiction of the nuisance authority shall

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
require; and if such notice be not complied with the said local board may, if they shall think fit, cause to be constructed a sufficient watercloset or privy and an ashpit, or either of them, or do such other works as the case may require; and the expenses incurred by them in so doing shall be recoverable by them from the owner in a summary manner or by order of the said local board shall be declared to be private improvement expenses, and be recoverable as such in manner herein-after provided: Provided always, that where a watercloset or privy has been and is used in common by the inmates of two or more houses, or if, in the opinion of the said local board, a watercloset or privy may be so used, they need not require the same to be provided for each house. *Earth-closets may in certain cases be constructed instead of waterclosets.* 7. **E.** Any enactment of any Act of Parliament in force in any place requiring the construction of a watercloset shall, with the approval of the local board, be satisfied by the construction of an earth-closet, or other place for the reception and deodorization of fœcal matter, made and used in accordance with any regulation from time to time issued by the local authority. The local board may as respects any houses in which such earth-closets or other places as aforesaid are in use with their approval, dispense with the supply of water required by any contract or enactment to be furnished to the waterclosets in such houses, on such terms as may be agreed upon between such authority and the persons or body of persons providing or required to provide such supply of water. The local board may themselves undertake or contract with any person to undertake a supply of dry earth or other deodorizing substance to any house or houses within their district for the purpose of any earth-closets or other places as aforesaid. The local authority may themselves construct or require to be constructed earth-closets or other such places as aforesaid in all cases where, under any enactment in force, they might construct waterclosets or privies, or require the same to be constructed, with this restriction, that no person shall be required to construct an earth-closet or other place as aforesaid in any house instead of a watercloset if he prefer to comply with the provisions of the enactment in force requiring the construction of a watercloset, and a supply of water for other purposes is furnished to such house, and that no person shall be put to greater expense in constructing an earth-closet or other place as aforesaid than he would be put to by compliance with the provisions of any enactment as to waterclosets or privy accommodation which he might have been compelled to comply with if this section had not been passed. Local authority shall, for the purposes of this Act, mean any local board and any sewer authority. *Certain waterclosets to be constructed in factories, &c.* 52. **A.** And be it enacted, that if at any time it appear to the local board of health, upon the report of the surveyor, that any house is used or intended to be used as a factory or building in which persons of both sexes, and above twenty in number, are employed or intended to be employed at one time, in any manufacture, trade, or business, the said local board may, if they shall think fit, by notice in writing to the owner or occupier of such house, require them or either of them, within a time to be specified in such notice, to construct a sufficient number of waterclosets or privies for the separate use of each sex; and whosoever neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and a further penalty not exceeding forty shillings for every day during which the default is continued. *N.B. Sub-section* (4.) *of following section alone relates to drains.* 34. **B.** The fifty-third and seventy-second sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows: Every local board may make byelaws with respect to the following matters; (that is to say,) (1.) With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof: (2.) With respect to the structure of walls of new buildings for securing stability and the prevention of fires:	cease within such district in relation to all matters within the purview of the said sections of the Public Health Act, 1848; and any sewer authority to whose sections the said sections are extended making default in enforcing their provisions shall be subject to proceedings under the Sanitary Act, 1866, in the same manner as if it had made default in providing its district with sufficient sewers. *See page 74 for other provisions of* 4 **E.**		

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
(3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings: (4.) With respect to the drainage of buildings, to water-closets, privies, ashpits, and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation: And they may further provide for the observance of the same by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the local board, and as to the power of the local board to remove, alter, or pull down any work begun or done in contravention of such byelaws: Provided always, that no such byelaw shall affect any building erected before the date of the constitution of the district: But for the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the frame work shall be left down to the ground floor, or the conversion into a dwelling house of any building not originally constructed for human habitations, or the conversion into more than one dwelling house of a building originally constructed as one dwelling house only, shall be considered the erection of a new building.			
Local board to provide that drains, waterclosets, &c. do not become a nuisance. 54. **A.** And be it enacted, that the local board of health shall see and provide that all drains whatsoever, and the waterclosets, privies, cesspools, and ashpits within their district, are constructed and kept so as not to be a nuisance or injurious to health; and the surveyor may, by written authority of the said local board, (who are hereby empowered to grant such authority, upon the written application of any person showing that the drain, watercloset, privy, cesspool, or ashpit in respect of which application is made is a nuisance or injurious to health, but not otherwise,) and after twenty-four hours notice in writing, or in case of emergency without notice, to the occupier of the premises to which such drain, watercloset, privy, cesspool, or ashpit is attached or belongs, enter such premises, with or without assistants, and cause the ground to be opened, and examine and lay open such drain, watercloset, privy, cesspool, or ashpit; and if the drain, watercloset, privy, cesspool, or ashpit in respect of which such examination is made be found to be in proper order and condition, he shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the said local board; but if upon such examination such drain, watercloset, privy, cesspool, or ashpit appear to be in bad order and condition, or to require alteration or amendment, he shall cause the ground to be closed, and the said local board shall cause notice in writing to be given to the owner or occupier of the premises upon or in respect of which the examination was made, requiring him forthwith, or within such reasonable time as shall be specified in such notice, to do the necessary works; and if such notice be not complied with, the person to whom it is given shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default, and the said local board may, if they shall think fit, execute such works, and the expenses incurred by them in so doing shall be recoverable by them from the owner in a summary manner, or by order of the said local board shall be declared to be private improvement expenses, and be recoverable as such in the manner herein-after provided.	4. **E.** *Also enacts*— (2.) And the fifty-fourth section (of A.) as amended by any subsequent Act of Parliament, providing that the local board of health shall see that drains, waterclosets, privies, and ashpits within their district do not become a nuisance, shall extend to the district of every sewer authority in which there is no enactment of any public or private Act of Parliament to the like effect in force; and the said sections when so extended shall be construed in reference to the district of any sewer authority as if the expression "sewer authority" were inserted therein in the place of the expression "local board," and any officer for the time being appointed by the sewer authority to examine any premises shall be deemed to be the surveyor within the meaning of the said sections. Where the sewer authority and the nuisance authority of a district are different bodies of men, the jurisdiction of the nuisance authority shall cease within such district in relation to all matters within the purview of the said sections of the Public Health Act, 1848; and any sewer authority to whose district the said sections are extended making default in enforcing their provisions shall be subject to proceedings under the Sanitary Act, 1866, in the same manner as if it had made default in providing its district with sufficient sewers. *See pages 70, 72, for other provisions of* 4 **E.**		
Amendment of preceding section, viz., sect. 54 A., for purposes herein named. 33. **B.** Whenever the surveyor, in the course of any examination made by him in pursuance of the fifty-fourth section of the Public Health Act, 1848, finds any such drain, watercloset, privy, cesspool, or ashpit, as therein mentioned, to be in bad order and condition, or to require alteration, it shall not be necessary for him to cause the ground to be closed before the necessary works are set about for amending such drain, watercloset, privy, cesspool, or ashpit: Provided that such necessary works are undertaken forthwith.			

Local Boards.	Sewer Authority.
PUBLIC NECESSARIES. 57. **A.** And be it enacted, that the local board of health may, if they think fit, provide and maintain, in proper and convenient situations, waterclosets, privies, and other similar conveniences for public accommodation, and defray the necessary expenses out of the district rates to be levied under this Act.	
POWERS AS TO SCAVENGING AND CLEANSING. *Power to local boards to cleanse or contract for cleansing.* 32. **B.** The fifty-fifth and fifty-sixth sections of the Public Health Act, 1848, shall be repealed, excepting so much of the fifty-sixth section as relates to the providing conveniences for the temporary deposit of dust, ashes, and rubbish, and also fit buildings and places for the deposit of sewerage and other matters collected by the local board, and in lieu thereof be it enacted, (1.) That local boards may themselves undertake or contract with any person for The proper cleansing and watering of streets; The removal of house refuse from premises; The cleansing of privies, ashpits, and cesspools; either for the whole or any part of their district; and all matters thus collected by the local board or contractor may be sold or otherwise disposed of, and any profits thus made by the local board shall be carried to the district fund account: (2.) If any person, not being the occupier of a house within the district, removes, or obstructs the local board or contractor in removing, any matters hereby authorized to be removed by the local board, he shall for each offence incur a penalty not exceeding five pounds; and if any person being the occupier of a house within the district, removes, or obstructs the local board or contractor in removing, any such matters (except in cases where such matters are produced on his own premises, and are removed for sale or for his own use for manure, and are in the meantime kept so as not to be a nuisance), he shall for each offence incur a penalty not exceeding forty shillings: (3.) In parts where the local board do not themselves undertake or contract with any person for— The cleansing of footways and pavements adjoining any premises,— The removal of refuse from any premises,— The cleansing of privies, ashpits, and cespools,— They may make byelaws imposing the duty of such cleansing or removal on the occupier of any such premises:	*Power of sewer authorities to sewerage.* 5. **E.** A sewer authority shall within their district have all the powers vested in a local board by the thirty-second section of the Local Government Act, 1858, as amended by any subsequent Act of Parliament, so far as relates to— (1.) The removal of house refuse from premises; (2.) The cleansing of privies, ashpits, and cesspools; and the paragraphs numbered (1), (2), and (3) of the said section shall be construed in reference to the district of any sewer authority as if the expression "sewer authority" were inserted therein in the place of the expression "local board." Where the sewer authority and the nuisance authority are different bodies of men, the jurisdiction of the nuisance authority in such district shall cease in respect to all matters over which the sewer authority acquires powers by this section.
Power to local board to make byelaws as to nuisances. (4.) The local board may make byelaws for the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish within their district, or of the keeping of animals so as to be injurious to the public health:	
Provision for recovery of expenses of removal of offensive accumulations under **A.** (5.) Whenever the local board have removed any noxious or offensive accumulation under the fifty-ninth section of the Public Health Act, 1848, the expenses of removal, so far as the same are not covered by the sale of the said accumulation, shall be recoverable in a summary manner from the occupier, or, where there is no occupier, from the owner of the premises on which such accumulation existed, or from the person causing such accumulation, or may, by order of the board, be declared to be private improvement expenses.	
Local board to cause places for deposit of dust, soil, &c. to be provided. 56. **A.** And be it enacted, that the local board of health may, in their discretion, provide, in proper and convenient situations, boxes or other conveniences for the temporary deposit and collection of dust, ashes, and rubbish, and also fit buildings and places for the deposit of the sewage, soil, dung, filth, ashes, dust, and rubbish collected by such board; * * and whosoever, without the consent of the said local board, collects or removes any sewage, soil, dung, filth, ashes, dust, or rubbish belonging to them, shall for every such offence be liable to a penalty not exceeding forty shillings. (*See* 32 **B.** *supra.*)	
POWERS AS TO CERTAIN DITCHES AND OTHER COLLECTIONS OF OFFENSIVE MATTER. *Offensive ditches, drains, &c. to be cleansed or covered.* 58. **A.** And be it enacted, that the local board of health shall drain, cleanse, cover, or fill up, or cause to be	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
N.B.—*Note limitation of powers of nuisance authority by* 5 **E.**, *page* 76.	
Surveyors, &c. of highways to cleanse DITCHES, &C., [NEAR HIGHWAYS], *paying owners, &c. for Damages.* 21. **K.** All surveyors and district surveyors may make, scour, cleanse, and keep open all ditches, gutters, drains, or watercourses in and through any lands or grounds, adjoining or lying near to any highway, upon paying the	

Local Boards.	Sewer Authority.
drained, cleansed, covered, or filled up, all ponds, pools, open ditches, sewers, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature, or likely to be prejudicial to health; and they shall cause written notice to be given to the person causing any such nuisance, or to the owner or occupier of any premises whereon the same exists, requiring him, within a time to be specified in such notice, to drain, cleanse, cover, or fill up any such pond, pool, ditch, sewer, drain, or place, or to construct a proper sewer or drain for the discharge thereof, as the case may require; and if the person to whom such notice is given fail to comply therewith, the said local board shall execute the works mentioned or referred to therein, and the expenses incurred by them in so doing shall be recoverable by them from him in a summary manner, or by order of the said local board shall be declared to be private improvement expenses, and be recoverable as such in the manner herein-after provided; provided always, that the said local board may order that the whole or a portion of the expenses incurred in respect of any such last-mentioned works be defrayed out of the special or general district rates to be levied under this Act, and in case of any such order the whole or such portion of the expenses as may be mentioned therein shall be defrayed and levied accordingly.	
WATERCOURSES OR DITCHES NEAR TO OR FORMING BOUNDARIES.	
Provision for obtaining order for cleansing foul and offensive watercourses or open ditches lying near to or forming the boundaries of districts.	
31. B. In case any watercourse or open ditch lying near to or forming the boundary between the district of any local board and any adjoining parish or place shall be foul and offensive, so as injuriously to affect the district of such local board, any justice of the peace for the county, city, or borough in which such adjoining parish or place may be situate may, on the application of such local board, summon the local authority for the purposes of the Nuisance Removal Act, 1855, of such adjoining parish or place to appear before the justices of the same county, city, or borough to show cause why an order should not be made by the said justices for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such justices to be necessary; and such justices, after hearing the parties, or *ex parte* in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such justices shall seem reasonable; and any sums ordered to be paid by any justices in pursuance of this section shall be a charge upon and be payable out of the poor rates of such adjoining parish or place, as if the same were legally incurred in the relief of the poor of such parish or place, and in default of payment may be levied upon the goods and chattels of such overseers by distress and sale thereof.	
SWINE, PIGSTYES, STAGNANT WATER IN CELLAR OR DWELLING HOUSE.	
Penalties for keeping swine, &c. in improper situations; allowing waste water to remain in cellars, &c. Removal of filth on certificate of inspector of nuisances.	
59. A. And be it enacted, that whosoever keeps any swine or pigstye in any dwelling house, or so as to be a nuisance to any person, or suffers any waste or stagnant water to remain in any cellar or place within any dwelling house for twenty-four hours after written notice to him from the local board of health to remove the same, and whosoever allows the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall, for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty of five shillings for every day during which the offence is continued; and the said local board shall abate or cause to be abated every such nuisance, and the expenses incurred by them in so doing shall be repaid to them by the occupier of the premises upon which the same exists, and be recoverable from him in the summary manner herein-after provided; and if at any time it appear to the inspector of nuisances that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matter whatsoever, ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
owner or occupier of such lands or grounds, provided they are not waste or common, for the damages which he shall thereby sustain, to be settled and paid in such manner as the damages for getting materials in enclosed lands or grounds are directed to be settled and paid by the law in force for the time being with regard to highways.	
Power to local authority to cover and improve open Ditches, &c. [where nuisance.]	
22. K. Whenever any ditch, gutter, drain, or watercourse used or partly used for the conveyance of any water, filth, sewage, or other matter from any house, buildings, or premises is a nuisance within the meaning of this Act, and cannot, in the opinion of the local authority, be rendered innocuous without the laying down of a sewer or of some other structure along the same or part thereof or instead thereof, such local authority shall and they are hereby required to lay down such sewer or other structure, and to keep the same in good and serviceable repair; and they are hereby declared to have the same powers as to entering lands for the purposes thereof, and to be entitled to recover the same penalties in case of interference, as are contained in the sixty-seventh and sixty-eighth sections of the Act passed in the fifth and sixth years of the reign of King William the Fourth, intituled "An Act for consoli- "dating and amending the laws relating to highways in "England;" and such local authority are hereby authorized and empowered to assess every house, building, or premises then or at any time thereafter using for the purposes aforesaid the said ditch, gutter, drain, watercourse, sewer, or other structure, to such payment, either immediate or annual, or distributed over a term of years, as they shall think just and reasonable, and, after fourteen days notice at the least left on the premises so assessed, to levy and collect the sum and sums so assessed in the same manner, and with the same remedies in case of default in payment thereof, as highway rates are by the law in force for the time being leviable and collectable, and with the same right and power of appeal against the amount of such assessments reserved to the person or persons so assessed as by the law for the time being in force shall be given against any rate made for the repair of the highways; and the provisions contained in this section shall be deemed to be part of the law relating to highways in England: Provided always, that where such ditch, gutter, drain, or watercourse shall, as to parts thereof, be within the jurisdiction of different local authorities, this enactment shall apply to each local authority only as to so much of the works hereby required, and the expenses thereof, as is included within the respective jurisdiction of that authority: Provided also, that such assessment shall in no case exceed a shilling in the pound on the assessment to the highway rate, if any.	

Local Boards.	Sewer Authority.

it exists, to remove the same; and if, at the expiration of twenty-four hours after such notice the same be not complied with, the manure, dung, soil, or filth, or matter referred to, shall be vested in and be sold or disposed of by the said local board, and the proceeds thereof shall be carried to the district fund account herein-after mentioned.

N.B.—*See "Nuisance clause," 8* **X.**, *page 61, under Nuisance Authority.*

CLEANSING OF FILTHY OR UNWHOLESOME HOUSES.

Houses to be purified, on certificate of officer of health, or of two medical practitioners.

60. A. And be it enacted, that if upon the certificate of the officer of health (if any), or of any two medical practitioners, it appear to the local board of health that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any house or part thereof would tend to prevent or check infectious or contagious disease, the said local board shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, as the case may require; and if the person to whom notice is so given fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default; and the said local board may, if they shall think fit, cause such house, building, or part thereof, to be whitewashed, cleansed, or purified, and the expenses incurred by them in so doing shall be repaid by the owner or occupier in default, and be recoverable from either of them in the summary manner herein-after provided.

SLAUGHTER-HOUSES.

Local board may provide slaughter-houses, and make bye-laws with respect to slaughter-houses in general.

62. A. And be it enacted, that the local board of health may from time to time, if they shall think fit, provide premises for the purpose of being used as slaughter-houses; and they shall make byelaws for and with respect to the management and charges for the use of the premises so provided, * * and for keeping the same in a cleanly and proper state; provided always, that nothing herein contained shall prejudice or affect the rights, privileges, powers, or authorities of any persons incorporated by any local Act of Parliament passed before the passing of this Act for the purpose of making and maintaining slaughter-houses for the accommodation of any city, town, borough, or place. (See 48)

Power to inspector of nuisances to enter places used for sale of butcher's meat, &c.

63. A. And be it enacted, that the inspector of nuisances may, and he is hereby empowered, at all reasonable times, with or without assistants, to enter into and inspect any shop, building, stall, or place kept or used for the sale of butcher's meat, poultry, or fish, or as a slaughter-house, and to examine any animal, carcase, meat, poultry, game, flesh, or fish which may be therein; and in case any animal, carcase, meat, poultry, game, flesh, or fish appear to him to be intended for the food of man, and to be unfit for such food, the same may be seized; and if it appear to a justice, upon the evidence of a competent person, that any such animal, carcase, meat, poultry, game, flesh, or fish is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food; and the person to whom such animal, carcase, meat, poultry, game, flesh, or fish belongs, or in whose custody the same is found, shall be liable to a penalty not exceeding ten pounds for every animal or carcase, fish, or piece of meat, flesh, or fish, or any poultry or game so found, which penalty may be recovered before two justices in the manner herein-after provided with respect to penalties, the recovery whereof is not expressly provided for.

Compare with these powers 11 **X.**, 31 **San.**, 2 **Z.** *and* 3 **Z.**, *under "Nuisance Authority," pages* 125 *&* 127.

OFFENSIVE TRADES.

Offensive trades newly established to be subject to regulation of local board of health.

64. A. And be it enacted, that the business of a blood-boiler, bone-boiler, fellmonger, slaughterer of cattle, horses,

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

As to nuisances arising in cases of NOXIOUS TRADES.

27. X. If any candle house, melting house, melting place, or soaphouse, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling, burning, or crushing bones, or any manufactory, building, or place used for any trade, business, process, or manufacture caus-

Local Boards.	Sewer Authority.
or animals of any description, soap-boiler, tallow-melter, tripe-boiler, or other noxious or offensive business, trade or manufacture, shall not be newly established in any building or place, after this Act is applied to the district in which such building or place is situate, without the consent of the local board of health; and whosoever offends against this enactment shall be liable for each offence to a penalty of fifty pounds, and a further penalty of forty shillings for each day during which the offence is continued; and the said local board may from time to time make such byelaws with respect to any such businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious effects thereof.	

Act not to affect present law as to nuisances.

65. **A.** And be it declared and enacted, that nothing in this Act shall be construed to render lawful any act, matter, or thing whatsoever which but for this Act would be deemed to be a nuisance, nor to exempt any person from any liability, prosecution, or punishment to which he would have been otherwise subject in respect thereof.

LODGING HOUSES.

Common lodging houses to be registered. Penalty on neglect.

66. **A.** And be it enacted, that it shall not be lawful to keep any common lodging house unless the same be registered as next herein-after mentioned; and the local board of health shall cause a register to be kept in which shall be entered the name of every person applying to register any common lodging house kept by him, and the situation of every such house; and the said local board shall from time to time make byelaws for fixing the number of lodgers who may be received into each house so registered, for promoting cleanliness and ventilation therein, and with respect to the inspection thereof, and the conditions and restrictions under which such inspection may be made; and the person keeping any such lodging house shall give access to the same when required by any persons who shall produce the written authority of the said local board in this behalf, for the purpose of inspecting the same, or for introducing or using any disinfecting process, and the expenses incurred by the said local board in so introducing or using any disinfecting process shall be recoverable by them in a summary manner from the person keeping the lodging house in which the same shall have

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
ing effluvia, be at any time certified to the local authority by any medical officer, or any two legally qualified medical practitioners, or a requisition in writing under the hands of any ten inhabitants of the place (Sanitary Act, 1866, § 18), to be a nuisance or injurious to the health of the inhabitants of the neighbourhood, the local authority shall direct complaint to be made before any justice, who may summon before any two justices in petty sessions assembled at their usual place of meeting the person by or in whose behalf the work so complained of is carried on, and such justices shall inquire into such complaint, and if it shall appear to such justices that the trade or business carried on by the person complained against is a nuisance, or causes any effluvia injurious to the health of the inhabitants of the neighbourhood, and that such person shall not have used the best practicable means for abating such nuisance or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier,) shall, upon a summary conviction for such offence, forfeit and pay a sum of not more than five pounds nor less than forty shillings, and upon a second conviction for such offence, the sum of ten pounds, and for each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of two hundred pounds: Provided always, that the justices may suspend their final determination in any such case, upon condition that the person so complained against shall undertake to adopt, within a reasonable time, such means as the said justices shall judge to be practicable and order to be carried into effect for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, or shall give notice of appeal in the manner provided by this Act, and shall enter into recognizances to try such appeal, and such appeal accordingly: Provided always, that the provisions herein-before contained shall not extend or be applicable to any place without the limits of any city, town, or populous district.	

Reference to superior court at the option of the party complained against.

28. **X.** Provided also, that if, upon his appearance before such justices, the party complained against object to have the matter determined by such justices, and enter into recognizances, with sufficient sureties to be approved by the justices, to abide the event of any proceedings at law or in equity that may be had against him on account of the subject matter of complaint, the local authority shall thereupon abandon all proceedings before the justices, and shall forthwith take proceedings at law or in equity in Her Majesty's superior courts for preventing or abating the nuisance complained of.

OVERCROWDING.

Regulation and registration of houses let in lodgings or occupied by members of more than one family.

35. **SAN.** On application to one of Her Majesty's Principal Secretaries of State by the nuisance authority of the city of London, or any district or parish included within the Act for the better local government of the metropolis, or of any municipal borough, or of any place under the Local Government Act, 1858, or any local improvement Act, or of any city or town containing, according to the census for the time being in force, a population of not less than five thousand inhabitants, the Secretary of State may, as he may think fit, by notice to be published in the "London Gazette," declare the following enactment to be in force in the district of such nuisance authority, and from and after the publication of such notice the nuisance authority shall be empowered to make regulations for the following matters; that is to say,

1. For fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family:
2. For the registration of houses thus let or occupied in lodgings:

Local Boards.	Sewer Authority.
been used or introduced; and whosoever shall receive lodgers in any common lodging house without having registered the same as required by this Act, or shall refuse to admit therein, at any time between the hour of eleven in the forenoon and the hour of four in the afternoon, any person authorized by the said local board as last aforesaid, shall for every such offence be liable to a penalty not exceeding forty shillings.	

OCCUPATION OF CELLARS, &c.

Cellars, &c. newly built not to be let as dwelling rooms. No cellars, &c. to be let except under certain conditions. Act not to come into operation until the expiration of a certain time, in case of cellars, &c. already occupied as dwellings. Churchwardens, &c. to give notice of enactment.

67. **A.** And be it enacted, that it shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling any vault, cellar, or underground room built or rebuilt after the passing of this Act, or which shall not have been so let or occupied before the passing of this Act; and it shall not be lawful to let or continue to let, or to occupy or suffer to be occupied, separately as a dwelling, any vault, cellar, or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be at least three feet of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the same vault, cellar, or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room, nor unless there be appurtenant to such vault, cellar, or room the use of a watercloset or privy and an ashpit, furnished with proper doors and coverings, kept and provided according to the provisions of this Act, nor unless the same have a fireplace with a proper chimney or flue, nor

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
3. For the inspection of such houses, and the keeping the same in a cleanly and wholesome state: 4. For enforcing therein the provision of privy accommodation and other appliances and means of cleanliness in proportion to the number of lodgings and occupiers, and the cleansing and ventilation of the common passages and staircases: 5. For the cleansing and lime-whiting at stated times of such premises: The nuisance authority may provide for the enforcement of the above regulations by penalties not exceeding forty shillings for any one offence, with an additional penalty not exceeding twenty shillings for every day during which a default in obeying such regulations may continue; but such regulations shall not be of any validity unless and until they shall have been confirmed by the Secretary of State. But this section shall not apply to common lodging houses within the provisions of the Common Lodging Houses Act, 1851, or any Act amending the same. *Cases in which two convictions have occurred within three months.* 36. **San.** Where two convictions against the provisions of any Act relating to the overcrowding of a house, or the occupation of a cellar as a separate dwelling place, shall have taken place within the period of three months, whether the persons so convicted were or were not the same, it shall be lawful for any two justices to direct the closing of such premises for such time as they may deem necessary, and, in the case of cellars occupied as aforesaid, to empower the nuisance authority to permanently close the same, in such manner as they may deem fit, at their own cost. *On certificate of medical officer to local authority that house is overcrowded, proceedings may be taken to abate the same.* 29. **X.** Whenever the medical officer of health, if there be one, or, if none, whenever two qualified medical practitioners shall certify to the local authority that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants, and the inhabitants shall consist of more than one family, the local authority shall cause proceedings to be taken before the justices to abate such overcrowding, and the justices shall thereupon make such order as they may think fit, and the person permitting such overcrowding shall forfeit a sum not exceeding forty shillings. *Note.—But see* 19 (1.) **San.**, *page* 61. 41. **San.** In any proceedings under the Common Lodging Houses Act, 1851, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it. *N.B.—It will be noted that this Section* [41 **San.**] *is not extended beyond proceedings under the Common Lodging Houses Act.*	

OCCUPATION OF CELLARS, &c.

Cellars, &c. newly built not to be let as dwelling rooms. No cellars, &c. to be let except under certain conditions. Act not to come into operation until the expiration of a certain time, in case of cellars, &c. already occupied as dwellings. Churchwardens, &c. to give notice of enactment.

67. **A.** And be it enacted, that it shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling any vault, cellar, or underground room built or rebuilt after the passing of this Act, or which shall not have been so let or occupied before the passing of this Act; and it shall not be lawful to let or continue to let, or to occupy or suffer to be occupied, separately as a dwelling, any vault, cellar, or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be at least three feet of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the same vault, cellar, or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room, nor unless there be appurtenant to such vault, cellar, or room the use of a watercloset or privy and an ashpit, furnished with proper doors and coverings, kept and provided according to the provisions of this Act, nor unless the same have a fireplace with a proper chimney or flue, nor

Local Boards.	Sewer Authority.
unless the same have an external window of at least nine superficial feet in area clear of the sash frame, and made to open in such manner as shall be approved by the surveyor, except in the case of an inner or back vault, cellar, or room let or occupied along with a front vault, cellar, or room as part of the same letting or occupation, in which case the external window may be of any dimensions not being less than four superficial feet in area clear of the sash frame; and whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied for hire or rent, any vault, cellar, or underground room, contrary to this Act, shall be liable for every such offence to a penalty not exceeding 20*s.* for every day during which the same continues to be so let or occupied after notice in writing from the local board of health in this behalf: Provided always, that in any area adjoining a vault, cellar, or underground room there may be steps necessary for access to such vault, cellar, or room, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar, or room, a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building above the vault, cellar, or room to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window: Provided also, that every vault, cellar, or underground room in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act: Provided also, that the provisions of this Act with respect to the letting and occupation of vaults, cellars, and underground rooms shall not, so far as the same relate to vaults, cellars, and underground rooms which shall have been let or occupied as dwellings before the passing of this Act, come into force or operation until the expiration of one year from the passing of this Act, nor within any district until the expiration of six months from the time when this Act shall have been applied thereto; and all churchwardens and overseers of the poor shall from time to time after the passing of this Act cause public notice of the provisions of this Act with respect to the letting and occupation of vaults, cellars, and underground rooms to be given in such manner as may appear to them to be best calculated to make the same generally known.	

HIGHWAYS.

Local board to be surveyors of highways; but existing surveyors to recover rates in arrear.

117. A. And be it enacted, that the local board of health within the limits of their district shall, exclusively of any other person whatsoever, execute the office of and be surveyor of highways, and have all such powers, authorities, duties, and liabilities as any surveyor of highways in England is now or may hereafter be invested with or be liable to by virtue of his office by the laws in force for the time being, except in so far as such powers, duties, or authorities are or may be inconsistent with the provisions of this Act; and the inhabitants of any district shall not in respect of any property situate therein be liable to the payment of highway rate or other payment, not being a toll, in respect of making or repairing roads or highways within any parish, township, or place, or part of any parish, township, or place, situate beyond the limits of such district: Provided always, that the several persons who at the time when this Act is applied to any district are surveyors of highways within the same district, may recover any highway rate made in respect of the said district, and then remaining unpaid, in the same manner as if this Act had not been passed; and the money so recovered shall be applied, in the first place, in reimbursing themselves any expenses incurred by them as such surveyors, and in discharging any debts legally owing by them on account of the highways within their jurisdiction; and the surplus (if any) shall be paid by them to the treasurer, and carried to the district fund account mentioned in this Act: Provided also, that neither the allowance by justices, nor the signature by the local board of health, shall be necessary in the case of any rate made by the local board of health under this Act.

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
unless the same have an external window of at least nine superficial feet in area clear of the sash frame, and made to open in such manner as shall be approved by the surveyor, except in the case of an inner or back vault, cellar, or room let or occupied along with a front vault, cellar, or room as part of the same letting or occupation, in which case the external window may be of any dimensions not being less than four superficial feet in area clear of the sash frame; and whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied for hire or rent, any vault, cellar, or underground room, contrary to this Act, shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same continues to be so let or occupied after notice in writing from the local board of health in this behalf: Provided always, that in any area adjoining a vault, cellar, or underground room there may be steps necessary for access to such vault, cellar, or room, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar, or room, a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building above the vault, cellar, or room to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window: Provided also, that every vault, cellar, or underground room in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act: Provided also, that the provisions of this Act with respect to the letting and occupation of vaults, cellars, and underground rooms shall not, so far as the same relate to vaults, cellars, and underground rooms which shall have been let or occupied as dwellings before the passing of this Act, come into force or operation until the expiration of one year from the passing of this Act, nor within any district until the expiration of six months from the time when this Act shall have been applied thereto; and all churchwardens and overseers of the poor shall from time to time after the passing of this Act cause public notice of the provisions of this Act with respect to the letting and occupation of vaults, cellars, and underground rooms to be given in such manner as may appear to them to be best calculated to make the same generally known.	

Extension to the whole of England and Ireland of 67 **A.**

42. San. The sixty-seventh section of the Public Health Act, 1848, relating to cellar dwellings, shall apply to every place in England and Ireland where such dwellings are not regulated by any other Act of Parliament, and in applying that section to places where it is not in force at the time of the passing of this Act the expression "this Act" shall be construed to mean the "Sanitary Act, 1866," and not the said Public Health Act, 1848. In construing the said sixty-seventh section as applied by this Act nuisance authority shall be substituted for the local board.

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
Enabling local boards to act instead of inhabitants in vestry of townships in their districts in all matters arising under the provisions of the Highway Act, 1835, 5 & 6 *W. IV. c.* 50. 10. **C.** All the powers, authorities, and discretion which in and by the Act of the fifth and sixth years of the reign of King William the Fourth, chapter fifty, are vested in and given to the inhabitants in vestry assembled of any parish, township, or place, shall, within the districts where the Local Government Act is in force, be vested in and exerciseable by the local boards, or commissioners exercising the powers of such local boards, under the provisions of this Act and of "The Public Health Act (1848)," and of "The Local Government Act (1858);" and all acts or consents already done or given or purporting to be so done or given by such local boards, under and by virtue of the said Act of the fifth and sixth years of William the Fourth, chapter fifty, acting or assuming to act in lieu of the inhabitants in vestry assembled of any parish, township, or place within the district of the local board, shall operate and be as valid and effectual as if the same had been done and given or executed by such inhabitants in vestry.			
Sect. 69. *of the Highway Act*, 1835, 5 & 6 *W. IV. c.* 50. *to apply to encroachments on highways managed by local authority.* 26. **C.** Where a board of improvement commissioners, or other local authority, exercising any of the powers of "The Local Government Act, 1858," maintains and repairs the highways within the area of its jurisdiction, the sixty-ninth section of the Act of the fifth and sixth William the Fourth, chapter fifty, shall be held to apply to all encroachments on such highways.			
Local Government Act districts to be within highway districts for purpose of highway meetings. 6. **D.** Where any district under the Public Health Act, 1848, and the Local Government Act, 1858, or either of such Acts, or any other place, is surrounded by or adjoins a highway district constituted under the Highway Acts, such first-mentioned district or other place shall for the purpose of any meeting of the highway board be deemed to be within such highway district.			
MANAGEMENT OF STREETS. *Manayement of streets vested in local board.* 68. **A.** And be it enacted, that all present and future streets, being or which at any time become highways within any district, and the pavements, stones, and other materials thereof, and all buildings, implements, and other things provided for the purposes thereof by any surveyor of highways, or by any person serving the office of surveyor of highways, shall vest in and be under the management and control of the said local board of health; and the said local board shall from time to time cause all such streets to be levelled, paved, flagged, channelled, altered, and repaired, as and when occasion may require, and they may from time to time cause the soil of any such street to be raised, lowered, or altered as they may think fit, and place and keep in repair fences and posts for the safety of foot passengers; and whosoever wilfully displaces, takes up, or injures the pavement, stones, materials, fences, or posts of any such street, without the consent of the said local board, shall be liable for every such offence to a penalty not exceeding five pounds, and a further sum not exceeding five shillings for every square foot of the pavement, stones, or other materials so displaced, taken up, or injured.			
Power to compel paving, &c. of private streets. 69. **A.** And be it enacted, that in case any present or future street, or any part thereof (not being a highway), be not sewered, levelled, paved, flagged, and channelled to the satisfaction of the local board of health, such board may, by notice in writing to the respective owners or occupiers of the premises fronting, adjoining, or abutting upon such parts thereof as may require to be sewered, levelled, paved, flagged, or channelled, require them to sewer, level, pave, flag, or channel the same within a time to be specified in such notice; and if such notice be not complied with, the said local board may, if they shall think fit, execute the works mentioned or referred to therein; and the expenses incurred by them in so doing shall be paid by the owners in default, according to the frontage of their respective premises, and in such proportion as shall be settled by the surveyor, or in case of dispute as shall be settled by arbitration (having regard to all the circumstances of the case) in the manner provided by this Act; and such expenses may			

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
be recovered from the last-mentioned owners in a summary manner, or the same may be declared by order of the said local board to be private improvement expenses, and be recoverable as such in the manner herein-after provided. *Before giving notice for paving, &c. of streets not being highways, plans and sections to be deposited with local board.* **16. C.** Before giving the notice mentioned in the sixty-ninth section of "The Public Health Act, 1848," the local board shall cause plans and sections of the works intended to be executed under that section and the thirty-eighth section of "The Local Government Act, 1858," to be made, under the direction of their surveyor, on a scale of not less than one inch for eighty-eight feet for a horizontal plan, and on a scale of not less than one inch for ten feet for a vertical section, and, in the case of a sewer, showing the depth of such sewer below the surface of the ground; and such plans and sections shall be deposited in the office of the local board, and shall be open at all reasonable hours for the inspection of all persons interested therein during the period for which such notice is required to be given, and a reference to such plans and sections in such notice shall be held sufficient without requiring any copy of such plans and sections to be annexed to such notice. *Form of notice.* **17. C.** The form of notice in the schedule (A.) to this Act annexed, or to the like effect, may be used for any of the purposes of the sixty-ninth section of "The Public Health Act, 1848," and of the thirty-eighth section of "The Local Government Act, 1858," and of this Act, for which such form is applicable, and such form shall accordingly, to all intents, be deemed sufficient for such purposes. *Certain streets not highways to be deemed such, and repaired by local board.* **70. A.** And be it enacted, that if any present or future street, not being a highway at the time when this Act is applied to the district in which it is situate, be sewered, levelled, paved, flagged, and channelled to the satisfaction of the local board of health, the said local board may, if they shall think fit, by notice in writing put up in any part of the street, declare the same to be a highway, and thereupon the same shall become a highway, and be from time to time repaired by them out of the rates levied in that behalf under the authority of this Act; and every such notice shall be entered amongst the proceedings of the said local board: Provided always, that no street shall become a highway as last aforesaid if within one month after notice in writing shall have been put up as last aforesaid the proprietor of such street, or the person representing or entitled to represent such proprietor, shall by notice in writing to the said local board object thereto. *Power to local board to provide for sewering, &c. of parts of streets not being highways.* **38. B.** The powers given to local boards of health by the sixty-ninth and seventieth sections of the Public Health Act, 1848, to compel the sewering, levelling, paving, flagging, and channelling of streets that are not highways repairable at the public expense, and after the completion of such works to declare such streets highways repairable at the public expense, shall extend to providing the means of lighting, metalling, or making good such streets, and may be exercised in respect of the carriageway, footway, or any part of such streets; and the said powers shall also be deemed to have extended and shall extend and be exercised in respect of any street or road of which a part was at the time of the application of the Public Health Act, 1848, or is or may be, a public footpath, or repairable at the public expense, as fully as if the whole of such street or road had been or was a highway not repairable at the public expense. *No incumbent or minister of any church, chapel, &c. liable to expenses under* 69 **A.** *or this section* (38 **B.**). No incumbent or minister of any church, chapel, or place appropriated to public religious worship, which is now by law exempt from rates for the relief of the poor, shall be liable to any expenses under the sixty-ninth section of the Public Health Act, 1848, or this section, as the owner or occupier of such church, chapel, or place, or of any churchyard or burial ground attached thereto, nor shall any such expenses			

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
be deemed to be a charge on such church, chapel, or other place, or on such churchyard or burial ground, or to subject the same to distress, execution, or other legal process; and the local board may, if they think fit, undertake any works from the expenses of which any such incumbent or minister is hereby exempted. *Objections under* 70 **A.** *to be made by the sole proprietor, or if more than one by a majority.* **42. B.** And whereas by the seventieth section of the Public Health Act, 1848, it is provided that no street shall become a highway, under the provisions of such section, if within one month after notice in writing shall have been first put up as therein mentioned the proprietor of such street, or the person representing or entitled to represent such proprietor, shall, by notice in writing to the local board, object thereto; and doubts have arisen as to the effect of such provision: Be it enacted, that no such objection shall be of force unless made either by the sole proprietor, or (if more than one) by the majority in number of such proprietors, and in ascertaining such majority joint proprietors shall be reckoned and considered one proprietor. *Power to require gas and water pipes to be moved.* **71. A.** And be it enacted, that if and when for the purposes of this Act the local board of health deem it necessary to raise, sink, or otherwise alter the situation of any water or gas pipes, mains, plugs, or other waterworks or gasworks laid in or under any street, they may by notice in writing require the person to whom the pipes, mains, plugs, or works belong to raise, sink, or otherwise alter the situation of the same in such manner and within such reasonable time as shall be specified in such notice, and the expenses attendant upon or connected with any such alteration shall be paid by the said local board out of the general district rates levied under this Act; and if such notice be not complied with, the said local board may make the alteration required: Provided always, that no such alteration shall be required or made which will permanently injure any such pipes, mains, plugs, or works, or prevent the water or gas from flowing as freely and conveniently as usual; provided also, that where under any local Act of Parliament the expenses attendant upon or connected with the raising, sinking, or otherwise altering the situation of any water or gas pipes, mains, plugs, or other waterworks or gasworks, are or shall be directed to be borne by the person to whom such pipes or works belong, his liability in that respect shall continue, in the same manner and under the same conditions in all respects as if this Act had not been passed. N.B.—*As to cost of highway repairs, &c., see also* 37 **B.**, *Expenses and Rates, page* 164. *Power to local boards to agree as to making of new public roads.* **39. B.** It shall be lawful for any local board to agree with any persons for the making of roads for the public use through the lands and at the expense of such persons, and to agree that such roads shall become and the same shall accordingly become, on completion, public highways maintainable and repairable at the public expense; and it shall be lawful for such board, with the consent of two-thirds of their number, to agree with such persons to pay, and accordingly to pay, any portion of the expenses of making such roads out of the funds at the disposal of such board for public improvements. *Power to local boards by consent to construct public bridges, &c., or adopt as public, and improve existing bridges, &c., over or under canals, railways, or tramroads.* **40. B.** It shall be lawful for any local board to agree with the proprietors of any canals, railways, or tramroads, and with any landowners or other persons willing to bear the first expense thereof, for the construction or alteration of, and accordingly to cause or permit to be constructed or altered, any bridges, viaducts, or arches, over or under any such canals, railways, or tramroads, at the expense of such persons, and at the like expense, by agreement, to purchase so much of any slopes, embankments, or other parts of such canals, railways, or tramroads, or of any adjoining lands, as may be required for the foundation and supports of such bridges, viaducts, or arches, and the approaches thereto, and to agree that such bridges, viaducts, and arches respectively, with their approaches and accessories, shall become, and the same shall accordingly become on completion, parts of public streets or roads maintainable and			

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
repairable at the public expense; and it shall be lawful for such board, with the consent of two-thirds of their number, to agree to pay, and accordingly to pay, any portion of the expenses of such construction, alteration, and purchase out of the funds at the disposal of such board for public improvements; and it shall be lawful for such board, with the consent of such proprietors and other persons interested, and on such terms as may be mutually agreed upon, to adopt any existing bridges, viaducts, or arches over or under any such canals, railways, or tramroads, and the approaches thereto, as public bridges, viaducts, or arches, and parts of public streets or roads maintainable and repairable at the public expense.			
Powers to local boards to enter into agreements with turnpike trustees as to repair, &c. of roads.			
41. B. It shall be lawful for any local board by agreement with the trustees of any turnpike road, or with any corporation or person liable to repair any street or road, or any part thereof, or with surveyors of any bridge repaired by any county, riding, or division, to take upon themselves the maintenance, repair, cleansing, or watering of any such street or road or any part thereof, or of any road over any county bridge, and the approaches thereto, or of any part of the said roads within their district, and to remove any turnpike gates, toll gates, or bars, which may be situate within two miles from the centre of any town or place within their district, and to erect other turnpike gates, toll gates, or bars in lieu thereof, on such terms as the local board and the trustees or corporation or person or surveyor aforesaid may agree upon between themselves: provided that in case any mortgage debt is charged upon the tolls of any such turnpike road, no agreement shall be made for the removal of any of the toll gates or bars thereon, unless with the previous consent in writing of a majority of at least two thirds in value of the mortgagees; and that when the terms arranged shall include any annual or other payments from the local board to the trustees, then such payments may be secured on the local rates in the same manner as other charges on the rates are authorized by this Act; provided also, that all executors, administrators, guardians, trustees, and all committees of the estates of idiots and lunatics, who as such are for the time being entitled to any money charged or secured on the tolls of any such turnpike road, may consent to any such agreement as aforesaid, as fully as if they respectively were so entitled in their own right, discharged of all trusts in respect thereof, and all executors, administrators, guardians, trustees, and committees so consenting are hereby severally indemnified for so doing.			
Certain roads herein named not to be interfered with, except upon conditions, &c. herein named.			
43. B. Notwithstanding anything contained in the Public Health Act, 1848, or this Act, it shall not be lawful for any local board to open or in any way disturb any of the public roads or footpaths under the charge of the commissioners of the metropolis turnpike roads north of the Thames, or of the New Cross turnpike roads, or of the trustees acting in execution of the Surrey and Sussex Roads Act, 1850, except upon the conditions and subject to the regulations herein-after contained; that is to say, (1.) The local board shall leave at the office of the commissioners or trustees of such road seven days previous notice, containing full particulars of any works intended to be executed by them, and affecting any of such roads: (2.) If the general surveyor of the said commissioners or trustees directs the works to be on any particular part of such roads the local board shall be bound to obey such directions: (3.) Except by permission of the said commissioners or trustees, the traffic of any of the said roads shall not at one time be stopped or in any way hindered along more than half of its width, nor, if the half left open is of less than the clear width of fourteen feet, along more than one hundred yards in length; and no alteration shall be made in the inclination of any of the said roads of more than one foot in sixty feet: (4.) All works shall be done under the superintendence of the general surveyor; and all such precautions as he may direct for the protection and convenience of the public shall be taken by and at the expense of the party doing the works, and in default the said surveyor shall cause to be done in that behalf what he may think proper; and the party doing the works shall in all cases of damage			

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

occurring by reason of such works, and whether such precautions are or not taken, be answerable to the person suffering such damage, the said commissioners or trustees being hereby absolved from all liability in respect of the consequences of such works:

(5.) The party doing the works shall, as regards every road opened or disturbed, restore the same to its original state as to surface and materials, and, in order to meet the expenses consequent upon the subsidence of materials newly filled in, shall repay to the said commissioners or trustees, on demand, such sum as they have expended in restoration of the road, not exceeding one shilling for every superficial square yard, and, so far as the works affect the same, shall make good all drainage, paving of water channels, curbs of footpaths, and other matters and things connected with the maintenance of the said roads; and on default the said surveyor may cause to be done in that behalf what he may think fit; and the said surveyor may recover the expense so incurred by him in a summary manner.

PURCHASE, &c., OF LAND BY AGREEMENT IN CERTAIN CASES.

N.B.—*As to more general powers of purchase, see* 75 **B**, *page* 114, 47 **San.**, *page* 118. *The latter section also repealed the words "by agreement," in* 73 **A.** *and* 84 **A.**, *thereby giving powers of* COMPULSORY *purchase in those cases.*

Local board may PURCHASE *premises in order to improve streets.*

73. **A.** And be it enacted, that the said local board may [by agreement] purchase any premises for the purpose of widening, opening, enlarging, or otherwise improving any street, and any part of the premises so purchased which shall not be wanted for that purpose shall be resold at the best price that can be gotten for the same, and the proceeds of such resale shall be carried to the district fund account herein-after mentioned.

Power to local boards to purchase lands, &c.

84. **A.** And be it enacted, that the local board of health [by agreement] may purchase, or take upon lease, sell, or exchange, any lands or premises for the purposes of this Act; * * * * and all lands and premises which shall be purchased, hired, or taken on lease by the local board of health of any noncorporate district shall be conveyed, demised, and assured to such local board and their successors, in trust for the purposes of this Act, and shall be accepted, taken, and held by them as a body corporate. *See* 75 **B**, p. 114.

Local board may purchase premises for purpose of making new streets.

36. **B.** The local board may, with the sanction of one of Her Majesty's Principal Secretaries of State, purchase any premises for the purpose of making new streets, and shall have with regard to premises so purchased all the powers given by the seventy-third section of the Public Health Act, 1848.

Powers of local boards with respect to land purchased under **B.**

22. **C.** Local boards shall have the same powers with regard to any lands purchased by them under or for the purposes of "The Local Government Act (1858)," or any Act incorporated therewith, which they now have with regard to lands purchased for the purpose of making or enlarging streets under the powers of the said Act.

POWERS FOR REGULATION OF BUILDINGS.

When houses taken down, local board may prescribe line in which same shall be rebuilt.

35. **B.** When any house or building has been taken down, in order to be rebuilt or altered, the local board may prescribe the line in which any house or building to be hereafter built shall be erected, and the same shall be erected in accordance therewith; and the local board shall pay or tender compensation to the owner or other person immediately interested in such house or building for any loss or damage he may sustain in consequence of his house or building being set back, the amount of such compensation, in case of dispute, to be settled in the same manner as compensation for land to be taken under the provisions of "The Lands Clauses Consolidation Act, 1845," is directed to be settled; and all the provisions of the said last-mentioned Act relating to the purchase of land shall apply to the payment made for such loss or damage as if it were a purchase under such Act.

Local Boards.	Sewer Authority.
No house to be brought forward without consent of local board. **28. C.** It shall not be lawful at any time or times hereafter, within the district of any local board, to bring forward any house or building, forming part of any street, or any part thereof, beyond the front wall of the house or building on either side thereof, nor to build any addition thereto beyond the front of such house or building on either side of the same as aforesaid, without the previous consent of such local board. *Sects. 53. and 72.* **A.**, *as to new streets and houses, repealed and the provisions herein named to be instead.* **34. B.** The fifty-third and seventy-second sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows: Every local board may make byelaws with respect to the following matters; (that is to say,) (1.) With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof; (2.) With respect to the structure of walls of new buildings for securing stability and the prevention of fires; (3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings; (4.) With respect to the drainage of buildings, to water-closets, privies, ashpits, and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation: And they may further provide for the observance of the same by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the local board, and as to the power of the local board to remove, alter, or pull down any work begun or done in contravention of such byelaws: Provided always, that no such byelaw shall affect any building erected before the date of the constitution of the district: But for the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the frame work shall be left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitations, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling house only, shall be considered the erection of a new building. CLAUSES AS TO INCORPORATED POWERS. (1.) TOWNS POLICE CLAUSES ACT. *Certain provisions of* 10 *&* 11 *Vict. c.* 89. *incorporated with this Act.* **44. B.** The provisions of "The Towns Police Clauses Act, 1847," (1.) With respect to obstructions and nuisances in the streets, (2.) With respect to fires, (3.) With respect to places of public resort, (4.) With respect to hackney carriages, (5.) With respect to bathing, shall be incorporated with this Act. (2.) TOWNS IMPROVEMENT CLAUSES ACT. *Certain provisions of* 10 *&* 11 *Vict. c.* 34. *incorporated with this Act.* **45. B.** The provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following matters, that is to say, (1.) With respect to naming the streets and numbering the houses, (2.) With respect to improving the line of the streets and removing obstructions, (3.) With respect to ruinous or dangerous buildings, (4.) With respect to precautions during the construction and repair of the sewers, streets, and houses, (5.) With respect to the supply of water, except the proviso thereto, (6.) With respect to the prevention of smoke, (7.) With respect to slaughter-houses, (8.) With respect to clocks,	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

Local Boards.	Sewer Authority.
shall be incorporated with this Act, subject to this qualification, that the above-mentioned provisions with respect to the prevention of smoke shall not extend to compel the consumption of all smoke in the case of all or any of the processes following; that is to say, to the coking of coal, the calcining of ironstone or limestone, the making or burning of bricks, earthenware, quarries, tiles, or pipes, the raising of any mines or minerals, the smelting of iron ores, the refining, puddling, shingling, and rolling of iron or other metals, or to the melting and casting of iron into castings, or to the manufacture of glass, in any district where the provisions of the said Act for the prevention of smoke are not now in force, in which the local board shall resolve that any one or more of such processes should be exempted from penalties for not consuming all smoke for any time specified in such resolution, not exceeding ten years, which may be annually renewed for a similar or any shorter period, if the board shall think fit; and any justice or justices before whom any person shall be summoned may remit the penalty in any case within such district in which he or they shall be of opinion that such person has adopted the best known means for preventing any nuisance from smoke, and has carefully attended to the same, so as to consume, as far as possible, the smoke arising from any process so exempted during such time as any such resolution shall extend to, unless an order shall be issued by one of Her Majesty's Principal Secretaries of State directing that such exemption shall no longer be continued in such district to such processes, or any of them, after a time specified in such order.	
LIGHTING AND WATCHING.	
Watching and Lighting Act (3 & 4 W. IV. c. 90.) to be superseded by this Act.	
46. B. In any district where the Public Health Act, 1848, is in force, or where this Act is adopted, and in which the Act passed in the third and fourth years of the reign of King William the Fourth, intituled "An Act to "repeal an Act of the eleventh year of His late Majesty "King George the Fourth, for the lighting and watching "of parishes in England and Wales, and to make other "provisions in lieu thereof," has been adopted, the said last-mentioned Act shall be superseded by this Act, and all lamps, lamp posts, gas pipes, fire engines, hose, and other property vested in the inspectors for the time being under the said Act, shall, in all existing districts under the Public Health Act, 1848, and elsewhere upon the adoption of this Act, vest in the local board.	
BATHS AND WASH-HOUSES.	
Where vestries adopt provisions of the Public Baths and Wash-houses Act, 1846, 9 & 10 Vict. c. 74, local board to be the commissioners under that Act.	
47. B. In any district where a vestry adopts the Act passed in the [*ninth and*] tenth year of the reign of Her present Majesty, chapter seventy-four, and intituled "An Act to "encourage the establishment of public baths and wash-"houses," the local board may, at the option of the said vestry, be the commissioners for the execution of the said Act, and shall thereupon have all the powers, duties, rights, and obligations of commissioners under the said Act; and all expenses incurred by the local board in carrying into execution the powers given to them by the said Act shall be defrayed out of general district rates, and all receipts by them by reason of the exercise of such powers shall be carried to the district fund account.	
Where the above Act is not in force local board in certain cases may adopt them.	
43. San. Local boards acting in execution of the Local Government Act, 1858, may adopt the Act to encourage the establishment of public baths and wash-houses, and any Act amending the same, for districts in which those Acts are not already in force, and when they have adopted the said Acts they shall have all the powers, duties, and rights of commissioners under the said Acts; and all expenses incurred by any local board in carrying into execution the Acts referred to in this section shall be defrayed out of the general district rates, and all receipts by them under the said Acts shall be carried to the district fund account.	
N.B. *Under* 77. **A.**, *page* 106, *local board may supply water to any public baths and wash-houses.*	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

Public Pleasure Grounds.

Local board may provide places of public recreation, &c.

84. A. And be it enacted, that the local board of health may provide, maintain, lay out, plant, and improve premises for the purpose of being used as public walks or pleasure grounds, and support or contribute towards any premises provided for such purposes by any person whomsoever.

Markets.

Power of local board to establish markets, with consent of owners and ratepayers.

50. B. The local board shall in noncorporate districts with the consent of the owners and ratepayers of the district, to be expressed by resolution in the manner herein provided with respect to resolutions for the adoption of this Act, and in corporate districts shall, with the consent of two-thirds of the local board, have the power to do the following things, or any of them, within their district:

(1.) To provide a market place, and construct a market house and other conveniences, for the purpose of holding markets:
To provide houses and places for weighing carts:
To make convenient approaches to such market:
To provide all such matters and things as may be necessary for the convenient use of such market:
To purchase or take on lease land, and public or private rights in markets, and tolls for any of the foregoing purposes:
To take stallages, rents and tolls in respect of the use by any person of such market house;

But no market or slaughter-house shall be established in pursuance of this section so as to interfere with any rights, powers, or privileges enjoyed within the district by any person, chartered joint stock or incorporated company, without his or their consent;

Provisions of the Markets and Fairs Clauses Act, 1847, 10 & 11 *Vict. c.* 14, *as to markets, &c. incorporated.*

(2.) For the purpose of enabling any local board to establish markets in manner aforesaid, or to regulate markets already established in any corporate borough before the constitution of a local board therein, there shall be incorporated with this Act the provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to markets:
With respect to the holding of the market or fair, and the protection thereof; and
With respect to the weighing goods and carts; and
With respect to the stallages, rents, and tolls; and
With respect to byelaws;

Subject to this proviso, that all tolls leviable by the local board in pursuance of this section shall be approved by one of Her Majesty's Principal Secretaries of State.

Hospitals of Medicine.

Power to provide hospitals.

37. San. Local board may provide for the use of the inhabitants within its district hospitals or temporary places for the reception of the sick.

Such authority may itself build such hospitals or places of reception, or make contracts for the use of any existing hospital or part of a hospital, or for the temporary use of any place for the reception of the sick.

It may enter into any agreement with any person or body of persons having the management of any hospital for the reception of the sick inhabitants of its district, on payment by the sewer authority of such annual or other sum as may be agreed upon.

The carrying into effect this section shall in the case of a sewer authority be deemed to be one of the purposes of the said Sewage Utilization Act, 1865, and all the provisions of the said Act shall apply accordingly.

Two or more authorities having respectively the power to provide separate hospitals may combine in providing a common hospital, and all expenses incurred by such authorities in providing such hospital shall be deemed to be expenses incurred by them respectively in carrying into effect the purposes of this Act.

N.B.—*It appears very doubtful whether* 10 **E.** *gives power to a local board. See* 16 **N.**, *by which "local board" is included within "sewer authority" in* 37 **San.**, 10 **E.** *being subsequently enacted is not governed by* **N.**

Note: By 37. **San.** *Sewer authority has power as to hospitals.*

Amendment of 37 **San.**

10. E. The sewer authority, or in the metropolis the nuisance authority, shall have the like power to make provision for the temporary supply of medicine and medical assistance for the poorer inhabitants as it now has to provide hospitals or temporary places for the reception of the sick under the thirty-seventh section of "The Sanitary Act, 1866," but such power to make provision for the temporary supply of medicine and medical assistance shall not be exercised without the sanction of Her Majesty's Privy Council.

Justice may direct removal to such hospital in certain cases, 26 **San.**, *page* 65.

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
WATER SUPPLY.			
N.B. For certain limited powers for providing wells or pumps by churchwardens or overseers in 50 **A.**, *see page* 70.			
Local board to provide sufficient supplies of water, and may erect waterworks, &c. In case of waterworks constructed by local board, the water may be kept constantly under pressure. Local board not to construct waterworks, &c., if any waterworks company within their district be able and willing to supply water upon terms.	*Sewer authority has power under* 75 **A.** *by* 11 **San.**		
75. **A.** And be it enacted, that the local board of health may provide their district with such a supply of water as may be proper and sufficient for the purposes of this Act, and for private use to the extent required by this Act; and for those purposes, or any of them, the said local board may from time to time contract with any person whomsoever, or purchase, take upon lease, hire, construct, lay down, maintain such waterworks, and do and execute all such works, matters, and things as shall be necessary and proper; and any waterworks company may contract with the local board of health to supply water for the purposes of this Act in any manner whatsoever, or may sell and dispose of or lease their waterworks to any local board of health willing to take the same; and the said local board may provide and keep in any waterworks constructed or laid down by them under the powers of this Act, a supply of pure and wholesome water, and the water so supplied may be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the district supplied: Provided always, that before constructing or laying down any waterworks under the powers of this Act within any limits within, for, or in respect of which any waterworks company shall have been established for supplying water, the said local board shall give notice in writing to every waterworks company within whose limits the said local board may be desirous of laying on or supplying water, stating the purposes for and (as far as may be praticable) the extent to which water is required by the said local board; and it shall not be lawful for the said local board to construct or lay down any waterworks within such limits, if and so long as any such company shall be able and willing to lay on water proper and sufficient for all reasonable purposes for which it is required by the said local board, and [upon such terms as shall be certified to be reasonable by the General Board of Health, after inquiry and report by a superintending inspector in this behalf, or (in case such company shall be dissatisfied with such certificate)*] upon such terms as shall be settled by arbitration in the manner provided by this Act; and in case any difference shall arise as to whether the water which any such company is able and willing to supply or lay on is proper and sufficient for the purposes for which it is required by the said local board, or whether the purposes for which it is required are reasonable, the same shall be settled by arbitration in the manner provided by this Act.	*Supply of water to district of sewer authority.* 11. **San.** A sewer authority within its district shall have the same powers in relation to the supply of water that a local board has within its district, and the provisions of the sections herein-after mentioned shall apply accordingly in the same manner as if in such provisions "sewer authority" were substituted for "local board of health" or "local board," and the district in such provisions mentioned were the district of the sewer authority and not the district of the local board; that is to say, the sections numbered from seventy-five to eighty, both inclusive of the Public Health Act, 1848, sections fifty-one, fifty-two, and fifty-three of the Local Government Act, 1858, and section twenty of the Local Government Act, 1858, Amendment Act, 1861. The sewer authority may, if it think it expedient so to do, provide a supply of water for the use of the inhabitants of the district by (1.) Digging wells; (2.) Making and maintaining reservoirs; (3.) Doing any other necessary acts; and they may themselves furnish the same, or contract with any other persons or companies to furnish the same: Provided always, that no land be purchased or taken under this clause except by agreement or in manner provided by the Local Government Act, 1858.		
* *N.B. This power is no longer exercised, not having been renewed in the Local Government Act. See* 8 **B.**, *page* 56.			
Local board may require that houses be supplied with water, &c. in certain cases.			
76. **A.** And be it enacted, that if upon the report of the surveyor it appear to the local board of health that any house is without a proper supply of water, and that such a supply of water can be furnished thereto at a rate not exceeding twopence per week, the said local board shall give notice in writing to the occupier, requiring him, within a time to be specified therein, to obtain such supply, and to do all such works as may be necessary for that purpose; and if such notice be not complied with the said local board may, if they shall think fit, do such works and obtain such supply accordingly, and make and levy water rates upon the premises, not exceeding in the whole the rate of twopence per week, in manner herein-after provided, as if the owner or occupier of the premises had demanded a supply of water, and were willing to pay water rates for the same; and the expenses incurred by them in doing such works as last aforesaid shall be private improvement expenses, and be recoverable as such in the manner herein-after provided.	*Sewer authority has power under* 76 **A.** *by* 11 **San.**		
N.B.—*Expenses incurred under this section or* 51 **B.**, *by local board or sewer authority may be recovered in a summary manner,* 50 **San.**			
Powers of sect 76 **A.** *as to water supply, extended by* **B.**			
51. **B.** The powers given to local boards by the seventy-sixth section of the Public Health Act, 1848, shall extend	*Sewer authority has power under* 51 **B.** *by* 11 **San.**		

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
to any house within their district to which a supply of water can be provided at an expense not exceeding the water rate authorized by the said Act or any local Act in force in the district, and notices under that section shall be served on owners of houses so supplied instead of occupiers, and expenses incurred under that section shall be recoverable from such owners.			
See N.B. above.			
Recovery of certain expenses of water supply.	*This section,* 50 **San.**, *relates to sewer authority. See section.*		
50. **San.** All expenses incurred by a sewer authority or local board in giving a supply of water to premises under the provisions of the seventy-sixth section of the Public Health Act, 1848, or the fifty-first section of the Local Government Act, 1858, and recoverable from the owners of the premises supplied, may be recovered in a summary manner.			
Where no water companies are established by Act local boards may MAKE AGREEMENTS FOR WATER SUPPLY.	*Sewer authority has power under* 20 **C.** *by* 11 **San.**		
20. **C.** In districts where no water companies are established by Act of Parliament all local boards may make agreements for the supply of water to persons, on such terms as may be agreed upon between the local board and the persons receiving such supply, and shall have the same powers for recovering water rents accruing under such agreements as they have for the recovery of water rates by the law in force for the time being.			
Water for public baths, or trading or manufacturing purposes.	*Sewer authority has power under* 77 **A.** *by* 11 **San.**		
77. **A.** And be it enacted, that the local board of health may, if they shall think fit, supply water from any waterworks purchased or constructed by them under this Act to any public baths or wash-houses, or for trading or manufacturing purposes, upon such terms and conditions as may be agreed upon between the said local board and the persons desirous of being so supplied.			
Maintenance and construction of public cisterns for gratuitous use.	*Sewer authority has power under* 78 **A.** *by* 11 **San.**		
78. **A.** And be it enacted, that the local board of health may cause all existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for the gratuitous supply of water to the inhabitants to be continued, maintained, and plentifully supplied with water, or they may substitute, continue, maintain, and plentifully supply with water other such works equally convenient; and the said local board may, if they shall think fit, construct any number of new cisterns, pumps, wells, conduits, and works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit or supported out of any poor or borough rates.			
Power of carrying water mains.	*Sewer authority has power under* 52 **B.** *by* 11 **San.**		
52. **B.** Where the local board supply water to their district they shall have the same power for carrying water mains within the district as they have for carrying sewers by the law in force for the time being.			
Power to directors of waterworks or market company to sell works, &c. to local boards.	*Sewer authority has power under* 53 **B.** *by* 11 **San.**		
53. **B.** It shall be lawful for any local board of health absolutely to purchase, and for the directors for the time being of any waterworks company or market company, by and with the authority of three-fifths of the shareholders for the time being in such company who may be present, either personally or by proxy, at some general meeting of the company specially convened for the purpose, to sell, convey, and transfer unto any local board of health, upon such terms as shall be mutually agreed upon between the company and the local board, all the rights, powers, and privileges, and all or any of the lands and premises, works, matters, and things, which at the time of such purchase shall be the property of the company, but subject to all mortgages, contracts, or liabilities to which the same shall be then subject.			
N.B.—*As to water rates, &c., see under expenses and rates.*			
Penalty for injuring waterworks, diverting streams, or wasting water.	*Sewer authority has power under* 79 **A.** *by* 11 **San.**		
79. **A.** And be it enacted, that whosoever shall wilfully or carelessly break, injure, or open any lock, cock, waste pipe, or waterworks belonging to or under the management or control of the local board of health, or con-			

Local Boards.	Sewer Authority.
structed, continued, or maintained under this Act, in any parish or place in which there shall be no local board of health, or shall unlawfully flush, draw off, divert, or take water from any waterworks belonging to or under the management or control of the said local board, or so constructed, continued, or maintained in any such parish or place, or from any waters or streams by which such waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any water with which he is supplied by the said local board, shall for every such offence forfeit a sum not exceeding five pounds, and a further penalty of twenty shillings for each day whilst the offence is continued after written notice in that behalf, which penalties shall be paid to the said local board, or, in the case of a parish or place in which there shall be no local board of health, to the churchwardens and overseers of the poor, to be by them applied in aid of the rate for the relief of the poor of such parish or place: Provided always, that nothing herein contained shall prevent the owner or occupier of any premises through or by which any streams may flow from using the same as they would have been entitled to do if this Act had not been passed.	
Penalties on persons for causing water in reservoirs to be fouled; and on proprietors of gasworks, &c.	*Sewer authority has power under* 80 **A.** *by* 11 **San.**
80. **A.** And be it enacted, that whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the local board of health, or in any reservoir, conduit, aqueduct, or other waterworks constructed, continued, or maintained under this Act in any parish or place in which there shall be no local board of health, or shall wash, cleanse, throw, or cause to enter therein any animal, rubbish, filth, stuff, or thing, of any kind whatsoever, or shall cause or permit or suffer to run or be brought therein the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water, or shall do anything whatsoever whereby any water belonging to the said local board or under their management or control, or whereby any water of or contained in any such reservoir, conduit, aqueduct, or other waterworks so constructed, continued, or maintained in any such parish or place as aforesaid shall be fouled, shall for every such offence forfeit a sum not exceeding five pounds, and a further sum of twenty shillings for each day whilst the offence is continued after written notice in that behalf; which penalties shall be paid to the said local board, or, in the case of a parish or place in which there shall be no local board of health, to the churchwardens and overseers of the poor, to be by them applied in aid of the rate for the relief of the poor of such parish or place; and whosoever, being proprietor of any gasworks, or being engaged or employed in the manufacture or supply of gas, causes or suffers to be brought or to flow into any stream, reservoir, conduit, aqueduct, or waterworks belonging to or under the management or control of the said local board, or into any drain or pipe communicating therewith, any washing or other substance produced in the manufacture or supply of gas, or shall wilfully do any act connected with the manufacture or supply of gas whereby the water in any such stream, reservoir, aqueduct, or waterworks is fouled, shall forfeit to the said local board for every such offence the sum of two hundred pounds, and, after the expiration of twenty-four hours notice in writing from them in this behalf, a further sum of twenty pounds for every day during which the offence is continued, or during the continuance of the act whereby the water is fouled; and every such penalty shall be recoverable, with full costs of suit, by action of debt; and if any water supplied by, belonging to, or under the management or control of the said local board, be fouled in any manner by the gas of any such proprietor or person as last aforesaid, he shall forfeit to the local board for every such offence a sum not exceeding twenty pounds, and a further sum not exceeding ten shillings for every day whilst the offence is continued after the expiration of twenty-four hours notice in writing from the said local board in this behalf; and for the purpose of ascertaining whether such water is fouled by the gas of any such proprietor or person the said local board may lay open and examine any pipes, conduits, and works from which the gas is supposed to escape; provided that before beginning so to do twenty-four hours notice in writing be given to the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, of the time at which the examination is intended to be made; and if upon such examination it appear that the water has been fouled by the gas proceeding from or con-	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

Local Boards.	Sewer Authority.
tained in the pipes, conduits, or works examined, the expenses of the examination shall be paid and borne by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, and be recoverable from him in the summary manner herein-after provided; but if it appear that the water has not been so fouled, then such expenses, and all damages occasioned by the examination, shall be paid by the said local board out of the general district rates levied under this Act, and be recoverable from them in the summary manner herein-after provided.	*Wells, &c. belonging to any place vested in local authority, &c.* **7. Y.** All wells, fountains, and pumps provided under section fifty of "The Public Health Act, 1848," or otherwise, for the use of the inhabitants of any place, and not being the property of or vested in any person or corporation other than officers of such place, shall be vested in the local authority under this Act for such place, who shall from time to time cause to be kept in good repair and condition and free from pollution all wells, fountains, and pumps vested in them under this Act, and may also keep in good repair and condition and free from pollution other wells, fountains, and pumps dedicated to or open to the use of the inhabitants of such place. (*See* 50 A, *page* 70.) *But these wells, &c. are vested in the sewer authority when that authority supplies water.* **13. San.** All property in wells, fountains, and pumps, and powers in relation thereto, vested in the nuisance authority by the seventh section of the Act passed in the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter seventy-seven, shall vest in the sewer authority, where the sewer authority supplies water to its district. POLLUTION OF RIVERS. *Sewer authority may take proceedings to prevent pollution of streams.* **10. M.** A sewer authority, with the sanction of Her Majesty's Attorney-General in England, may, either in its own name or in the name of any other person, with the consent of such person, take such proceedings by indictment, bill in chancery, action, or otherwise, as it may deem advisable, for the purpose of protecting any watercourse within its jurisdiction from pollutions arising from sewage either within or without its district; and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be deemed to be expenses properly incurred by the sewer authority in carrying into effect the purposes of this Act.

N.B.—*Compare the Burial Acts with the following clauses and determine whether they should be retained or may be regarded as superseded by provisions of those Acts.*

RECEPTION HOUSES FOR THE DEAD.

Power to provide premises for the reception of the dead previously to interment.

81. A. And for the purpose of preventing the manifold evils occasioned by the retention of the dead in the dwellings of the poor, be it enacted, that the local board of health may, if they shall think fit, provide, fit up, and make byelaws with respect to the management and charges for the use of rooms or premises in which corpses may be received, and decently and carefully kept previously to interment; and the said local board may, upon proper application, and subject to such regulations, and at such rates and charges as shall be prescribed by any such byelaws, make all necessary arrangements for the decent and economical interment of any corpse which may have been received into any rooms or premises so provided in pursuance of this enactment.

BURIAL GROUNDS.

Burial grounds, &c. dangerous to health may be prohibited.

82. A. And be it enacted, that if upon the representation of the local board of health, and after inquiry and

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
Wells, &c. belonging to any place vested in local authority, &c. **7. Y.** All wells, fountains, and pumps provided under section fifty of "The Public Health Act, 1848," or otherwise, for the use of the inhabitants of any place, and not being the property of or vested in any person or corporation other than officers of such place, shall be vested in the local authority under this Act for such place, who shall from time to time cause to be kept in good repair and condition and free from pollution all wells, fountains, and pumps vested in them under this Act, and may also keep in good repair and condition and free from pollution other wells, fountains, and pumps dedicated to or open to the use of the inhabitants of such place. *But these wells, &c. are vested in sewer authority where that authority supplies water.* **13. San.** All property in wells, fountains, and pumps, and powers in relation thereto, vested in the nuisance authority by the seventh section of the Act passed in the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter seventy-seven, shall vest in the sewer authority, where the sewer authority supplies water to its district. MORTUARIES. *Places for the reception of dead bodies may be provided at the public expense.* **27. San.** Any nuisance authority may provide a proper place for the reception of dead bodies, and where any such place has been provided, and any dead body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such house or room, any justice may, on a certificate signed by a legally qualified medical practitioner, order the body to be removed to such proper place of reception at the cost of the nuisance authority, and direct the same to be buried within a time to be limited in such order; and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, it shall be the duty of the relieving officer to bury such body at the expense of the poor rate, but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial. RECEPTION HOUSES FOR BODIES DURING POST-MORTEM EXAMINATIONS. *Places for reception of dead bodies during time required for post-mortem examination may be provided.* **28. San.** Any nuisance authority may provide a proper place (otherwise than at a workhouse or at a mortuary house as lastly herein-before provided for) for the reception of dead bodies for and during the time required to conduct any post-mortem examination ordered by the coroner of the district or other constituted authority, and may make such regulations as they may deem fit for the maintenance, support, and management of such place; and where any such place has been provided, any coroner or other constituted authority may order the removal of the body for carrying out such post-mortem examination and the re-removal of such body, such costs of removal and re-removal to be paid in the same manner and out of the same fund as the cost and fees for post-mortem examinations when ordered by the coroner.	

Local Boards.	Sewer Authority.
report by a superintending inspector [now inspector from Home Office, 80 **B**], notified to the lord bishop of the diocese, and made, notified, and published in manner herein-before directed with respect to the inquiry and report of superintending inspectors previously to the constitution of a district under this Act, and after inquiry by such other ways and means as the General Board of Health may think fit to direct, the said General Board shall certify (such certificate to be published in the "London Gazette," and in some one or more of the public newspapers usually circulated within the district,) that any burial ground situate within any district to which this Act is applied is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship within any such district is dangerous to the health of persons frequenting the same, by reason of the surcharged state of the vaults or graves within the walls of or underneath the same, and that sufficient means of interment exist within a convenient distance from such burial ground, church, or place of public worship, it shall not be lawful, after a time to be named in such certificate, to bury or permit or suffer to be buried any further corpses or coffins in, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate; and whosoever, after notice of such certificate, buries, or causes, permits, or suffers to be buried, any corpse or coffin contrary to this enactment, shall for every such offence be liable to a penalty of twenty pounds. *As to interments within churches or burial grounds newly erected or formed.* 83. **A.** And be it enacted, that no vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built in any district after the passing of this Act, and no burial ground shall be made or formed within any district after the passing of this Act, without the consent of the General Board of Health first had and obtained, unless the same be made or formed upon land purchased or authorized by Parliament to be appropriated for the purpose of being used as a burial ground before the passing of this Act; and whosoever shall bury, or cause, permit, or suffer to be buried, any corpse or coffin in any vault, grave, or burial ground constructed, made, or formed contrary to this enactment, shall for every such offence be liable to a penalty not exceeding fifty pounds, which may be recovered by any person, with full costs of suit, in an action of debt. *Local boards of health may repair fences surrounding burial grounds.* 21. **C.** All local boards of health constituted burial boards may from time to time repair and uphold the fences surrounding any burial ground which shall have been discontinued as such within their jurisdiction, or take down such fences and substitute others in lieu thereof, and shall from time to time take the necessary steps for preventing the desecration of such burial grounds, and placing them in a proper sanitary condition; and where such burial boards are a local board of health, they may from time to time pass byelaws for the preservation and regulation of all burial grounds within their limits, and the expense of carrying this section into execution may be defrayed out of any rates authorized to be levied by any local board constituted a burial board. *Local board to be burial board of district, though the burial ground be provided for parts of the district only.* 49. **B.** In any district where a vestry of any one or more parish or place comprised therein having a known or defined boundary adopts the Act passed in the twentieth and twenty-first year of the reign of Her present Majesty, chapter eighty-one, and intituled "An Act to amend the Burial Acts," the local board may, at the option of such vestry, be the burial board for the execution of the said Act within such parish or parishes, place or places, so adopting the Act as aforesaid, and shall thereupon have all the powers, duties, rights, and obligations of a burial board under the said Act; and all expenses incurred by the local board in carrying into execution the powers given to them by the said Act shall be defrayed out of rates to be levied on such parish or parishes, place or places, so adopting the Act as aforesaid, in the same manner as general district rates are to be levied under the provisions of this Act; and all receipts by them, by reason of the exercise of such powers, shall be carried to the credit of such parish or parishes, place or places, so adopting the Act as aforesaid: Provided	

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nevertheless, that in case the parish or parishes, place or places comprised in such district so adopting the Act as aforesaid shall have been declared a ward or wards for the election of members of the local board, and members shall have been elected by and for such ward or wards, the last-mentioned members shall form the burial board for such parish or parishes, place or places so formed into a ward or wards as aforesaid, instead of the members of the said local board, and shall have all the like powers, duties, rights, and obligations of the burial board under said Act of the twentieth and twenty-first years of the reign of Her present Majesty, chapter eighty-one. *Power to burial boards in certain cases to transfer their powers to local board.* 44. **San.** When the district of a burial board is conterminous with the district of a local board of health, the burial board may, by resolution of the vestry, and by agreement of the burial board and local board, transfer to the local board all their estate, property, rights, powers, duties, and liabilities, and from and after such transfer the local board shall have all such estate, property, rights, powers, duties, and liabilities, as if the local board had been appointed a burial board by Order in Council under the fourth section of the Act of the session of the twentieth and twenty-first years of the reign of Her present Majesty, chapter eighty-one.			
PURCHASE OF LAND BY PROVISIONAL ORDER. N.B.—*Local board may by agreement purchase premises in order to improve streets,* 73 **A.**, *and for purpose of making new streets,* 36 **B.**, *page* 92. *Regulation as to the purchase of land. Publication of notices. Service of notices.* 75. **B.** So much of the eighty-fourth section of the Public Health Act, 1848, as relates to the incorporation of the Lands Clauses Consolidation Act, 1845, shall be repealed, and the following regulations shall be observed with respect to the purchase of land by local boards for the purposes of this Act; (that is to say,) (1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, except the provisions relating to access to the special Act: (2.) The local board, before putting in force any of the powers of the said Lands Clauses Consolidation Act with respect to the purchase and taking of land otherwise than by agreement, shall Publish once at the least in each of three consecutive weeks in the month of November in some newspaper circulated in the district or some part of the district within which such local board has jurisdiction is situate, an advertisement describing shortly the nature of the undertaking in respect of which the land is proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further in the month of December Serve a notice in manner herein-after mentioned on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer, stating whether the person so served assents, dissents, or is neuter in respect of taking such land; such notice to be served By delivery of the same personally on the party required to be served, or, if such party is absent abroad, to his agent; or By leaving the same at the usual or last known place of abode of such party as aforesaid; or By forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such party:	*This power* (75 **B.**) *is possessed by sewer authority, see* 7 **M.**, *for purposes of that Act and Acts incorporated therewith.* 7. **M.** A sewer authority shall for the purposes of this Act have the powers of taking lands conferred on local boards by the 75th section of the Local Government Act, 1858, and any Act amending the same.		
Power to local board to petition Secretary of State upon matters herein stated. (3.) Upon compliance with the provisions herein-before contained with respect to advertisements and notices, the local board may, if they shall think fit, present a petition under their seal to one of Her Majesty's Principal Secretaries of State; the petition shall state the land intended to be taken, and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter			

Local Boards.	Sewer Authority.
in respect of the taking such land, or who have returned no answer to the notice: it shall pray that the local board may, with reference to such land, be allowed to put in force the powers of the said Lands Clauses Consolidation Act with respect to the purchase and taking of land otherwise than by agreement, and such prayer shall be supported by such evidence as the Secretary of State requires: *Secretary of State may make provisional order; and may direct inquiry:* (4.) Upon the receipt of such petition, and upon due proof of the proper advertisements having been published and notices served, the Secretary of State shall take such petition into consideration, and may either dismiss the same, or direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made in the district, after such notice as may be directed by the Secretary of State, no provisional order shall be made affecting any land, without the consent of the owners, lessees, and occupiers thereof: (5.) After the completion of the inquiry as last aforesaid, the Secretary of State may, by provisional order, empower the local board to put in force with reference to the land referred to in such order the powers of the said Lands Clauses Consolidation Act with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as he may think fit, and it shall be the duty of the local board to serve a copy of any order so made in the manner and upon the person in which and upon whom notices in respect of such land are herein-before required to be served: *No provisional order valid until confirmed by Parliament.* (6.) No provisional order so made shall be of any validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State as soon as conveniently may be to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament: *Costs how to be defrayed.* (7.) All costs, charges, and expenses incurred by the said Secretary of State in relation to any such provisional order as last aforesaid shall, to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a charge upon the general district rates levied in the district to which such order relates, and be repaid to the said Commissioners of Her Majesty's Treasury by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such last-mentioned order, upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid. *N.B.* (7.) *This provision as to cost, charges, and expenses incurred by Secretary of State is extended by* 27 **C.**, *p.* 148, *to all provisional orders under* **B.** *This power* (75 **B.**) *is possessed by sewer authority (see* 7 **M.**, *p.* 114*).* *Interpretation of "special Act," in construing* 8 *&* 9 *Vict. c.* 18. *as to provisional orders.* 18. **C.** In the construction of "The Lands Clauses Consolidation Act, 1845," for the purposes of any provisional order under "The Local Government Act, 1858," conferring powers for the taking of land otherwise than by agreement, the term "special Act" shall mean the Act confirming such order, and "the date of the passing of the special Act" shall mean the date of the passing of the Act confirming such order. *N.B. Local boards may sell any lands bought under this Act, and not wanted for the purpose. See* 73 **A.** *and* 22 **C.**	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

Extent of authority to make provisional orders respecting lands under 75 **B.**

47. **San.** The authority conferred on one of Her Majesty's Principal Secretaries of State by section seventy-five of the Local Government Act, 1858, to empower by provisional order a local board to put in force, with reference to the land referred to in such order, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement, shall extend and apply and shall be deemed to have always extended and applied to every case in which, by the Public Health Act, 1848, and the Local Government Act, 1858, or either of them, or any Act extending or amending those Acts, or either of them, a local board are authorized to purchase, provide, use, or take lands or premises for any of the purposes of the said Acts or either of them, or of any such Act as aforesaid; and sections seventy-three and eighty-four of the Public Health Act, 1848, shall be construed as if the words "by agreement" therein respectively used had been expressly repealed by section seventy-five of the Local Government Act, 1858.

CONTRACTS.

Contracts by local board. Composition for penalties in respect of breach of contracts. Estimates to be made before commencing works. As to contracts above the value of 100*l.*

85. **A.** And be it enacted, that the local board of health may enter into all such contracts as may be necessary for carrying this Act into execution; and every such contract whereof the value or amount shall exceed ten pounds shall be in writing, and (in the case of a noncorporate district) sealed with the seal of the local board by whom the same is entered into, and signed by five or more members thereof, and (in the case of a corporate district) sealed with the common seal, and shall specify the work, materials, matters, or things to be furnished, had, or done, the price to be paid, and the time or times within which the contract is to be performed, and shall fix and specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed; and every contract so entered into, and duly executed by the other parties thereto, shall be binding on the local board by whom the same is executed, and their successors, and upon all other parties thereto, and their executors, administrators, successors, or assigns, to all intents and purposes: Provided always, that the said local board may compound with any contractor or other person in respect of any penalty incurred by reason of the nonperformance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract, or in any bond or otherwise, for such sums of money or other recompense as to such local board may seem proper: Provided also that before contracting for the execution of any works under the provisions of this Act the said local board shall obtain from the surveyor an estimate in writing, as well of the probable expense of executing the work in a substantial manner as of the annual expense of repairing the same; also a report as to the most advantageous mode of contracting, that is to say, whether by contracting only for the execution of the work, or for executing and also maintaining the same in repair during a term of years or otherwise: Provided also, that before any contract of the value or amount of one hundred pounds or upwards is entered into by the said local board ten days public notice at the least shall be given expressing the nature and purpose thereof, and inviting tenders for the execution of the same; and the said local board shall require and take sufficient security for the due performance of the same.

LICENSING, &c. HORSES, BOATS, &c. FOR HIRE.

Local board may make byelaws.

25. **C.** The local board may make byelaws for licensing and regulating horses, ponies, mules, or asses standing for hire in the district, and for prescribing and regulating the stands, and fixing the rates of hire, and ordering the conduct of the drivers or attendants thereof, and also for licensing, regulating, and fixing the rates of hire of pleasure boats or vessels, and the persons in charge of the same.

BYELAWS.

Byelaws of local board not to be in force till confirmed by Secretary of State. Notice of confirmation, &c.

115. **A.** And be it enacted, that all byelaws made be the local board of health under and for the purposes of this Act shall be in writing under their seal, and the signature

Local Boards.	Sewer Authority.

of any five or more of their number, or (in the case of a corporate district) under the common seal; and the said local board may by any such byelaws impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the said local board; and the said local board may alter or repeal any such byelaws by any subsequent byelaws, sealed and signed, or (in case of a corporate district) sealed, as last aforesaid: Provided always, that all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided also, that no such byelaws shall be repugnant to the laws of England or to the provisions of this Act, and the same shall not be of any force or effect unless and until the same be submitted to and confirmed by one of Her Majesty's Principal Secretaries of State, who is hereby empowered to allow or disallow the same, as he may think proper: Provided also, that no such byelaws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given in one or more of the public newspapers usually circulated within the district to which such byelaws relate one month at least before the making of such application; and for one month at least before any such application a copy of the proposed byelaws shall be kept at the office of the local board of health, and be open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward; and the clerk shall furnish every such ratepayer who shall apply for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words contained in such copy.

Byelaws to be printed, &c.

116. **A.** And be it enacted, that all byelaws made by the local board of health in pursuance of this Act shall be printed and hung up in the office of the said local board; and copies thereof shall be delivered to any ratepayer of the district to which such byelaws relate, upon his application for the same.

ARBITRATION.

Mode of referring to arbitration.

123. **A.** And be it enacted, that in case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode of determining the same is specially provided for), and in case of any matter which by this Act is authorized or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other, shall appoint an arbitrator, to whom the matter shall be referred; and every such appointment when made on the behalf of the local board of health, shall (in the case of a noncorporate district) be under their seal and the hands of any five or more of their number, or under the common seal in case of a corporate district, and on the behalf of any other party under his hand, or if such party be a corporation aggregate under the common seal thereof; and such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same; and after the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such matter shall have arisen and notice in writing by one party who has himself duly appointed an arbitrator to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fail to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties; and the award of any arbitrator or arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all persons, and to all intents and purposes whatsoever.

Death, &c. of one of several arbitrators; of single arbitrator.

124. **A.** And be it enacted, that if before the determination of any matter so referred any arbitrator die, or refuse or become incapable to act, the party by whom such arbitrator was appointed may appoint in writing another person in his stead; and if he fail so to do for the space of seven days after notice in writing from the other party in that behalf the remaining arbitrator may proceed *ex parte*, and every

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

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arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made; and in case a single arbitrator die, or become incapable to act, before the making of his award, or fail to make his award within twenty-one days after his appointment, or within such extended time, if any, as shall have been duly appointed by him for that purpose, the matters referred to him shall be again referred to arbitration under the provisions of this Act, as if no former reference had been made. *Arbitration to be confined to cases involving more than 20l.* **64. B.** All questions referable to arbitration under the Public Health Act, 1848, or this Act, or any Act incorporated therewith, may, when the amount in dispute is less than twenty pounds, be determined before two justices in a summary manner, but the justices may, if they think fit, require that the work in respect of which the claim of the local board is made, and the particulars of the claim, be reported on to them by any competent surveyor, not being the surveyor of the local board; and the justices may determine the amount of costs incurred on that behalf, and by whom such costs or any part of them shall be paid. *Appointment of umpire by the parties: by quarter sessions.* **125. A.** And be it enacted, that in case there be more than one arbitrator, the arbitrators shall, before they enter upon the reference, appoint by writing under their hands an umpire, and if the person appointed to be umpire die, or become incapable to act, the arbitrator shall forthwith appoint another person in his stead; and in case the arbitrators neglect or refuse to appoint an umpire for seven days after being requested so to do by any party to the arbitration, the court of general or quarter sessions shall, on the application of any such party, appoint an umpire; and the award of the umpire shall be binding, final, and conclusive upon all persons and to all intents and purposes whatsoever; and in case the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time, if any, as shall have been duly appointed by them for that purpose, the matters referred shall be determined by the umpire; and the provisions of this Act with respect to the time for making an award, and with respect to extending to the same in the case of a single arbitrator, shall apply to an umpireage. *Time within which award must be made.* **126. A.** Provided always, and be it enacted, that the time for making an award under this Act shall not be extended beyond the period of three months from the date of the submission or from the day on which the umpire shall have been appointed (as the case may be). *Power to arbitrator to require production of documents. As to costs of reference. Submission may be made a rule of court.* **127. A.** And be it enacted, that any arbitrator, arbitrators, or umpire, appointed by virtue of this Act, may require the production of such documents in the possession or power of either party as they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on oath; and the costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or of the umpire (in case the matters referred are determined by an umpire under the power herein-before contained in that behalf); and any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts, on the application of any party thereto. *Declaration to be made by arbitrator and umpire.* **128. A.** And be it enacted, that before any arbitrator or umpire shall enter upon any such reference as aforesaid he shall make and subscribe the following declaration before a justice of the peace; (that is to say,) 'I *A.B.* do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the Public Health Act, 1848. *A.B.*' And such declaration shall be annexed to the award when made; and if any arbitrator or umpire shall wilfully act contrary to such declaration he shall be guilty of a misdemeanor.			

Local Boards.	Sewer Authority.
Compensation in case of damage by local board. **144. A.** And be it enacted, that full compensation shall be made, out of the general or special district rates to be levied under this Act, to all persons sustaining any damage by reason of the exercise of any of the powers of this Act; and in case of dispute as to amount, the same shall be settled by arbitration in the manner provided by this Act, or if the compensation claimed do not exceed the sum of twenty pounds, the same may be ascertained by and recovered before justices in a summary manner.	*Compensation.* **8. M.** Full compensation shall be made, out of any fund or rate applicable to the purposes of this Act, to all persons sustaining any damage by reason of the exercise of any of the powers of this Act; and in case of dispute as to amount, the same shall be settled by arbitration, as provided in "The Public Health Act, 1848," or any Act amending the same, or if the compensation claimed do not exceed the sum of twenty pounds, the same may be ascertained by and recovered before justices in a summary manner, in manner provided by the Acts mentioned in this section.

PART VII.—COURSE OF LEGAL PROCEDURE.

Incorporation of sanitary authorities.

46. San. The following bodies, that is to say, local boards, sewer authorities, and nuisance authorities, if not already incorporated, shall respectively be bodies corporate designated by such names as they may usually bear or adopt, with power to sue and be sued in such names, and to hold lands for the purposes of the several Acts conferring powers on such bodies respectively in their several characters of local boards, sewer authorities, or nuisance authorities.

Appearance of local authorities in legal proceedings.

48. San. Any local board, sewer authority, or nuisance authority may appear before any justice or justices, or in any legal proceeding, by its clerk or by any officer or member authorized generally or in respect of any special proceeding by resolution of such board or authority, and such person being so authorized shall be at liberty to institute and carry on any proceeding which the nuisance authority is authorized to institute and carry on under the Nuisance Removal Acts or this Act.

Recovery of damages, &c.

129. A. And be it enacted, that in all cases in which the amount of any damages, costs, or expenses is by this Act directed to be ascertained or recovered in a summary manner the same may be ascertained by and recovered before two justices, together with such costs of the proceedings as the justices may think proper; and if the sums adjudged be not paid by the party against whom the adjudication is made the same may be levied by distress and sale of his goods and chattels, by warrant under the hands and seals of the justices making the adjudication; and any penalty imposed by or under the authority of this Act, or any byelaw made under this Act, the recovery whereof is not otherwise expressly provided for, may, upon proof on oath of the offence in respect of which the penalty is alleged to have been incurred, be recovered before two justices, together with such costs of the proceedings as they may think proper; and if the sums adjudged be not paid by the party against whom the adjudication is made, the same may be levied by distress and sale of his goods and chattels, by warrant under the hands and seals of the justices making the adjudication; and such justices, or either of them, may order that any offender convicted as last aforesaid be detained and kept in safe custody until return can be conveniently made to the last-mentioned warrant, unless he give sufficient security, by way of recognizance or otherwise, for his appearance on the day appointed by the return, such day not being more than eight days from the time of making the security; and if before issuing such warrant, or upon the return thereof, it appear to the satisfaction of the last-mentioned justices that no sufficient distress can be had within their jurisdiction, they may, by warrant under their hands and seals, cause the offender to be committed to gaol, there to remain, without bail, for any term not exceeding three months, unless such penalty and costs be sooner paid.

Demands below 20l. may be recovered in county courts.

24. C. Proceedings for the recovery of demands below twenty pounds, which local boards are now empowered by law to recover in a summary manner, may, at the option of the local board, be taken in the county court as if such demands were debts within the cognizance of such courts.

Form of conviction.

130. And be it enacted, that the justices before whom any person is convicted of any offence against the provisions of this Act may cause the conviction to be drawn up according to the form and directions contained in the

Sections 46 **San.** *and* 48 **San.** *apply to sewer authority.*

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

PART VII.—COURSE OF LEGAL PROCEDURE.

Sections 46 **San.** *and* 48 **San.** *apply to nuisance authority.*

Notice of nuisances to be given to local authority, &c. to ground proceedings.

10. X. Notice of nuisance may be given to the local authority by any person aggrieved thereby, or by any of the following persons; the sanitary inspector or any paid officer under the said local authority; two or more inhabitant householders of the parish or place to which the notice relates; the relieving officer of the union or parish; any constable or any officer of the constabulary or police force of the district or place; and in case the premises be a common lodging house, any person appointed for the inspection of common lodging houses; and the local authority may take cognizance of any such nuisance after entry made as herein-after provided, or in conformity with any improvement Act under which the inspector has been appointed.

POWER OF ENTRY *to local authority or their officer.*

11. X. The local authority shall have power of entry for the following purposes of this Act, and under the following conditions:—

1. To ground proceedings.

For this purpose, when they or any of their officers have reasonable grounds for believing that a nuisance exists on any private premises, demand may be made by them or their officer, or any person having custody of the premises, of admission to inspect the same at any hour between nine in the morning and six in the evening; and if admission be not granted, any justice having jurisdiction in the place may, on oath made before him of belief in the existence of the nuisance, and after reasonable notice of the intended application to such justice being given in writing to the party on whose premises the nuisance is believed to exist, by order under his hand require the person having the custody of the premises to admit the local authority or their officer; and if no person having custody of the premises can be discovered, any such justice may and shall, on oath made before him of belief in the existence of such nuisance, and of the fact that no person having custody of the premises can be discovered, by order under his hand, authorize the local authority or their officers to enter the premises between the hours aforesaid.

2. To examine premises where nuisances exist to ascertain the course of drains, and to execute or inspect works ordered by justices to be done under this Act.

For these purposes, whenever, under the provisions of this Act, a nuisance has been ascertained to exist, or when an order of abatement or prohibition under this Act has been made, or when it becomes necessary to ascertain the course of a drain, the local authority may enter on the premises, by themselves or their officers, between the hours aforesaid, until the nuisance shall have been abated or the course of the drain shall have been ascertained, or the works ordered to be done shall have been completed, as the case may be.

N.B.—*Compare with following provisions* 36 **A**, *Local Board, page* 46.

3. To remove or abate a nuisance in case of non-compliance with or infringement of the order of justices, or to inspect or examine any carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour, under the powers and for the purposes of this Act.

For this purpose the local authority or their officer may from time to time enter the premises where the nuisance

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schedule (E.) annexed to this Act, or to the like effect, and any conviction so drawn up shall be valid and effectual to all intents and purposes. *Mode of proceeding before justices. Distress how to be levied; not unlawful for want of form.* 131. **A.** And be it enacted, that in proceeding before any justice or justices under the provisions of this Act, in any case in which the mode of proceeding is not specially prescribed, any one justice may summon the party charged to appear before the justice or justices by whom the matter is to be determined at a time and place to be named; and upon the appearance of the party charged, or in his absence upon proof of service of the summons upon him personally, or by leaving a copy thereof at his last known place of abode or business, the last-mentioned justice or justices may hear and determine the matter, and for that purpose examine the parties or any of them, and their witnesses, on oath; and the costs of all such proceedings shall be in the discretion of the last-mentioned justice or justices; and where in this Act any sum of money whatsoever is directed to be levied by distress and sale of the goods and chattels of any party, the overplus arising from such sale shall, after satisfying such sum, and the costs and expenses of the distress and sale, be returned to him, on demand; and no distress levied under the authority of this Act shall be unlawful, nor shall any party making the same be a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall he be a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction in an action upon the case. *Justices, though members of local board, may act under this Act.* 132. **A.** And be it enacted, that justices of the peace, being also members of any local board of health, may, if acting in petty sessions, notwithstanding their being such members, exercise the jurisdiction vested in them as such justices under this Act. *Common informers not to sue without consent of Attorney General. Proceedings for penalties to be taken within six months. Application of penalties.* 133. **A.** And be it enacted, that no proceedings for the recovery of any penalty incurred under the provisions of this Act shall be had or taken by any person other than by a party grieved, or the local board of health in whose district the offence is committed, or by the churchwardens and overseers of the poor (where any such penalty is directed to be paid to the churchwardens and overseers of the poor), without the consent in writing of Her Majesty's Attorney General first had and obtained; and that no such penalty shall be recovered unless proceedings for the recovery thereof shall have been commenced within six calendar months after the commission or occurrence of the offence upon which the penalty attaches; and if the application of the penalty be not otherwise provided for, one half thereof shall go to the informer, and the remainder to the local board of health of the district in which the offence was committed: Provided always, that if the said local board be the informer they shall be entitled to the whole of the penalty recovered; and all penalties or sums recovered on account of any penalty by them shall be paid over to the treasurer, and shall by him be placed to the district fund account mentioned in this Act. *Liability to penalty not to relieve from other liabilities.* 134. **A.** And be it declared and enacted, that notwithstanding the liability of any person to any penalty under the provisions of this Act, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed. *Appeal to quarter sessions.* 135. **A.** And be it enacted, that any person who shall think himself aggrieved by any rate made under the provisions of this Act, or by any order, conviction, judgment, or determination of or by any matter or thing done by any justice or justices, in any case in which the penalty imposed or the sum adjudged shall exceed the sum of twenty shillings, may appeal to the court of general or quarter sessions holden next after the making of the rate objected to, or accrual of the cause of complaint; but the appellant shall not be heard in support of the appeal unless	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
exists, or the carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour is found, at all reasonable hours, or at all hours during which business is carried on on such premises, without notice. N.B.—*Important provisions as to inspection of these articles are found below, from* **Z.** *Power of entry to nuisance authority or their officer under* 11 **X.** 31. **San.** The power of entry given to the authorities by the eleventh section of the Nuisances Removal Act, 1855, may be exercised at any hour when the business in respect of which the nuisance arises is in progress or is usually carried on. And any justices order once issued under the said section shall continue in force until the nuisance has been abated, or the work for which the entry was necessary has been done. *As to inspection of animals and other perishable articles of food, the Nuisances Removal Amendment Act,* 1863, *enacts—* (1.) *Power to medical officer of health or inspector of nuisances to inspect any animal, &c.* 2. **Z.** The medical officer of health or inspector of nuisances may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour exposed for sale, or deposited in any place for the purpose of sale or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for such purpose or purposes, or was not intended for the food of man, resting with the party charged; and in case any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour appear to him to be diseased, or unsound, or unwholesome, or unfit for the food of man, it shall be lawful for such medical officer of health or inspector of nuisances to seize, take, and carry away the same, or direct the same to be seized, taken, and carried away by any officer, servant, or assistant, in order to have the same dealt with by a justice; and if it shall appear to the justice that any such animal, or any of the said articles, is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall order the same to be destroyed or so disposed of as to prevent such animal or articles from being exposed for sale or used for such food; and the person to whom such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour belongs or did belong at the time of sale or of exposure for sale, or in whose possession or on whose premises the same is found, shall, upon conviction, be liable to a penalty not exceeding twenty pounds for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour so found, or, at the discretion of the justice, without the infliction of a fine, to imprisonment in the common gaol or house of correction for a term of not more than three calendar months. (2.) *Penalty for obstructing medical officer of health, &c.* 3. **Z.** In case any person shall in any manner prevent such medical officer of health or inspector of nuisances from entering any slaughter-house, shop, building, market, or other place where such animal, carcase, meat, poultry, or fish is kept for the purpose of sale or of preparation for sale, or shall in any manner obstruct or impede him, or his servant or assistant, when duly engaged in carrying the provisions of this Act into execution, such person shall be liable to a penalty not exceeding five pounds. *Proceedings by local authority before justices in the case of nuisances likely to recur, &c. If proved to justices that nuisance exists, &c. they shall issue order for abatement, &c.* With regard to the removal of nuisances, be it enacted thus: 12. **X.** In any case where a nuisance is so ascertained by the local authority to exist, or where the nuisance in their opinion did exist at the time when the notice was given, and, although the same may have been since	

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within fourteen days after the making and publication of the rate appealed against, or accrual of the cause of complaint, he give to the local board of health or justice or justices by whose act he may think himself aggrieved notice in writing stating his intention to bring such appeal, together with a statement in writing of the grounds of appeal; and the said court upon hearing and finally determining the matter of the appeal, shall and may, according to its discretion, award such costs to the party appealing or appealed against as they shall think proper, and its determination in or concerning the premises shall be conclusive and binding on all persons to all intents and purposes whatsoever: Provided always, that if there be not time to give such notice and enter into such recognizance as aforesaid before the sessions holden as last aforesaid, then such appeal may be made to, and such notice, statement, and recognizance be given and entered into for, the next sessions at which the appeal can be heard: Provided also, that on the hearing of the appeal no grounds of appeal shall be gone into or entertained other than those set forth in such statement as aforesaid.	
Power of sessions upon appeals against rates.	
136. **A.** And be it enacted, that the said court of general or quarter sessions shall upon appeals under this Act against any rate have the same power to amend or quash any rate or assessment, and to award costs between the parties to the appeal, as is or may by law be vested in any court of general or quarter sessions with respect to amending or quashing any rate or assessment, or awarding costs, upon appeals with respect to rates for the relief of the poor; and the costs awarded by the said court under this Act may be recovered in the same manner in all respects as costs awarded upon the last-mentioned appeals: Provided always, that, notwithstanding the quashing of any rate appealed against, all monies charged by such rate shall, if the court before whom the appeal is heard think fit so to order, be levied as if no appeal had been made, and such monies, when paid, shall be taken as payment on account of the next effective rate for the purposes in respect of which the quashed rate was made.	
No rate or proceeding to be quashed for want of form, &c.	
137. **A.** And be it enacted, that no rate, nor any proceeding to be had touching the conviction of any offender against this Act, nor any order, award, or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Act, shall be vacated, quashed, or set aside for want of form, or be removed or removable by certiorari or other writ or process whatsoever into any of the superior courts.	
Proceedings in case of noncorporate districts. Actions, &c. in name of clerk. Mode of describing property of local board. Actions, &c. not to abate. Clerk to be reimbursed expenses.	
138. **A.** And be it enacted, that the local board of health of any noncorporate district may sue and be sued in the name of the clerk for the time being for or concerning any contract, matter, or thing whatsoever relating to any property, works, or things vested or to become vested in them by reason of the provisions of this Act, or relating to any matter or thing whatsoever entered into or done, or intended to be entered into or done by them, under the provisions of this Act; and in any action of ejectment brought or prosecuted by such local board it shall be sufficient to lay the demise in the name of the said clerk; and in proceedings by or on the part of such local board against any person for stealing or wilfully injuring or otherwise improperly dealing with any property, works, or things belonging to them or under their management, it shall be sufficient to state generally that the property or thing in respect of which the proceeding is instituted is the property of the said clerk, and all legal proceedings by, on the part of, or against such local board, under this Act may be preferred, instituted, and carried on in his name; and no proceedings whatever shall abate or be discontinued by the death, resignation, or removal of the clerk, or by reason of any change or vacancy in such local board by death, resignation, or otherwise: Provided always, that the clerk in whose name any such action or suit, complaint, information, or proceeding may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed, out of the general district rates to be levied under this Act, all such costs, charges, damages, and expenses as he shall or may be or become liable to pay, sustain, or be put into by reason of his name being so used.	

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removed or discontinued, is in their opinion likely to recur or to be repeated on the same premises or any part thereof, they shall cause complaint thereof to be made before a justice of the peace; and such justice shall thereupon issue a summons requiring the person by whose act, default, permission, or sufferance the nuisance arises or continues, or, if such person cannot be found or ascertained, the owner or occupier of the premises on which the nuisance arises, to appear before any two justices, in petty sessions assembled, at the usual place of meeting, who shall proceed to inquire into the said complaint; and if it be proved to their satisfaction that the nuisance exists, or did exist at the time when the notice was given, or if removed or discontinued since the notice was given, that it is likely to recur or to be repeated, the justices shall make an order in writing under their hands and seals on such person, owner, or occupier for the abatement or discontinuance and prohibition of the nuisance as herein-after mentioned, and shall also make an order for the payment of all calls [? costs] incurred up to the time of hearing or making the order for abatement or discontinuance or prohibition of the nuisance.	
As to proceedings of nuisance authority under 12. **X.**	
21. **San.** The nuisance authority or chief officer of police shall, previous to taking proceedings before a justice under the twelfth section of the Nuisances Removal Act, 1855, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or, if such person cannot be found or ascertained, on the owner or occupier of the premises on which the nuisance arises, to abate the same, and for that purpose to execute such works and to do all such things as may be necessary within a time to be specified in the notice: Provided, First, that where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner: Secondly, that where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the owner or occupier of the premises, then the nuisance authority may itself abate the same without further order, and the cost of so doing shall be part of the costs of executing the Nuisances Removal Acts, and borne accordingly.	
Justices, on the application of householders, may order the removal of nuisances.	
13. **Y.** Upon complaint before a justice of the peace by any inhabitant of any parish or place of the existence of any nuisance on any private premises in the same parish or place, such justice shall issue a summons requiring the person by whose act, default, permission, or sufferance the nuisance arises, or if such person cannot be found or ascertained, the owner or occupier of the premises on which the nuisance arises, to appear before two justices in petty sessions assembled at their usual place of meeting, who shall proceed to inquire into the said complaint, and act in relation thereto as in cases where complaint is made by a local authority under section twelve of the said Nuisances Removal Act, and as if the person making the complaint were such local authority: Provided always, that it shall be lawful for the said justices, if they see fit, to adjourn the hearing or further hearing of such summons for an examination of the premises where the nuisance is alleged to exist, and to require the admission or authorize the entry into such premises of any constable or other person or persons, and thereupon the person or persons authorized by the order of the justices may enter and act as the local authority might under a like order made by any justice under section eleven of the said Act: Provided also, that the costs in the case of every such application shall be in the discretion of the justices, and payment thereof may be ordered and enforced as in other cases of summary adjudication by justices: Any order made by justices under this enactment shall be attended with the like penalties and consequences for disobedience thereon and subject to the like appeal as any order made under section twelve of the said Nuisances Removal Act; and the justices making such order may thereby authorize any constable or other person or persons to do all acts for removing or abating the nuisance condemned or prohibited, and for executing such order, in like manner as a local authority obtaining the like order might do under the said Act, and to charge the costs to the person on whom the order is made, as is provided in the case where a like order is obtained and executed by such local authority.	

Local Boards.	Sewer Authority.
Notices by local boards to be signed by clerk. **61. B.** Any summons, demand, or notice, or other such document under the Public Health Act, 1848, or any supplemental Act, or this Act, may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the local board, the signature thereof by the clerk to the local board shall be sufficient authentication.	
Service of notice upon local board; upon owners and occupiers. **150. A.** And be it enacted, that any summons, notice, writ, or proceeding of any kind whatsoever to be served upon the local board of health may be so served by being left at or sent through any post office, directed to the local board of health at their office, or by being delivered there to the clerk personally; and in all cases in which any notice is by this Act required to be given to the owner or occupier of any premises it shall be sufficient to address the notice to them by the description of the "owner" or "occupier" (as the case may require) of the premises (naming them) in respect of which the notice is given, without further name or description; and the notice shall be served upon them or one of them, as the case may require, either personally or by delivering the same to some inmate of his or their place of abode, or in the case of the occupier (and also in case of the owner, if his place of abode be unknown,) upon any inmate of the last-mentioned premises, or if such premises be unoccupied, then, in case the notice is required to be served upon the occupier (and in case of the owner also, if his residence be unknown,) it shall be sufficient to fix the notice upon some conspicuous part of the premises: Provided always, in the case of notices to the owner, that although his place of abode be known to the local board of health, yet if it be not within the limits of their district it shall be sufficient for them to transmit any notice, directed to him by name, through the post.	
Consents of board of health and local board to be in writing. **149. A.** And be it enacted, that whenever the approval or authority of the local board of health is by the provisions of this Act required, the same shall (in the case of a noncorporate district) be in writing under their seal and the hands of five or more of them, or (in case of a corporate district) under their common seal.	
Service of notices and repayment of costs under sects. 69, 70, 71, 73, and 74 of the Towns Improvement Clauses Act, 1847, 10 & 11 Vict. c. 34. **11. C.** In districts where the "Local Government Act, 1858," is in force, notices for alterations under the sixty-ninth, seventieth, and seventy-first sections, directions under the seventy-third section, and orders under the seventy-fourth section of the "Towns Improvement Clauses Act, 1847," may, at the option of the local board, be served upon owners instead of occupiers, or upon owners as well as occupiers, and the cost of works done under any of these sections may, when notices have been so served upon owners, be recovered from owners instead of occupiers, and when such cost is recovered from occupiers they shall be entitled to make the same deduction from the rents payable for the premises where the work is done in respect of such cost as they are entitled to make in respect of private improvement rates by the "Public Health Act, 1848."	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
Power of police with respect to nuisances. **16. San.** In any place within the jurisdiction of a nuisance authority the chief officer of police within that place, by and under the directions of one of Her Majesty's Principal Secretaries of State, on its being proved to his satisfaction that the nuisance authority has made default in doing its duty, may institute any proceeding which the nuisance authority of such place might institute with respect to the removal of nuisances: Provided always, that no officer of police shall be at liberty to enter any house or part of a house used as the dwelling of any person without such person's consent, or without the warrant of a justice of the peace, for the purpose of carrying into effect this Act.	
Justices order for abatement. Prohibitive order against future nuisance. **13. X.** By their order the justices may require the person on whom it is made to provide sufficient privy accommodation, means of drainage or ventilation, or to make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify the premises which are a nuisance or injurious to health, or such part thereof as the justices may direct in their order, or to drain, empty, cleanse, fill up, amend, or remove the injurious pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit, which is a nuisance or injurious to health, or to provide a substitute for that complained of, or to carry away the accumulation or deposit which is a nuisance or injurious to health, or to provide for the cleanly and wholesome keeping of the animal kept so as to be a nuisance or injurious to health, or if it be proved to the justices to be impossible so to provide, then to remove the animal, or any or all of all these things (according to the nature of the nuisance), or to do such other works or acts as are necessary to abate the nuisance complained of, in such manner and within such time as in such order shall be specified; and if the justices are of opinion that such or the like nuisance is likely to recur, the justices may further prohibit the recurrence of it, and direct the works necessary to prevent such recurrence, as the case may in the judgment of such justices require; and if the nuisance proved to exist be such as to render a house or building, in the judgment of the justices, unfit for human habitation, they may prohibit the using thereof for that purpose until it is rendered fit for that purpose in the judgment of the justices, and on their being satisfied that it has been rendered fit for such purpose they may determine their previous order by another declaring such house habitable, from the date of which other order such house may be let or inhabited.	
Penalty for contravention of order of abatement; and of prohibition. Local authority may enter and remove or abate nuisance. **14. X.** Any person not obeying the said order for abatement shall, if he fail to satisfy the justices that he has used all due diligence to carry out such order, be liable for every such offence to a penalty of not more than ten shillings per day during his default; and any person knowingly and wilfully acting contrary to the said order of prohibition shall be liable for every such offence to a penalty not exceeding twenty shillings per day during such contrary action; and the local authority may, under the powers of entry given by this Act, enter the premises to which the order relates, and remove or abate the nuisance condemned or prohibited, and do whatever may be necessary in execution of such order, and charge the cost to the person on whom the order is made, as herein-after provided.	
Appeal against order of prohibition. **15. X.** Any such order of prohibition may be appealed against as provided in this Act.	
Appeal against order of abatement when structural works are required. **16. X.** When it shall appear to the justices that the execution of structural works is required for the abatement of a nuisance, they may direct such works to be carried out under the direction or with the consent or approval of any public board, trustees, or commissioners having jurisdiction in the place in respect of such works; and if within seven days from the date of the order the person on whom it is made shall have given notice to the local authority of his	

Local Boards.	Sewer Authority.
	11. **E.** * * Notices may be served for the purposes of the first part of the Sanitary Act, in the same manner in which they are required to be served under the second part of the said Act [*i.e., as under Nuisance Removal Acts*]. *How notices shall be given in special drainage districts consisting of part of a parish or made up by more than one parish.* 3. **G.** Any notice which by virtue of such provisions of the Act of the fifty-eighth year of the reign of King George the Third, chapter sixty-nine, or any of the Acts amending

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intention to appeal against it as provided in this Act, and shall have entered into recognizances to try such appeal as provided by this Act, and shall appeal accordingly, no liability to penalty shall arise, nor shall any work be done nor proceedings taken under such order until after the determination of such appeal, unless such appeal cease to be prosecuted. *If person causing nuisance cannot be found, local authority to execute order at once.* 17. **X.** Whenever it appears to the satisfaction of the justices that the person by whose act or default the nuisance arises, or the owner or occupier of the premises, is not known or cannot be found, then such order may be addressed to and executed by such local authority, and the cost defrayed out of the rates or funds applicable to the execution of this Act. *Manure, &c. to be sold.* 18. **X.** Any matter or thing removed by the local authority in pursuance of this enactment may be sold by public auction, after not less than five days notice by posting bills distributed in the locality, unless in cases where the delay would be prejudicial to health, when the justices may direct the immediate removal, destruction, or sale of the matter or thing; and the money arising from the sale retained by the local authority, and applied in payment of all expenses incurred under this Act with reference to such nuisance, and the surplus, if any, shall be paid, on demand, by the local authority, to the owner of such matter or thing. N.B.—20 **X.** *provides for proceedings before justice to recover expenses.* *Incorporation of sanitary authorities.* 46. **San.** The following bodies, that is to say, local boards, sewer authorities, and nuisance authorities, if not already incorporated, shall respectively be bodies corporate designated by such names as they may usually bear or adopt, with power to sue and be sued in such names, and to hold lands for the purposes of the several Acts conferring powers on such bodies respectively in their several characters of local boards, sewer authorities, or nuisance authorities. *Appearance of local authorities in legal proceedings.* 48. **San.** Any local board, sewer authority, or nuisance authority may appear before any justice or justices, or in any legal proceeding, by its clerk or by any officer or member authorized generally or in respect of any special proceeding by resolution of such board or authority, and such person, being so authorized, shall be at liberty to institute and carry on any proceeding which the nuisance authority is authorized to institute and carry on under the Nuisance Removal Acts or this Act. 16 **Y.** *is repealed by the Nuisance Removal Act,* (*No.* 1,) 1866, **Zz.**, *which enacts that,* *Justices are not incapable of acting by being members of bodies to execute Nuisances Removal Act.* 2. **Zz.** No justice of the peace shall be deemed incapable of acting in cases arising under the Nuisances Removal Acts by reason of his being a member of any body hereby declared to be the local authority to execute the said Act, or by reason of his being a contributor, or liable to contribute, to any rate or fund out of which it is thereby provided that all charges and expenses incurred in executing the said Act, and not recovered as therein provided, shall be defrayed. *Service of notices, summonses, and orders.* And with regard to procedure under this Act, be it enacted, That 31. **X.** Notices, summonses, and orders under this Act may be served by delivering the same to or at the residence of the persons to whom they are respectively addressed, and where addressed to the owner or occupier of premises they may also be served by delivering the same or a true copy thereof to some person upon the premises,	*Certain provisions of Nuisances Removal Act to apply to this Act.* 15. **R.** The provisions of any general Act in force for the removal of nuisances, with regard to the service of notices, the proof of orders or resolutions of the local authority, and the recovery of penalties, shall extend and apply to this Act.

Local Boards.	Sewer Authority.
	the same or incorporated therewith, as are incorporated by the fifth section of the Sanitary Act, 1866, is required to be signed by the rector, vicar, or curate, or by a churchwarden or overseer of the poor of the parish, shall in the case of any special drainage district made up of, including part of a parish only, or more than one parish, be signed by the rector, vicar, or curate, or by churchwarden, or overseer of the poor of any parish wholly or partly included in the district, and any notice which by the said Acts or any of them is required to be affixed on or near to the doors of all churches and chapels within the parish shall be affixed to the doors of any church or chapel in the special drainage district, or if there be no such church or chapel, then on the doors of all churches and chapels in the parish or parishes out of which the district has been constituted. *How orders and demands are to be served or sent in special drainage districts.* 4. G. Any order or demand of any of Her Majesty's Principal Secretaries of State under the Sanitary and Sewage Utilization Acts shall be deemed to have been duly served on the sewer authority of any district for the purposes of those Acts if served on or sent through the post in a registered letter addressed to any person appointed at a meeting of the sewer authority to receive service, of which appointment notice shall be given to such Secretary of State, or if no such person shall have been appointed, or no notice of such appointment given to the Secretary of State as aforesaid, or if the person so appointed shall refuse, neglect, or be unable to receive such service, then if served on or sent by the post as aforesaid to the rector, curate, or overseer, or the churchwarden or overseer of any parish wholly or partly included in the district: Provided that nothing in this Act shall be taken to affect the provisions of the fifth section of the Sanitary Loans Act, 1869.

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or if there be no person upon the premises who can be so served, by fixing the same upon some conspicuous part of the premises, or if the person shall reside at a distance of more than five miles from the office of the inspector, then by a registered letter through the post. *Proof of resolutions of local authority.* 32. X. Copies of any orders or resolutions of the local authority or their committee, purporting to be signed by the chairman of such body or committee, shall, unless the contrary be shown, be received as evidence thereof, without proof of their meeting, or of the official character or signature of the person signing the same. *As to proceedings taken against several persons for the same offence.* 33. X. Where proceedings under this Act are to be taken against several persons in respect of one nuisance caused by the joint act or default of such persons, it shall be lawful for the local authority to include such person in one complaint, and for the justices to include such persons in one summons, and any order made in such a case may be made upon all or any number of the persons included in the summons, and the costs may be distributed as to the justices may appear fair and reasonable. *One or more joint owners or occupiers may be proceeded against alone.* 34. X. In case of any demand or complaint under this Act to which two or more persons, being owners or occupiers of premises, or partly the one or partly the other, may be answerable jointly or in common or severally, it shall be sufficient to proceed against any one or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the parties so proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law. *Designation of "owner" or "occupier."* 35. X. Whenever in any proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description. *Proceedings not to be quashed for want of form.* 39. X. No order, nor any other proceeding, matter, or thing done or transacted in or relating to the execution of this Act, shall be vacated, quashed, or set aside for want of form, nor shall any order, nor any other proceeding, matter, or thing done or transacted in relation to the execution of this Act, be removed or removable by certiorari, or by any other writ or process whatsoever, into any of the superior courts; and proceedings under this Act against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included. *Appeals under this Act to be to quarter sessions.* 40. X. Appeals under this Act shall be to the court of quarter sessions held next after the making of the order appealed against; but the appellant shall not be heard in support of the appeal unless within fourteen days after the making of the order appealed against he give to the local authority notice in writing stating his intention to bring such appeal, together with a statement in writing of the grounds of appeal, and shall, within two days of giving such notice, enter into a recognizance before some justice of the peace, with sufficient securities, conditioned to try such appeal at the said court, and to abide the order of and pay such costs as shall be awarded by the justices at such court or any adjournment thereof; and the said court, upon hearing and finally determining the matter of the appeal, may, according to its discretion, award such costs to the party appealing or appealed against as they shall think proper, and its determination in or concerning the premises shall be	

Local Boards.	Sewer Authority.

PART VIII.—EXPENSES AND RATES.—BORROWING POWERS.—AUDIT.

(1.) Affecting General Community or a Portion thereof.

District fund account to be kept. General district rate.

87. **A.** And be it enacted that the treasurer shall keep a separate account, to be called "the District Fund Account," and the monies carried to such account under the directions of this Act shall be applied by the local board of health in defraying such of the expenses incurred or to be incurred by the said local board in carrying this Act into execution, and not otherwise expressly provided for, as they may think proper; and the said local board shall from time to time, when and as often as occasion may require, make and levy, in addition to any other rate, a rate or rates to be called "general district rates," for defraying such expenses as are charged upon the rate by this Act, and such other expenses of executing this Act in any district as are not provided for by any other rate, or defrayed out of the said district fund account.

Note.—The term "sewer authority" in 17 **N.** *and* 18 **N.** *includes local boards. See* 2 **N.**, *p.* 2.

Mode of assessment of general district rate, and provision for compounding for rates in the case of small tenements.

55. **B.** The eighty-eighth and ninety-fifth sections of "The Public Health Act, 1848," shall be repealed, and in lieu thereof be it enacted, that the general district rates shall be made and levied upon the occupier of all such kinds of property as by the laws in force for the time being are or may be assessable to any rate for the relief of the poor, and shall be assessed upon the full net annual value of such property, ascertained by the rate (if any) for the relief of the poor made next before the making of the assessments under this Act, subject, however, to the following exceptions, regulations, and conditions; namely,

The owner, instead of the occupier, may, at the option of the local board, be rated in cases—

Where the rateable value of any premises liable to assessment under this Act does not exceed the sum of ten pounds; or,

Where any premises liable to an assessment are let to weekly or monthly tenants; or,

Where any premises so liable as aforesaid are let in separate apartments, or where the rents become payable or are collected at any shorter period than quarterly; subject to this proviso, that in cases where the owner is rated instead of the occupier he shall be assessed upon such reduced estimate as the local board deems reasonable of the net annual value, not being less than two-thirds nor more than four-fifths of such annual value:

And where such reduced estimate is in respect of tenements, whether occupied or unoccupied, then such assessment may be made on one half of the amount at which such tenements would be liable

Payment of expenses.

6. **M.** A sewer authority shall pay all expenses incurred by them in carrying this Act into effect out of the fund or rate in the schedule in that behalf mentioned, and shall have all such powers of borrowing money on the security of such fund or rate as local boards have of borrowing money under "The Local Government Act, 1858," and the Acts amending that Act, on the security of the funds or rates in the said Acts in that behalf mentioned, subject to the conditions and sanction under which such powers are exercised by local boards under the said Acts.

Expenses of sewer authority in supplying water.

12. **San.** Any expenses incurred by a sewer authority in or about the supply of water to its district, and in carrying into effect the provisions herein-before in that behalf mentioned, shall be deemed to be expenses incurred by that authority in carrying into effect The Sewage Utilization Act, 1865, and be payable accordingly.

In parishes a separate rate to be levied for sewage purposes.

17. **N.** Where the sewer authority of a district is a vestry, select vestry, or other body of persons acting by virtue of any Act of Parliament, prescription, custom, or otherwise, as or instead of a vestry or select vestry, such authority shall for the purpose of defraying any expenses incurred in carrying into effect The Sewage Utilization Act, 1865, or this Act, issue their precept to the overseers of the parish of which they are the authority, requiring such overseers to pay over the amount specified in such precept to the sewer authority, or to their officer named in the precept, or into some bank mentioned in such precept.

The overseers shall comply with the requisitions of such precept by levying a separate rate in the same manner as if it were a rate for the relief of the poor, with this exception, that the owner of any tithes or of any tithe commutation rentcharge, or the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall, where a special assessment is made for the purpose of such rate, be assessed in respect of such property in the proportion of one-fourth part only of the rateable value thereof; or, where no special assessment is made, shall pay in respect of the said property one-fourth part only of the rate in the pound payable in respect of houses and other property.

A separate rate under this Act shall, as respects the powers of the overseers in relation to making, assessing, and levying such rate, and as respects the appeal against the same, and all other incidents thereof except the purposes to which it is applicable, be deemed to be a rate levied for the relief of the poor.

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

conclusive and binding on all persons to all intents or purposes whatsoever: Provided always, that if there be not time to give such notice and enter into such recognizance as aforesaid, then such appeal may be made to, and such notice, statement, and recognizance be given and entered into for, the next sessions at which the appeal can be heard; provided also, that on the hearing of the appeal no grounds of appeal shall be gone into or entertained other than those set forth in such statement as aforesaid; provided also, that in any case of appeal the court of quarter sessions may, if they think fit, state the facts specially for the determination of Her Majesty's Court of Queen's Bench, in which case it shall be lawful to remove the proceedings, by writ of certiorari or otherwise, into the said Court of Queen's Bench.

Forms to be used as in schedule.

41. **X.** The forms contained in the schedule to this Act annexed, or any forms to the like effect, varied as circumstances may require, may be used for instruments under this Act, and shall be sufficient for the purpose intended.

PART VIII.—EXPENSES AND RATES.—BORROWING POWERS.—AUDIT.

How expenses of local authority to be defrayed.

4. **Y.** All charges and expenses incurred by the local authority in executing the said Nuisances Removal Act, and not recovered as therein provided, shall be defrayed as follows; to wit,

Out of general district rates where the local authority is a local board of health:

Out of the borough fund or borough rate where the local authority is the mayor, aldermen, and burgesses by the council:

Provided always, that in the city of Oxford and borough of Cambridge such expenses shall be deemed annual charges and expenses of cleansing the streets of the said city and borough respectively, and shall be so payable:

Out of the rates levied for purposes of improvement under any improvement Act, where the local authority is a body of trustees or commissioners acting in execution of the powers of such an Act:

Where a board of guardians for a union is such local authority for the whole of such union, such charges and expenses shall be defrayed by means of an addition to be made to the rate for the relief of the poor of the parish or parishes for which the expense has been incurred, and be raised and paid in like manner as money expended for the relief of the poor:

Where the board of guardians for a union is such local authority for two or more places maintaining their own poor, but not for all such places in such union, such charges and expenses shall be paid out of the poor rates of the places aforesaid for which the board is the local authority:

Where the board of guardians for a union is under this Act the local authority for a single place maintaining its own poor, and where the board of guardians for any such single place, or the overseers of any such place, or "the nuisances removal committee," continued or chosen as herein-before provided in any such place, are under this Act the local authority for such place, such charges and expenses shall be defrayed out of the rates for the relief of the poor thereof:

Where the board of guardians for a union is under this Act the local authority for part only of any place maintaining its own poor, together with the whole of any other such place or part of any other such place, such board shall apportion such charges and expenses between or among any or every such part and any or every such place; and so much of such charges and expenses as may be apportioned to any or every such place for the whole of which such board is the local authority shall be defrayed out of the rates or funds applicable to the relief of the poor thereof:

So much of any such charges and expenses as may be apportioned to part of a place maintaining its own poor,

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
to be rated if the same were occupied and the rate were levied on the occupiers: *Certain kinds of property assessable on one fourth of their net annual value.* The owner of any tithes, or of any tithe commutation rentcharge, or the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, or used as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in the proportion of one-fourth part only of such net annual value thereof. *Provisions as to exemptions from rating under local Acts.* Provided nevertheless, that if within any district or part of a district any kind of property be exempted from rating by any local Act in respect of all or any of the purposes for which general district rates may be made under this Act, the same kind of property shall, in respect of the same purposes, and to the same extent within the parts to which the exemption applies, but not further or otherwise, be exempt from assessment to any general district rates under this Act unless a provisional order obtained and confirmed by Parliament in manner herein-after provided shall otherwise direct. *Poor-rate books to be accessible for rating under Public Health Acts. Power of valuation as prescribed by the Parochial Assessments Act, 1836, 6 & 7 W. IV. c. 96., in case there should be no assessment.* **56. B.** For the purpose of assessing the general district rate, any person appointed by the local board may inspect, take copies of, or make extracts from, any rate for the relief of the poor within the district, or any books relating to the same; and if any officer having the custody of such last-mentioned rate or book refuses to permit any such inspection, or the taking of any such copies or extract, he shall for each offence incur a penalty not exceeding five pounds: If there is no such assessment as aforesaid for the relief of the poor by reference to which such net annual value can be estimated, or if such assessment is, in the judgment of the local board, an unfit criterion for making a general district rate, a valuation shall be made by a person appointed by the local board for that purpose, in manner as near as circumstances will permit, prescribed by an Act passed in the seventh year of the reign of King William the Fourth, intituled "An Act to regulate parochial assessments," or any other Act for the time being in force for regulating parochial assessments; and the net annual value of the property shall be ascertained by reference to the said valuation and assessment. *Note.—For expenses and rates arising from action of Home Secretary, see* 49 **San.**, *p.* 54, *sections of* **P.**, *pp.* 56 *and* 58.	The expression "overseers" shall include any officer authorized to levy a rate in a special drainage district, and any person or body of persons authorized or required to levy rates for the relief of the poor. *Penalty on nonpayment of rates by overseers.* **18. N.** In case the amount ordered by any precept of a sewer authority to be paid by the overseers of any parish be not paid in manner directed by such precept and within the time therein specified for that purpose, it shall be lawful for any justice of the peace, upon the complaint by the sewer authority or by any person authorized by the sewer authority, to issue his warrant for levying the amount or so much thereof as may be in arrear by distress and sale of the goods of all or any of the said overseers; and in case the goods of all the overseers be not sufficient to pay the same, the arrears thereof shall be added to the amount of the next levy which is directed to be made in such parish for the purposes of The Sewage Utilization Act, 1865, or this Act, and shall be collected by the like methods. *Expenses of combined sewer authorities how defrayed.* **9. M.** Two or more sewer authorities may combine together for the purpose of executing and maintaining any works that may be for the benefit of their respective districts, and all monies they may agree to contribute for the execution and maintenance of such common works shall, in the case of each authority, be deemed to be expenses incurred by them in the execution of works within their district, and shall be raised accordingly. *Expenses of joint sewerage board how defrayed.* **14. N.** Any expenses incurred by a joint sewerage board in pursuance of this Act shall be defrayed out of a common fund to be contributed by the component districts in proportion to the rateable value of each district, or in such other proportion as the said Secretary of State may, with the consent of the sewer authority of each component district, by order determine. The rateable value of a district shall be deemed to be the value on which any such rate would be assessed as would, if such district were not in union, be applicable by the sewer authority of that district to the payment of any expenses legally incurred by that authority, and the amount of contribution shall be paid out of such last-mentioned rate, and the sewer authority of each component district shall levy the same accordingly. *Expenses of special drainage district how defrayed.* **5. San.** Where the sewer authority of a district is a vestry, select vestry, or other body of persons acting by virtue of any Act of Parliament, prescription, custom, or otherwise as or instead of a vestry or select vestry, it may, by resolution at any meeting convened for the purpose after twenty-one clear days notice affixed to the places where parochial notices are usually affixed in its district, form any part of such district into a special drainage district for the purposes of the Sewage Utilization Act, and thereupon such special drainage district shall, for the purposes of the Sewage Utilization Act, 1865, and the powers therein conferred, be deemed to be a parish in which a rate is levied for the maintenance of the poor, and of which a vestry is the sewer authority, subject, as respects any meeting of the inhabitants thereof in vestry, to the Act of the fifty-eighth year of the reign of King George the Third, chapter sixty-nine, and the Acts amending the same; and any officer or officers who may from time to time be appointed by the sewer authority of such special drainage district for the purpose shall have within that district all the powers of levying a rate for the purpose of defraying the expense of carrying the said Sewage Utilization Act into effect that they would have if such district were such parish as aforesaid, and such rate were a rate for the relief of the poor, and they were duly appointed overseers of such parish. N.B.—*Compensation to be paid out of rates, see* 8 **M.**, *p.* 124.	and any such charges and expenses incurred by any board of guardians or overseers, where such board or overseers are the local authority for part of any such place only, shall be defrayed by means of an addition to be made to the rate for the relief of the poor thereof, and be raised and paid in like manner as money expended for the relief of the poor. *Board of guardians may appoint committees for particular parishes and pay expenses out of poor rates.* **5. Y.** Provided, that the board of guardians for a union may appoint a committee or committees of their own body, under section five of the said Nuisances Removal Act, to act in and for one or more of the parishes or places for which the board is the local authority; and every committee so appointed shall have the full power of executing the said Act in all respects, within the specified place or places for which it is appointed, unless its power be expressly limited by the terms of its appointment; and the board of guardians shall cause the charges and expenses of every such committee to be paid out of the poor rates of the place or places for which such committee is appointed; and where a committee is so appointed for any such place or places the charges and expenses of the board as local authority for or in respect of the place or places for which a committee is not appointed shall be paid or contributed by such last-mentioned place or places in like manner as the expenses of a committee: Provided that where any one such committee is appointed for all the places for which the board is the local authority its charges and expenses shall be contributed and paid in like manner as the charges and expenses of the board would have been contributed and paid if such committee had not been appointed. *Local authority to order costs of prosecutions to be paid out of the rates.* **30. X.** The local authority may, within the area of their jurisdiction, direct any proceedings to be taken at law or in equity in cases coming within the purview of this Act, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or in relation to appeals under this Act, and may order the expenses of all such proceedings to be paid out of the rates or funds administered by them under this Act. *Provision for raising money in divided parishes.* **33. San.** Where the guardians are the nuisance authority for part of any parish only, and shall require to expend money on account of such part in execution of the provisions of the said Acts, the overseers of the parish shall, upon receipt of an order from the said guardians, raise the requisite amount from the persons liable to be assessed to the poor rate therein by a rate to be made in like manner as a poor rate, and shall have all the same powers of making and recovering the same, and of paying the expense of collecting the rate when made, and shall account to the auditor of the district for receipt and disbursement of the same, in like manner, and with the same consequences, as in the case of the poor rate made by them. *Costs and expenses of works to be paid by person on whom order is made, or owner or occupier.* **19. X.** All reasonable costs and expenses from time to time incurred in making a complaint, or giving notice, or in obtaining an order of justices under this Act, or in carrying the same into effect under this Act, shall be deemed to be money paid for the use and at the request of the person on whom the order is made, or if the order be made on the local authority, or if no order be made, but the nuisance be proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, the said premises shall be and continue chargeable with such costs and expenses, and also with the amount of any penalties incurred under this Act, until the same be fully discharged, provided that such costs and expenses shall not exceed in the whole one year's rackrent of the premises; and such costs and expenses, and penalties, together with the charges of suing for the same, may be recovered in any county or superior court, or, if the local authority think fit, before any	

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As to Special District Rates. 86. **A.**, *as to the power of levying special district rate, is repealed; but debts incurred and contracts entered into before passing of* **B.** *are to be enforced. See* 54 (1.) **B.**, *p.* 140. N.B.—*This section, although repealed, is here inserted because still in force as to certain old debts, contracts, &c.* *Special district rate.* 86. **A.** And be it enacted, that whenever any expenses are incurred or to be incurred by the local board of health, in making, enlarging, altering, arching over, covering, or enclosing any sewer vested or to be vested in them by this Act, or purchased or acquired by them by virtue thereof, or in or about any other works, matters, and things of a permanent nature, and executed or done for the benefit of any district or part of a district, the said local board shall make and levy, in respect of the premises situate in the district or part of a district for the benefit of which the expenses are incurred or to be incurred, a rate or rates, to be called special district rates, of such amount as will be sufficient to discharge the amount of such expenses, and interest thereon, within such period, not exceeding thirty years, as the said local board shall in each case determine: Provided always, with respect to the cost of making any such new sewer, that if it appear to the said local board that any premises were sufficiently drained before the new sewer was made, they shall deduct from the amount of rates otherwise chargeable in respect of such premises such a sum and for such time as the said local board may, under all the circumstances of the case, deem to be just. 54. **B.** (1.) The eighty-sixth section of the Public Health Act, 1848, shall be repealed; and whenever special district rate is mentioned in the Public Health Act, 1848, that Act shall be read as if no such rate were mentioned therein: Provided always, that all debts incurred and contracts and engagements entered into by or to any local board previously to the passing of this Act shall be enforced, and all powers vested in any local board of raising money by rates, tolls, or other means for the purpose of satisfying all such of the said debts, contracts, and engagements as were incurred or entered into by such local board, shall be exercised in the same manner as if this Act had not been passed: (2.) No publication shall be required of any private improvement rate: (3.) The costs of the levy of arrears of any rate may be included in the warrant for such levy: (4.) When any rate is appealed against, or the validity of any rate is disputed, the time during which the appeal remains undecided, or any legal proceedings concerning or relating to such rate shall be pending, shall be excluded in calculating the period of six months within which the rate may be made respectively: (5.) Notice of demand of rates may be served in the same way as notice is herein-after directed to be served by a local board before putting in force the powers of local boards for the taking of land otherwise than by agreement. *N.B.—Notwithstanding this repeal we have the two following sections of more recent Acts, viz.:* (1.) *Special district rates leviable over same area as general district rates may be levied as part and under the name of such rates.* 12. **C.** Where in any district special district rates are levied over the same area as general district rates, the local board may make and levy such special district rates as part and under the name of general district rates: Provided always, that the levying of such rates by the means aforesaid shall in no way prejudicially affect any mortgages now or hereafter to be made upon such special district rates. (2.) *Debts due on special district rates may, with the sanction of the Secretary of State, and of mortgagees, and of owners and ratepayers, be repaid, and money raised for such repayment on credit of general district rate.* 13. **C.** Where any local board of health have incurred expenses in or about any works of a permanent nature, and have made and levied a special district rate upon or in respect of the premises situate in part of their district, and have borrowed and taken up at interest on the credit of the said special district rate any sums of money necessary for defraying such expenses, it shall be lawful for such local board, with the sanction of one of Her Majesty's Principal	

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two justices of the peace; and the said justices shall have power to divide such costs, expenses, and penalties between the persons by whose act or default the nuisance arises, in such manner as they shall consider reasonable; and if it appear to them that a complaint made under this Act is frivolous or unfounded, they may order the payment by the local authority or person making the complaint of the costs incurred by the person against whom the complaint is made, or any part thereof. *Proceedings before justices to recover expenses.* 20. **X.** Where any costs, expenses, or penalties are due under or in consequence of any order of justices made in pursuance of this Act as aforesaid, any justice of the peace, upon the application of the local authority, shall issue a summons requiring the person from whom they are due to appear before two justices at a time and place to be named therein; and upon proof to the satisfaction of the justices present that any such costs, expenses, or penalties are so due, such justices, unless they think fit to excuse the party summoned, upon the ground of poverty or other special circumstances, shall, by order in writing under their hands and seals, order him to pay the amount to the local authority at once, or by such instalments as the justices think fit, together with the charges attending such application and the proceedings thereon; and if the amount of such order, or any instalment thereof, be not paid within fourteen days after the sum is due, the same may, by warrant of the said or other justices, be levied by distress and sale. *Nuisance authority may require payment of costs or expenses from owner or occupier, and occupier paying to deduct from rent.* 34. **San.** That it shall be lawful for the nuisance authority, at their discretion, to require the payment of any costs or expenses which the owner of any premises may be liable to pay under the said Nuisances Removal Acts or this Act, either from the owner or from any person who then or at any time thereafter occupies such premises, and such owner or occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by the Nuisance Removal Acts, and the owner shall allow such occupier to deduct the sums of money which he so pays out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent: Provided always, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after such demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuse, on application being made to him for that purpose by or on behalf of the nuisance authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable, but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie upon such occupier; provided also, that nothing herein contained shall be taken to affect any contract made or to be made between any owner or occupier of any house, building, or other property whereof it is or may be agreed that the occupier shall pay or discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to affect any contract whatsoever between landlord or tenant.	

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Secretaries of State, and with the consent of all persons having advanced money on the security of the said special district rate, and with the consent of the owners and ratepayers of the district, to be expressed by resolution in the manner herein provided with respect to resolutions for the adoption of the said Local Government Act, to pay off and discharge the sums so borrowed and taken up at interest on the credit of the said special district rate, or such part thereof as shall then remain due, and to re-borrow and take up at interest on the credit of the general district rates of the said local board any sums of money which shall have been so paid off and discharged, and for the purpose of securing the repayment of any sums so borrowed, together with the interest thereon, the local board may mortgage the said general district rates to the persons by or on behalf of whom such sums are advanced, subject to the regulations prescribed by the fifty-seventh section of the Local Government Act, 1858.			
RATES MAY BE PROSPECTIVE OR RETROSPECTIVE.	*For* 14 **M.** *and* 15 **N.** *see p.* 148.		
Assessment to district rates in case of unoccupied premises. Apportionment of rates between outgoing and incoming tenants, &c. Parts of district may be separately assessed.			
89. A. And be it enacted, that the local board of health may make and levy the said special and general district rates, or any or either of them, prospectively in order to raise money for the payment of future charges and expenses, or retrospectively in order to raise money for the payment of charges and expenses which may have been incurred at any time within six months before the making of the rate; and if at the time of making any general or special district rate any premises in respect of which the rate may be made are unoccupied, such premises shall be included in the rate, but the rate shall not be charged upon any person in respect of the same whilst they continue to be unoccupied; and if any such premises are afterwards occupied during any part of the period for which the rate was made, and before the same shall have been fully paid, the name of the incoming tenant shall be inserted in the rate, and thereupon so much of the rate as at the commencement of his tenancy may be in proportion to the remainder of the said period shall be collected, recovered, and paid in the same manner in all respects as if the premises had been occupied at the time when the rate was made; and if any owner or occupier assessed or liable to any such rate cease to be owner or occupier of the premises in respect whereof he is so assessed or liable before the end of the period for which the rate was made, and before the same is fully paid off, he shall be liable to pay only such part of the rate as shall be in proportion to the time during which he continues to be such owner or occupier; and in every such case, if any person afterwards become owner or occupier of the premises during part of the said period, he shall pay such part of the rate as shall be in proportion to the time during which he continues to be such owner or occupier, and the same shall be recovered from him in the same manner as if he had been originally assessed or liable; and the said local board may from time to time divide their district, or any street therein, into one or more parts, for all or any or either of the purposes of this Act, and make a separate assessment upon any such part for and in respect of all or any of the purposes for which the same is formed; and every such part, so far as relates to the purposes in respect of which such separate assessment is made, shall be exempt from any other assessment under this Act: Provided always, that if any expenses are incurred or to be incurred in respect of two or more parts of a district in common the same shall be apportioned between them in a fair and equitable manner.			
Water rate.—Agreements with universities.			
93. A. And be it enacted, that whenever and so long as any premises are supplied with water by the local board of health, for the purposes of domestic use, cleanliness, or drainage, they shall make and levy, in addition to any other rate, a water rate upon the occupier except as herein-after provided; and the rate so made shall be assessed upon the net annual value of the premises, ascertained in the manner herein-before prescribed with respect to the said special and general district rates; and when several houses in the separate occupation of several persons are supplied by one common pipe, the respective houses shall be charged with the payment of water rates, in the same manner as if each house had been supplied with water by a separate pipe: Provided always, that in any district to be called the Oxford or Cambridge district the local board of health may			

Local Boards.	Sewer Authority.
supply water to any hall, college, or premises of the university within such district, upon such terms with respect to the mode of paying for such supply as shall from time to time be agreed upon between such university, or any hall or college thereof, and the said local board.	
Water rate payable in advance. Power to stop water in case of nonpayment of rates.	
94. A. And be it enacted, that the said water rates shall be payable in advance; and whenever any person supplied with water under the provisions of this Act neglects to pay the water rate due from him upon demand, the local board of health may prevent the water from flowing into the premises of the defaulter in such manner as they may think fit, and may recover the arrears due, together with the expenses of stopping the supply, in the manner hereinafter provided with respect to the recovery of rates made under the authority of this Act: Provided always, that the stopping or cutting off any supply of water by the said local board under this enactment shall not relieve any person from any penalty or liability to which he would have been otherwise subject.	
Power to reduce or remit rates on account of poverty.	
96. A. Provided also, and be it enacted, that it shall be lawful for the local board of health to reduce or remit the payment of any rate on account of the poverty of any person liable to the payment thereof.	
Act not to affect existing agreements between landlord and tenant.	
97. A. Provided also, and be it enacted, that nothing in this Act shall alter, interfere with, or affect any lease, contract, or agreement which shall have been made or entered into between landlord and tenant before this Act is applied to the district in which the premises are situate in respect of which the lease, contract, or agreement was made.	
Estimate to be prepared before making rates.	
98. A. And be it enacted, that the local board of health, before proceeding to make any general [or special] district rate or private improvement rate under this Act, shall cause an estimate to be prepared of the money required for the purposes in respect of which the rate is to be made, showing the several sums required for each of such purposes, the rateable value of the property assessable, and the amount of rate which for those purposes it is necessary to make upon each pound of such value; and the estimate so made shall forthwith, after being approved of by the said local board, be entered in the rate book, and be kept at their office, open to public inspection during office hours thereat.	
Notice of rate.	
99. A. And be it enacted, that public notice of intention to make any general or special district rate, and of the time at which it is intended to make the same, and of the place where a statement of the proposed rate is deposited for inspection, shall be given by the local board of health in the week immediately before the day on which the rate is intended to be made, and at least seven days previously thereto, but in case of proceedings to levy or recover any rate it shall not be necessary to prove that such notice was given.	
Rates to be open to inspection.	
100. A. And be it enacted, that any person interested in or assessed to any rate made under this Act may inspect the same, and any estimate made previously thereto, and may take copies of or extracts therefrom without fee or reward; and whosoever, having the custody of such estimate or rate, refuses to allow or does not permit such inspection or such copies or extracts to be taken, shall for every such offence be liable to a penalty not exceeding five pounds.	
Description of owner or occupier in rates, if his name be unknown.	
101. A. And be it enacted, that whenever the name of any owner or occupier liable to be rated under this Act is not known to the local board of health, it shall be sufficient to assess and designate him in the rate as "the owner" or "the occupier" of the premises in respect of which the assessment is made, without further description.	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

Local Boards.	Sewer Authority.
Rates may be amended. 102. **A.** And be it enacted, that the local board of health may from time to time amend any rate made in pursuance of this Act, by inserting therein the name of any person claiming and entitled to have his name inserted, or by inserting the name of any person who ought to have been assessed, or by striking out the name of any person who ought not to have been assessed, or by raising or reducing the sum at which any person has been assessed, if it appear to the said local board that he has been under-rated or over-rated, or by making any other alteration which will make the rate conformable to the provisions of this Act; and no such amendment shall be held to avoid the rate: Provided always, that any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made, and with respect to him the amended rate shall be considered to have been made at the time when he first received notice of the amendment; and in the case of any person the amount of whose rate is increased by the amendment, or whose name is thereby newly inserted as aforesaid, the rate shall not be payable by him until seven days after such notice shall have been given to him. *Rates made under this Act to be published as poor rates, and collected as local board shall appoint. Justices may summon persons for nonpayment, and in default may recover by distress.* 103. **A.** And be it enacted, that all rates made or collected under the authority of this Act shall be published in the same manner as poor rates, and shall commence and be payable at such time or times, and shall be made in such manner and form, and be collected by such persons, and either together or separately, or with any other rate or tax, as the local board of health shall from time to time appoint; and if any person assessed to any such rate fail to pay the same when due, and for the space of fourteen days after the same shall have been lawfully demanded in writing, any justice may and he is hereby empowered to summon the defaulter to appear before him, or any other justice, at a time and place to be mentioned in the summons, to show cause why the rate in arrear should not be paid; and in case the defaulter fail to appear according to the exigency of the summons, or no sufficient cause for nonpayment be shown, the justice may, by warrant under his hand and seal, cause the same to be levied by distress of the goods and chattels of the defaulter: Provided always, that if no distress sufficient to satisfy the amount can be found within the jurisdiction of the justice by whom such warrant is granted, and it so appear upon oath before a justice of any other county or jurisdiction in which any goods or chattels of the defaulter may be, the last-mentioned justice shall endorse his signature upon the said warrant, and thereupon the amount to be levied, or so much thereof as may be unsatisfied, shall be levied off the last-mentioned goods and chattels, in the same manner as if the defaulter had been assessed in the last-mentioned county or jurisdiction; and if any person quit or be about to quit any premises without payment of any rate then due from him in respect of such premises under this Act, and refuse to pay the same after lawful demand thereof in writing, any justice having jurisdiction where such person resides or his goods are found, may and he is hereby empowered to summon him to appear, at a time and place to be mentioned in the summons, to show cause why the rate so due should not be paid; and in case the defaulter fail to appear, or no sufficient cause for nonpayment be shown, the justice may, by warrant under his hand and seal, cause the sum to be levied by distress of the goods and chattels of the defaulter. *Form of distress warrant. Penalty upon constables refusing to levy.* 104. **A.** And be it enacted, that warrants of distress for the recovery of any rate payable under the authority of this Act may be in the form contained in the schedule (D.) annexed to this Act, or to the like effect; and any constable authorized by any such warrant who shall neglect or refuse to make distress or sale pursuant to the same, after being required so to do by a collector of the district in which the rate in arrear was made, shall be liable to a penalty not exceeding five pounds. *Quota of rates to be paid by the Universities, &c.* 105. **A.** Provided always, and be it enacted, that nothing in this Act shall be deemed to alter or interfere with the	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
liability of the universities of Oxford and Cambridge respectively to contribute in the proportion and manner specified in any local Act under which the Oxford and Cambridge commissioners respectively now act towards the expense of paving and pitching, repairing, lighting, and cleansing, under the powers of any such local Act, the several streets, lanes, ways, alleys, passages, and places within the jurisdiction of such commissioners respectively: Provided also, that all rates, contributions, and sums of money which may become payable under this Act by the said universities respectively, and their respective halls and colleges, may be recovered from such universities, halls, and colleges in the same manner in all respects as rates, contributions, and sums of money may now be recovered from them by virtue of any such local Act.			
Evidence of rates.			
108. **A.** And be it enacted, that the production of the books purporting to contain any rate or assessment made under this Act shall alone, and without any other evidence whatsoever, be received as *primâ facie* evidence of the making and validity of the rates mentioned therein.			
N.B. *Penalties are payable to district fund account, see* 67 **B.**, *page* 166.			
Sewer authority, &c. may contribute to works under contracts relating to supply of sewage.	*Sewer authority may enter into contract for supply of sewage.*		
13. **N.** Where a sewer authority, or any corporate or other body, under any power enabling them in that behalf, or by any agreement confirmed by Parliament, has agreed or hereafter agrees with any person or persons, or body of persons, corporate or unincorporate, as to the supply of all or any of the sewage of any place, and the works to be made for the purpose of that supply, they may contribute to the expense of carrying into execution by such person or persons or body of persons all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such sewer authority or corporate or other body, or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested; and all expenditure in consequence of the exercise of the power hereby conferred shall be deemed to have been incurred by such sewer authority or corporate or other body in the construction or due maintenance of the necessary sewers for carrying away the said sewage, and shall be provided for accordingly.	14. **M.** The sewer authority of any place may from time to time, for the purpose of utilizing its sewage, agree with any person or body of persons, corporate or unincorporate, as to the supply of such sewage, and works to be made for the purpose of that supply, and the parties to execute the same and to bear the costs thereof, and the sums of money, if any, to be paid for that supply; provided that no contract shall be made for the supply of sewage for a period exceeding twenty-five years.		
N.B. *Sewer authority here includes "local boards." See* 2 N., *p.* 2.	*Sewer authority, &c. may contribute to works under contracts relating to supply of sewage.*		
Existing liabilities to make sewers, &c. not to be discharged.	15. **N.** Where a sewer authority, or any corporate or other body, under any power enabling them in that behalf, or by any agreement confirmed by Parliament, has agreed or hereafter agrees with any person or persons or body of persons, corporate or unincorporate, as to the supply of all or any of the sewage of any place, and the works to be made for the purpose of that supply, they may contribute to the expense of carrying into execution by such person or persons or body of persons all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such sewer authority or corporate or other body, or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested; and all expenditure in consequence of the exercise of the power hereby conferred shall be deemed to have been incurred by such sewer authority or corporate or other body in the construction or due maintenance of the necessary sewers for carrying away the said sewage, and shall be provided for accordingly.		
118. **A.** And be it enacted, that, notwithstanding the application of this Act to any district, the liability of any person whomsoever to defray or contribute towards the expense of making, completing, altering, amending, or maintaining any sewer, or any walls or works for protecting the land against the force or encroachments of the sea, or of paving or flagging or putting in order any street or part thereof within the district, shall, if incurred previously to the time when this Act is so applied, continue, and the same may be enforced as if this Act had not been passed, and the rates to be levied under this Act shall be made only for purposes to which such liability does not extend.			
Power to make deduction from rate in respect of premises sufficiently drained.			
29. **B.** If it appear to a local board that any premises were sufficiently drained before the construction of any new sewer they may lay down, it shall be lawful to deduct from the amount of rates otherwise chargeable in respect of such premises such a sum and for such time as the local board may under all the circumstances of the case deem to be just.			
Repayment of costs by provisional orders.			
27. **C.** The provision for the repayment of costs, charges, and expenses incurred by the Secretary of State in relation to any provisional order under the seventy-fifth section of "The Local Government Act, 1858," shall extend to all provisional orders under the said Act.			

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
Exemptions from stamp duty. 151. **A.** And be it enacted, that no advertisement inserted or caused to be inserted by the general or local board of health in the "London Gazette" or any paper or publication under this Act, or for the purpose of carrying the same into effect, nor any deed, award, submission, instrument, contract, agreement, or writing made or executed by the said general or local board, their officers or servants, under or for the purposes of this Act, nor any appointment by the general or local board of any officer or person under this Act, shall be chargeable with any stamp duty whatever.			
BORROWING POWERS. *Sections* 107., 113., *and* 119. **A.** *repealed, and power given for raising money on credit of rates.* 57. **B.** The one hundred and seventh, the one hundred and thirteenth, and the one hundred and nineteenth sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted, that the local board, or any board of improvement commissioners exercising the borrowing powers of the Public Health Act, 1848, may, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in the execution of this Act or of any Act incorporated herewith, or of any Act incorporating the powers of the Public Health Act, 1848, borrow and take up at interest, on the credit of the charges and rates authorized to be made or collected under the said Acts respectively, any sums of money necessary for defraying any such costs, charges, and expenses; and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, the said local board may mortgage to the persons by or on behalf of whom such sums are advanced the said charges and rates or any of them; but the exercise of the above power shall be subject to the following regulations: (1.) Such money shall not be borrowed except for permanent works, nor without the sanction of one of Her Majesty's Principal Secretaries of State: (2.) The money so borrowed shall not, except as hereinafter provided, at any time exceed in the whole the assessable value for one year of the premises assessable within the district in respect of which such money may be borrowed: (3.) The money may be borrowed for such time, not exceeding thirty years, as the local board, with the sanction of one of Her Majesty's Principal Secretaries of State, determine in each case; and, subject as aforesaid, the local board may either pay off the monies so borrowed by equal annual instalments, or they may in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of exchequer bills or other government securities, such sum as will be sufficient to pay off the monies so borrowed, or a part thereof, at such times as the local board may determine: And in cases where the local board borrow any money for the purpose of defraying private expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of the local board, as between the ratepayers of the district, to make good, so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid.	*Power to Public Works Loan Commissioners to lend money to sewer authorities.* 12. **M.** The Public Works Loan Commissioners, as defined by "The Public Works Loan Act, 1853," may advance to any sewer authority, upon the security of any rate applicable to the purposes of this Act, without any further security, such sums of money as may be recommended by one of Her Majesty's Principal Secretaries of State, to be applied by such authority in carrying into effect the purposes of this Act.		
Extension of borrowing powers in certain cases. 78. **B.** Where a local board, or any board of improvement commissioners exercising the borrowing powers of the Public Health Act, 1848, or this Act, or of any local Act, has contributed to, purchased, or executed works of sewerage and water supply, or proposes to contribute to, purchase, or execute such works, and where the cost of such works exceeds or is estimated to exceed one year's assessable value of the premises assessable within the district in respect of which such money may be borrowed, it shall be lawful for such board to present a petition to one of Her Majesty's Principal Secretaries of State praying for powers to borrow or reborrow for such works, on mortgage of the rates leviable by them under the Public Health Act,			

Local Boards.	Sewer Authority.
1848, and this Act, and any local Act, an amount not exceeding two years assessable value of the premises assessable within the district in respect of which such money may be borrowed or reborrowed, such amount to be repaid within such period not exceeding fifty years as such board, with the sanction of one of Her Majesty's Principal Secretaries of State, shall in each case determine; and it shall be lawful for any of Her Majesty's Principal Secretaries of State to direct inquiry on such petition, and to issue a provisional order thereupon, and to take steps for the confirmation of any such provisional order by Act of Parliament in the manner sanctioned in the preceding section. *Extension of powers given by* 78 **B.** *to cases in which local boards incur expenses for permanent works, &c.* **19. C.** The powers granted by the seventy-eighth section of "The Local Government Act, 1858," may be exercised in any case where any local board or board of improvement commissioners exercising the borrowing powers of "the Public Health Act, 1848," or "The Local Government Act, 1858," or of any local Act, has contributed to, purchased, or executed any permanent works, or proposes to contribute to, purchase, or execute such works, at a cost exceeding or estimated to exceed one year's assessable value of the premises assessable within the district in respect of which the money for such works may be borrowed. *Commissioners of public works may make advances to local boards under Consolidated Fund (Public Works, &c.) Act, 1842, 5 & 6 Vict. c. 9.* **108. A.** And be it enacted, that the commissioners acting in the execution of an Act passed in the second session of the fifth year of Her Majesty's reign, intituled "An Act to authorize the advance of money out of the "Consolidated Fund to a limited amount for carrying on "public works and fisheries and employment of the "poor, and to amend the Acts authorizing the issue of "exchequer bills for the like purposes," and in the execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, may, if they shall think fit, make advances to the local board of health of any district for the purposes of this Act, upon the security of the rates to be levied by such board under this Act, and without requiring any further or other security than a mortgage of such rates. *Money may be borrowed at lower rates of interest to pay off securities bearing a higher rate.* **109. A.** And be it enacted, that if the local board of health can at any time borrow at a lower rate of interest than that secured by any mortgage previously made by them, and then outstanding and in force, they may, if they shall think fit, so borrow accordingly, in order, with the consent of the mortgagee, to pay off and discharge any of the securities bearing a higher rate of interest, and may charge the rates which they may be authorized to mortgage under this Act with payment of the sum so borrowed, together with the interest thereon, in such manner and subject to such regulations as are herein contained with respect to other monies borrowed upon mortgage. *Power to borrow money to pay off former mortgages.* **110. A.** And be it enacted, that if at the time appointed by any mortgage deed for payment of the principal money secured thereby the local board of health are unable to pay off the same, they may, if they shall think fit, borrow such sum of money as may be necessary for the paying off the whole or any part of the said principal monies, and may secure the repayment of the same, and the interest to be paid thereon, in the same manner in all respects as in the case of monies borrowed for defraying costs, charges, and expenses incurred by the local board of health in the execution of this Act. *Form of mortgage. Register of mortgages.* **111 A.** And be it enacted, that every mortgage authorized to be made under this Act shall be by deed, truly stating the date, consideration, and the time and place of payment, and shall (in the case of a noncorporate district) be sealed with the seal of the local board of health by or on the part of whom the same is executed, and be signed by five or more members thereof, or (in the case of a corporate district) be sealed with the common seal, and may be made according to the form contained in the schedule (B.) to this Act annexed, or to the like effect, and there shall be kept at the office of the local board of health a register of the mortgages upon each rate, and within fourteen days	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

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after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and description of the parties thereto, as stated in the deed; and every such register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, shall be liable to a penalty not exceeding five pounds. *Transfer of mortgages. Register of transfers.* **112. A.** And be it enacted, that any mortgagee or other person entitled to any such mortgage may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date and the consideration for the transfer; and such transfers may be according to the form contained in the schedule (C.) to this Act annexed, or to the like effect; and there shall be kept at the office of the local board of health a register of the transfers of mortgage charged upon each kind of rate, and within thirty days after the date of such deed of transfer, if executed within the United Kingdom, or within thirty days after its arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the clerk, who shall, upon payment of the sum of five shillings, cause an entry to be made in such register of its date, and of the names and description of the parties thereto, as stated in the transfer; and upon any transfer being so registered the transferee, his executors, administrators, or assigns, shall be entitled to the full benefit of the original mortgage, and the principal and interest secured thereby; and every such transferee may in like manner transfer his estate and interest in any such mortgage; and no person except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, shall be entitled to release or discharge any such mortgage, or any money secured thereby. *Receiver may be appointed in certain cases.* **114. A.** And be it enacted, that if at the expiration of six months from the time when any principal money or interest has become due upon any mortgage of rates made under this Act, and after demand in writing, the same be not paid, the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to two justices, who are hereby empowered, after hearing the parties, to appoint in writing under their hands and seals some person to collect and receive the whole or a competent part of the rates liable to the payment of the principal or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and the costs of collection, are fully paid; and upon such appointment being made all such rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees of such rates, and shall be rateably apportioned between them: Provided always, that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one thousand pounds, or unless a joint application be made by two or more mortgagees or other persons to whom there may be due, after such lapse of time and demand as last aforesaid, monies collectively amounting to that sum. *Powers of* 114 **A.**, *for appointment of receiver, may be exercised in event of failure to elect a local board.* **10. B.** The powers of the one hundred and fourteenth section of "The Public Health Act, 1848," for the appointment of a receiver, may be exercised in the event of a failure to elect a local board, or of the lapse of a local board from death, resignation, disqualification, or otherwise, of the persons elected to serve on such local board; and in case of such failure or lapse, any receiver appointed under that section may make as well as collect and receive rates as directed in that section, or such rates as are required to satisfy all liabilities of the local board, and may receive and recover all arrears due to the said local board, and apply the same to meet such liabilities; and any such receiver shall have the same powers with respect to other creditors of the local board as he has by the said section with regard to mortgagees.			

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
N.B.—For the circumstances under which private improvement expenses are by Act or by local board can be declared such, see 49 **A.** *page* 68, 54 **A.** *page* 74, 58 **A.** *page* 76, 59 **A.** *page* 78, *and* 76 **A.** *page* 104.	**6. E.** The provisions of the Public Health Act, 1848, relating to private improvement expenses, as amended by any subsequent Act of Parliament, shall be deemed to be incorporated with this Act (**E**) so far as may be required for carrying into effect the provisions of this Act (**E**) [and (*which note*) *those provisions only*].		
(2.) Private Improvement Rates.			
90. A. And be it enacted, that whenever the local board of health have incurred or become liable to any expenses which by this Act are or by the said local board shall be declared to be private improvement expenses, the said local board may, if they shall think fit, make and levy upon the occupier of the premises in respect of which the expenses shall have been incurred, except in the cases herein-after provided, in addition to all other rates, a rate or rates to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon at a rate not exceeding five pounds in the hundred, in such period not exceeding thirty years as the said local board shall in each case determine: Provided always, that whenever any premises in respect of which any private improvement rate is made become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge upon and be paid by the owner of the premises so long as the same continue to be unoccupied.			
Proportion of private improvement rate may be deducted from rent.			
91. A. And be it enacted, that if the occupier by whom any private improvement rate is paid holds the premises in respect of which the rate is made at a rent not less than the rackrent, he shall be entitled to deduct three fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord, and if he hold at a rent less than the rackrent he shall be entitled to deduct from the rent so payable by him such proportion of three fourths of the rate as his rent bears to the rackrent; and if the landlord from whose rent any deduction is made under the provision last aforesaid is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired, but not otherwise, he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof: Provided always, that nothing herein contained shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.			
Redemption of special district and private improvement rates.			
92. A. Provided always, and be it enacted, that at any time before the expiration of the period for which any special district rate or private improvement rate is made, the owner or occupier of the premises assessed thereto may redeem the same, by paying to the local board of health the expenses in respect of which the rate was made, or such part thereof as may not have been defrayed by sums already levied in respect of the same.			
Local board may allow owners time for repayment.			
146. A. And be it enacted, that in any case in which the local board of health may have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable by this Act, the said local board may, if they think fit, allow such owner time for repayment, and receive the same by such annual instalments, not being less than one thirtieth part of the entire sum, together with interest at the rate of five pounds in the hundred upon the sum from time to time remaining unpaid, as they, under the circumstances of each case, may consider to be just; but although time for repayment be allowed as last aforesaid, the sum due, or so much thereof as may be unpaid, shall from time to time, in case of default in payment at the times respectively appointed for payment, be recoverable in like manner in all respects as the entire sum might have been recovered if time for repayment had not been allowed.			
Expenses due from owners to be a charge on premises.			
62. B. Where the local board have incurred expenses, for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable either by application of or agreement with the owner, or by			

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
the Public Health Act, 1848, or any Act incorporated therewith, or this Act, the same may be recovered from the person who is owner of such premises when the works are completed for which such expenses have been incurred, in the manner provided by the Public Health Act, 1848, and such expenses shall be a charge on the premises in respect of which they were incurred, and shall bear interest at the rate of five pounds per centum per annum till payment thereof. In all summary proceedings by a local board for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand. *Provision for recovery of charges for private improvements.* 23. **C.** The expenses which have been incurred by any local board of health as and for private improvement expenses under "The Public Health Act, 1848," as also the expenses stated in the sixty-second section of "The Local Government Act, 1858," to be a charge on the premises, with interest after the rate of five per centum per annum, may, by order of the local board of health, be declared payable by annual instalments, with interest after the rate aforesaid, during a period not exceeding thirty years, until the whole amount be paid; and any such instalments and interest, or any part thereof, may be recovered from the owner or occupier of such premises in the same manner as general district rates, and may be deducted from the rent of such premises in the same proportions as are allowed in the case of private improvement rates under the ninety-first section of "The Public Health Act, 1848." *Apportionment of expenses payable by owners to be conclusive after three months from notice given to them of the amount.* 63. **B.** Notwithstanding anything in the Public Health Act contained, in all cases where by such Act the local board shall have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable by the Public Health Act, 1848, or any Act incorporated therewith, or by this Act, and such expenses have been settled and apportioned by the surveyors as payable by such owner, such apportionment shall be binding and conclusive upon such owner, unless within the expiration of three months from the time of notice being given by the local board or their surveyor of the amount of the proportion so settled by the said surveyor to be due from such owner he shall by written notice dispute the same. *Rentcharge may be granted for advances made to meet first cost of private improvements.* 58. **B.** Where any person shall advance money for any expenses, which by the said Public Health Act, 1848, are, or by the said local board shall be, declared to be private improvement expenses, the said local board, on being satisfied by the report of their surveyor or otherwise that the money advanced by such person has been duly expended, may issue a grant in the form B. in the schedule hereunto annexed to such person of a yearly rentcharge to be issuable out of the premises in respect whereof such advance shall have been made, or out of such part thereof, to be specified in such grant, as the said local board shall think proper and sufficient, such rentcharge to be personal estate, and to begin to accrue from the day of completion of the works on which such money shall have been expended as aforesaid, and to be payable by equal half-yearly payments for and during a term not exceeding thirty years, in such manner that the whole of the said sum so to be advanced as aforesaid, with the costs of preparing the said grant so to be issued as aforesaid, together with interest thereon respectively, at a rate not exceeding six pounds per centum per annum upon the sum from time to time remaining unpaid, shall be repaid at the end of the said term: Provided always, that the grantee of such rentcharge shall for the recovery of the same have all the powers, authorities, rights, and remedies of the said local board with respect to private improvement rates, and the provisions of the ninety-first and ninety-second sections of the Public Health Act, 1848, shall also be applicable to such rentcharge. *Rentcharges to be registered.* 59. **B.** All rentcharges made in pursuance of this Act, and transfers thereof, shall be registered in the same manner respectively as mortgages and transfers are required to be registered under the one hundred and eleventh and one hundred and twelfth sections of the Public Health Act, 1848.			

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

Parties aggrieved by proceedings of local board as to recovery of certain expenses may appeal to the Secretary of State.

N.B. There is power under 29 **B.**, *page* 148, *to make deduction from rate in respect of premises sufficiently drained.*

120. **A.** And be it enacted, that if in any case in which the local board are empowered to recover any expenses incurred by them in a summary manner, or to declare such expenses to be private improvement expenses, any person shall deem himself to be aggrieved by the decision of the said local board thereupon, he may, within seven days after notice of such decision, address a memorial to [one of Her Majesty's Principal Secretaries of State,] stating the grounds of his complaint; and the said [Secretary of State] may make such order in the matter as to him may seem equitable, and the order so made shall be binding and conclusive upon the said local board; and if the said local board shall have proceeded to recover such expenses in a summary manner, the said [Secretary of State] may, if he shall think fit, direct the said local board to pay to the person so proceeded against such sum as he may consider to be a just compensation for the loss, damage, or grievance thereby sustained by him. (*N.B. Until* 1*st September* 1858, *this memorial was addressed to General Board of Health, but by* 65 **B.** *the Secretary of State was substituted. The section has been altered accordingly.*)

AUDIT OF ACCOUNTS.

Provisions as to audit of account.

60. **B.** The one hundred and twenty-second section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as follows: Where the mayor, aldermen, and burgesses of a borough are the local board, the accounts of the receipts and expenditure of the local board shall be audited and examined by the auditors of the borough, and shall be published in like manner and at the same time as the municipal accounts, and the auditors shall proceed in the audit after like notice and in like manner, shall have like powers and authorities, and perform like duties, as in the case of auditing the municipal accounts; and each of such auditors shall in respect of each audit be paid, out of the general district rates levied under this Act, such reasonable remuneration, not being less than two guineas for every day in which they are employed in such audit, as the local board from time to time appoints; and any order of the local board for the payment of any money may be removed by certiorari, and like proceedings may be had thereon as under section forty-four of the Act of the first year of Her Majesty, chapter seventy-eight, with respect to orders of the council of a borough for payments out of the borough fund:

With respect to districts not boroughs, as follows:

(1.) The accounts of the receipts and expenditure of the local board shall be audited and examined once in every year, as soon as can be after the twenty-fifth day of March, by the auditor of accounts relating to the relief of the poor for the union in which the district or the greater part thereof is situate, unless such auditor is a member of the local board whose accounts he is appointed to audit, in which case such accounts shall be audited by such auditor of any adjoining union as may from time to time be appointed by the local board of health:

Power of allowance, disallowance, and surcharge. Disallowances may be removed by certiorari into Court of Queen's Bench. Appeal against disallowances.

And any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same upon the person making or authorizing the making of the illegal payment, and shall certify the same to be due from such person, and upon application by any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made; and any person aggrieved by disallowance made may apply to the Court of Queen's Bench for a writ of certiorari to remove the disallowance into the said court, in the same manner and subject to the same conditions as are provided in the case of disallowances by auditors under the laws for the time being in force with regard to the relief of the poor; and the said court shall have the same powers with respect to allowances, disallowances, and surcharges under this Act as it has with respect to disallowances or allowances by the said auditors; or in lieu of such

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
application any person so aggrieved may appeal to one of Her Majesty's Principal Secretaries of State, who shall have the same powers in the case of the appeal as are possessed by the Poor Law Board in the case of appeals against allowances, disallowances, and surcharges by the said poor law auditors: *As to recovery of disallowances.* (2.) Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the treasurer of the local board within fourteen days after the same shall have been so certified, unless there be an appeal against the decision; and if such sum shall not be so paid, and there be no such appeal, the auditor shall recover the same from the person against whom the same shall have been certified to be due by the like process and with the like powers as in the case of sums certified upon the audit of the poor rate accounts, and shall be paid by the local board all such costs and expenses, including a reasonable compensation for his loss of time incurred by him in such proceedings, as shall not be recovered by him from such person. *Power to auditor to require production of books.* (3.) For the purpose of any audit of account under this Act, every auditor may, by summons in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if any such person neglects or refuses so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury; and such auditor shall in respect of each audit be paid, out of the general district rates levied under this Act, such reasonable remuneration, not being less than two guineas for every day in which he is employed in such audit, as the local board from time to time appoints, together with his expenses of travelling to and from the place of audit. *Notice of audit.* (4.) Before each audit of accounts under this Act, the local board shall, after receiving from the auditor the requisite appointment, give twenty days notice of the time and place at which the same will be made, by advertisement in some one or more of the public newspapers circulated in the district; and a copy of the accounts to be audited, together with all rate books, account books, deeds, contracts, accounts, bills, vouchers, and receipts mentioned or referred to in such accounts, shall be deposited in the office of the local board, and be open during office hours thereat, to the inspection of all persons interested, for seven days before the audit; and all such persons shall be at liberty to take copies of or extracts from the same, without fee or reward; and the production of the newspaper containing such notice shall be deemed to be sufficient proof of the notice of audit on any proceeding whatsoever: *Report of auditor.* (5.) Within fourteen days after the completion of the audit, the auditor shall report upon the accounts audited and examined, and shall deliver such report to the clerk of the local board, who shall cause the same to be deposited in the office of the local board, and shall publish an abstract of such accounts in some one or more of the newspapers circulated in the district.			

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
Making up accounts for audit. **15. C.** Seven clear days at least before the day fixed for the audit of accounts of any local board, the local board shall cause their rate books and other accounts to be made up and balanced, and the books and accounts so made up and balanced shall forthwith be deposited at the office of the said local board for the inspection of owners and ratepayers, and the notice of audit shall include a notice of such deposit of accounts; and any officer of a local board duly appointed in that behalf neglecting to make up such books and accounts, or altering such books and accounts, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable on conviction thereof to forfeit forty shillings; and it shall be lawful for any ratepayer or owner of property in the district to be present at the audit of the accounts of the local board, and to make any objection to such accounts before the auditor; and such ratepayers and owners shall have the same right of appeal against allowances by an auditor as they have by law against disallowances. *Accounts of improvement commissioners acquiring borrowing powers under Local Government Act to be subject to the provisions of that Act relating to audit.* **3. C.** When any board of improvement commissioners acquires powers of rating or borrowing money under the fifteenth section of the "Local Government Act, 1858," the provisions in relation as to audit of that Act, or of any Act amending that Act, shall be in force in the case of such commissioners, as if such provisions were contained in the local Act under which they are constituted; and when the provisions as to audit of such local Act are repugnant to or inconsistent with those of the Local Government Act, or any Act amending that Act, then the audit shall be conducted under the provisions of the last-mentioned Act. HIGHWAY REPAIRS. *Cost of highway repair to be defrayed out of general district rate in certain cases. Power to levy highway rates in certain cases.* **37. B.** And whereas doubts have arisen as to the rate out of which the repair of highways is to be provided for in districts under the Public Health Act, 1848: Be it enacted, that in such districts, or in districts where this Act is adopted, and where no other mode of providing for the repair of highways is directed by any local Act. (1.) Where the whole of the district is rated to public works of paving, water supply, and sewerage, or to works for such of these purposes as are provided for in the district, the cost of repair of highways shall be defrayed out of the general district rate: (2.) Where parts of a district are not rated for works of paving, water supply, and sewerage, or for such of these purposes as have been provided for by rate in the district, the cost of the repair of highways in the same parts shall be defrayed out of a highway rate to be separately assessed and levied in the same parts by the local board as surveyor of highways, and the cost of such repair in the residue of the district shall be defrayed out of the general district rate: (3.) Where no public works of paving, water supply, and sewerage are established in the district, the repair of highways in the district shall be provided for by a highway rate, to be levied over the whole district by the local board as surveyors of highways. *Provision for repair of highways in parts of parishes or townships not included in districts under Local Government Act as herein stated, in lieu of* 37 (4). **B.** **9. C.** The sub-division numbered (4.) in the thirty-seventh section of the said Local Government Act, 1858, shall be and the same is hereby repealed; and in lieu thereof be it enacted as follows: (1.) Where part of a township or place not comprised within any district in which the said "Local Government Act (1858)" is in force, and which part is hereinafter referred to as "the excluded part," was, before the said Act came into force in such district, liable to contribute to the highway rates for such township or place, such excluded part shall for all purposes connected with the repairs of highways and the payment of highway rates, be considered to be and be treated as if forming part of such district: (2.) It shall be lawful for a meeting of ratepayers of the excluded part (to be convened and conducted in the manner prescribed by the thirteenth section of the said Local Government Act (1858), with respect to			

Local Boards.	Sewer Authority.
districts, not being corporate boroughs or towns, under the jurisdiction of improvement commissioners,) to decide that such excluded part shall be formed into a separate highway district, and thereupon the excluded part shall for all purposes connected with highways, surveyors of highways, and highway rates, be considered and treated as a township maintaining its own highways: (3.) The requisition for holding such meeting as last mentioned shall, in any excluded part where the said Local Government Act (1858) has been in force before the passing of this Act, be presented within six calendar months after the passing of this Act, and in all other cases within six calendar months after the adoption of the said Local Government Act (1858); but nothing in this section before contained shall apply to districts constituted under the Public Health Act (1848), including a part only of any parish, township, or place which before the constitution of such district maintained its own highways. *Then* 37 **B.** (5.) *proceeds to enact—* *Certain Acts not required to be done in case of highway rate being made by local board.* (5.) Provided, that it shall not be necessary for any local board, in the case of any highway rate made by them, to do the following acts or any of them; that is to say, To lay such rate before any justices, or obtain their allowance; To annex thereto the signature of such local board; To lay the same before the parishioners assembled in vestry; To verify before any justices any accounts kept by them of such highway rates: And all such accounts shall be audited in all respects in the same way as the other accounts of local boards, and all ministerial acts required by any Act of Parliament to be done by the surveyor of highways may be done by the surveyor of the local board, or by such other person as they may appoint: *Application of surplus under* 117 **A.** (6.) The surplus of any monies directed by the one hundred and seventeenth section of the Public Health Act, 1848, to be paid by surveyors of highways to the treasurer of the local board, and to be carried to the district fund account, shall, for every district or part of a district where the roads are repaired out of highway rate, be carried by the same treasurer to a separate account to be kept by him, and called the highway rate account. The Act of the thirteenth Victoria, chapter thirty-five, "for requiring annual returns "of the expenditure on highways in England and Wales "to be transmitted to the Secretary of State, and after- "wards laid before Parliament," shall apply to the clerk to every such local board as aforesaid in like manner as to the clerk to any such trustee or commissioner as in such Act mentioned.	

PART IX.—PENALTY CLAUSES.

N.B.—*Penalties for certain offences appear in sections dealing with those offences. The following sections provide penalties of a more general character.*	N.B.—45 **San.** *applies to sewer authority.*
45. **San.** If any person wilfully damages any works or property belonging to any local board, sewer authority, or nuisance authority, he shall be liable to a penalty not exceeding 5*l.* *Penalty on injury to works, &c. of local board.* 66. **B.** If any person wilfully injures any works or materials belonging to any local board, he shall in cases where no other penalty is provided by the Public Health Act, 1848, or any Act incorporated therewith, incur for every such offence a penalty not exceeding 5*l.*, to be recovered in a summary manner. *Penalties to be payable to district fund account.* 67. **B.** All penalties incurred in any corporate borough, and made payable to the Local Board of Health by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, or any Act of which the powers are to be executed by a local board, shall be payable to the district fund account, any Act to the contrary notwithstanding.	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

PART IX.—PENALTY CLAUSES.

N.B.—45 **San.** *Act, p.* 166, *applies to nuisance authority.* *Penalty for obstructing execution of this Act.* 36. **X.** Whoever refuses to obey an order of justices under this Act for admission on premises of the local authority or their officers, or wilfully obstructs any person acting under the authority or employed in the execution of this Act, shall be liable for every such offence to a penalty not exceeding five pounds. *Penalty on occupier obstructing owner.* 37. **X.** If the occupier of any premises prevent the owner thereof from obeying or carrying into effect the provisions of this Act, any justice to whom application is made in this behalf shall by order in writing require such occupier to desist from such prevention, or to permit the execution of the works required to be executed, provided that such works appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within twenty-four hours after the service of such order the occupier against whom it is made do not comply therewith, he shall be liable to a penalty not exceeding five pounds for every day afterwards during the continuance of such noncompliance.	*Penalty for obstructing execution of Act.* 14. **R.** Whoever wilfully obstructs any person acting under the authority or employed in the execution of this Act, and whosoever wilfully violates any direction or regulation issued by the [Privy Council] as aforesaid, shall be liable for every such offence to a penalty not exceeding five pounds, to be appropriated in or towards the defraying the expenses of executing this Act. *See* 1 **Aa.** *p.* 55.

Local Boards.	Sewer Authority.
The following clause does not in terms relate to any authority: *Recovery of Penalties.* **54. San.** Penalties under this Act, and expenses directed to be recovered in a summary manner, may be recovered before two justices in manner directed by an Act, 11 & 12 Vict. cap. 43., intituled "An Act to facilitate the "performance of the duties of justices of the peace within "England and Wales with respect to summary convictions "and orders," or any Act amending the same.	*The following clause does not in terms relate to any authority:* *As to Recovery of Penalties.* **9. E.** Penalties under any section incorporated with this Act shall be recovered in manner directed by the Act passed in the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three. All powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by any other Act of Parliament, and any such other powers may be exercised as if this Act had not passed. Nothing in this Act contained shall be deemed to exempt any person from any penalty to which he would have been liable if this Act had not been passed. Provided that no person who has been adjudged to pay any penalty in pursuance of this Act shall for the same offence be liable to a penalty under any other Act. N.B.—54 **San.** *applies to proceedings of sewer authority under the Sanitary Act.*
False evidence punishable as perjury. **147. A.** And be it enacted, that every person who upon any examination on oath under the provisions of this Act shall wilfully and corruptly give false evidence shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury.	
Penalty for obstructing officers, defacing boards, &c.; upon occupiers preventing execution of works. Occupiers to disclose owners name. **148. A.** And be it enacted, that whosever wilfully obstructs any superintending inspector, or any member of the local board of health, or any officer or person duly employed in the execution of this Act, or destroys, pulls down, injures, or defaces any board upon which any byelaw, notice, or other matter is inscribed, shall, if the same were put up by authority of the local or general board of health, be liable for every such offence to a penalty not exceeding five pounds; and if the occupier of any premises prevent the owner thereof from obeying or carrying into effect the provisions of this Act, any justice to whom application is made in this behalf shall by order in writing (which may be according to the form contained in the schedule (F.) to this Act annexed, or to the like effect), require such occupier to permit the execution of the works required to be executed, provided that the same appear to such justice to be such as are necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within a reasonable time after the making of such order the occupier against whom it is made refuse to comply therewith, he shall be liable to a penalty not exceeding five pounds for every day afterwards during the continuance of such refusal; and if the occupier of any premises, when requested by or on behalf of the local board of health to state the name of the owner of the premises occupied by him, shall refuse or wilfully omit to disclose or wilfully mis-state the same, any justice may, on oath made before him of such request, and refusal, omission, or mis-statement, summon the party to appear before him or some other justice at a time and place to be appointed in such summons, and if after being so summoned he neglect or refuse to attend at the time and place so appointed, or if he do not show good cause for such refusal, or if such wilful omission or mis-statement be proved, the justice before whom the party is so summoned may impose upon the offender a penalty not exceeding five pounds.	

PART X.—SAVING CLAUSES.

145. **A.** *repealed, and provisions herein named in lieu thereof.* **68. B.** The one hundred and forty-fifth section of the Public Health Act shall be repealed, and in lieu thereof be it enacted, that nothing in this Act shall be construed to authorize any local board of health, (1.) To use, injure, or interfere with any sluices, floodgates, sewers, groynes, or sea defences, or other works, already or hereafter made under the authority of any commissioners of sewers appointed by the Crown, or any sewers or other works already or hereafter made and used for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating land, or in any manner to disturb or interfere with any lands, hereditaments, estates, or property vested in Her Majesty's Principal Secretary of State for the War Department for the time being, without consent in writing first obtained from such commissioners or Secretary of State, or persons acquiring rights under such local or private Acts respectively; and nothing herein contained shall prejudice or affect the rights, privileges, powers, or authorities given or reserved to any person under such local or private Acts;

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
Recovery of penalties. **54. San.** Penalties under this Act, and expenses directed to be recovered in a summary manner, may be recovered before two justices in manner directed by an Act passed in the session holden in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter forty-three, intituled "An Act to facilitate the "performance of the duties of justices of the peace out of "sessions within England and Wales with respect to "summary convictions and orders," or any Act amending the same. *Penalties and expenses recoverable under the Justices of the Peace (Summary Convictions, &c.) Act,* 1848, 11 & 12 *Vict. c.* 43. **38. X.** Penalties imposed by this Act for offences committed and sums of money ordered to be paid under this Act may be recovered by persons thereto competent in England according to the provisions of the Act of the eleventh and twelfth years of the present reign, chapter forty-three; and all penalties recovered by the local authority under this Act shall be paid to them, to be by them applied in aid of their expenses under this Act. *Penalty for fouling water.* **8. Y.** If any person do any act whatsoever whereby any fountain or pump is wilfully or maliciously damaged, or the water of any well, fountain, or pump is polluted or fouled, he shall, upon summary conviction of such offence before two justices, forfeit a sum not exceeding five pounds for such offence, and a further sum not exceeding twenty shillings for every day during which such offence is continued after written notice from the local authority in relation thereto; but nothing herein contained shall extend to any offence provided against by section twenty-three of the said "Nuisances Removal Act." QUARANTINE. *The following section occurs in the Sanitary Act, but does not refer to any authority. This section is here printed because nuisance authority has under* 30, 32, *and* 52 **San.** *certain powers as to ships and vessels, see page* 67. *Power to reduce penalties imposed by the Quarantine Act,* 6 G. IV. *c.* 78. **51. San.** All penalties imposed by the Act of the sixth year of King George the Fourth, chapter seventy-eight, intituled "An Act to repeal the several laws relating to "quarantine, and to make other provisions in lieu thereof," may be reduced by the justices or court having jurisdiction in respect of such penalties to such sum as the justices or court think just.	

PART X.—SAVING CLAUSES.

Act not to impair jurisdiction of sewers commissioners, or common law remedies for nuisance, nor jurisdiction of local authority as to the nuisances referred to in this Act. **43. X.** Nothing in this Act shall be construed to affect the provisions of any local Act as to matters included in this Act, nor to impair, abridge, or take away any power, jurisdiction, or authority which may at any time be vested in any commissioners of sewers or of drainage, or to take away or interfere with any course of proceedings which might be resorted to or adopted by such commissioners if this Act had not passed, nor to impair any power of abating nuisances at common law, nor any jurisdiction in respect of nuisances that may be possessed by any authority under the Act intituled "An Act to abate the nuisances "arising from the smoke of furnaces in the metropolis, "and from steam vessels above London Bridge," or the Common Lodging Houses Acts, the Act for the Regulation of Municipal Corporations, the Public Health Act, or any improvement Act respectively, or any Acts incorporated with such Acts, and authorities may respectively proceed for the abatement of nuisances or in respect of any other matter or thing herein-before provided or referred to either under the Acts mentioned in this section or any other Act conferring jurisdiction in respect of the nuisances referred to in this Act, or any byelaws framed under any such Act, as they may think fit; and the local authorities constituted

Local Boards.	Sewer Authority.
Saving clause for proprietors of canals, &c. (2.) To interfere with any river, canal, dock, harbour, lock, reservoir, or basin, so as to injuriously affect the navigation thereon, or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any corporation, company, undertakers, commissioners, conservators, and trustees, or individuals, are by virtue of any Act of Parliament entitled to navigate on or use such river, canal, dock, harbour, lock, reservoir, or basin, or in respect of the navigation on or use of which river, canal, dock, harbour, lock, reservoir, or basin any corporation, company, undertakers, commissioners, conservators, and trustees, or individuals are entitled by virtue of any Act of Parliament to the receipt of any tolls or other dues; (3.) To interfere with any watercourse in such manner as to injuriously affect the supply of water to any river, canal, dock, harbour, reservoir, or basin, in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals (being authorized by virtue of any Act of Parliament to navigate on or use such river, canal, dock, harbour, reservoir, or basin, or to demand any tolls or dues in respect of the navigation on or use of such river, canal, dock, harbour, reservoir, or basin,) would, if this Act had not passed, have been entitled by law to prevent or be relieved against such interference; (4.) To interfere with any bridges crossing any river, canal, dock, harbour, or basin, in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are authorized by virtue of any Act of Parliament to navigate or use such river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation or use of such river, canal, dock, harbour, or basin; (5.) To execute any works in, through, or under any wharves, quays, docks, harbours, or basins, to the exclusive use of which any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are entitled by virtue of any Act of Parliament, or for the use of which they are entitled by virtue of any Act of Parliament to demand any tolls or dues, Without the consent in every case of such corporation, company, undertakers, commissioners, conservators, trustees, or individuals as are herein-before in that behalf respectively mentioned, such consent to be expressed in writing, in the case of a corporation under their common seal, and in the case of a company, undertakers, commissioners, conservators, trustees, or individuals, under the hand of their clerk or other duly authorized officer or agent: Provided always, that nothing in this Act contained shall be construed to alter or affect the maintenance of any rights of local boards existing at the time of the passing of this Act. *Proceedings, contracts, &c., begun or made under any section of* **A** *repealed by this Act* (**B**) *may be proceeded with.* 9. **B.** All proceedings, contracts, matters, and things respectively begun or made under any section of "The Public Health Act, 1848," repealed by this Act, may respectively be proceeded with and enforced as if no such repeal had taken place, and all powers exercised or byelaws made under any such section shall continue in force until the new powers and byelaws authorized by this Act are brought into operation, and no such repeal shall affect any decree or order of the High Court of Chancery, or of any other court of justice, that has been obtained previously to the passing of this Act. *Works not within preceding section, and which interfere with improvement of rivers, canals, &c., to be referred to arbitration.* 69. **B.** In cases where any matters or things proposed to be done by any local board, and which are not within the prohibition aforesaid, interfere with the improvement of any river, canal, dock, harbour, lock, reservoir, basin, or towing-path which any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are entitled by virtue of any Act of Parliament to navigate on	

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
under and for the purposes of the Common Lodging House Acts, 1851 and 1853, shall for the purposes of those Acts have all the powers of local authorities under this Act. *Act not to affect navigation of rivers or canals.* 44. **X.** Nothing herein contained shall enable any local authority, surveyor of highways, or other person, either with or without any order of justices, to injuriously affect the navigation of any river or canal, or to divert or diminish any supply of water of right belonging to any such river or canal; and the provisions of this Act shall not extend or be construed to extend to mines of different descriptions so as to interfere with or obstruct the efficient working of the same, or to the smelting of ores and minerals, or to the manufacturing of the produce of such ores and minerals. *Saving as to rights of millowners, &c.* 45. **X.** No power given by this Act shall be exercised in such manner as to injuriously affect the supply, quality, or fall of water contained in any reservoir or stream, or any feeders of such reservoir or stream belonging to or supplying any waterwork established by Act of Parliament, or in cases where any company or individual are entitled for their own benefit to the use of such reservoir or stream, or to the supply of water contained in such feeders, without the consent in writing of the company or corporation in whom such waterworks may be vested, or of the parties so entitled to the use of such reservoirs, streams, and feeders, and also of the owners thereof in cases where the owners and parties so entitled are not the same person.	

Local Boards.	Sewer Authority.	Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.
or use, or in respect of the navigation whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river, canal, dock, harbour, or basin, or with any land necessary for the enjoyment or improvement thereof, the local board shall give to such corporation, company, undertakers, commissioners, conservators, trustees, or individuals as last aforesaid a notice specifying the particulars of the matters and things so intended to be done; and if the parties on whom such notice is served do not consent to the requisitions thereof, the matter in difference shall be referred to arbitration; and the following questions shall be decided by such arbitration; (that is to say,) (1.) Whether the matters or things so proposed to be done by the local board will cause any injury to such river, canal, dock, harbour, basin, towing-path, works, or land as are herein-before mentioned in this section, or to the enjoyment or improvement of such river, canal, dock, harbour, or basin as aforesaid: (2.) Whether any injury that may be caused by such matters or things or any of them is or not of a nature to admit of being fully compensated by money. *Effect of arbitration under* 69 **B.** 70. **B.** The result of any such arbitration shall be final, and the local board shall do follows; (that is to say,) If the arbitrators are of opinion that no injury will be caused, the local board may forthwith proceed to do the proposed matters and things: If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being fully compensated by money, they shall proceed to assess such compensation; and upon payment of the amount so assessed, but not before, the local board may proceed to do the proposed matters and things: If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being fully compensated by money, the local board shall not proceed to do any matter or thing in respect of which such opinion may be given. *Provision as to transfer of powers, &c.* 71. **B.** No transfer of powers and privileges under this Act shall deprive any corporation, company, undertakers, commissioners, conservators, trustees, or individuals authorized by virtue of any Act of Parliament to navigate on any river or canal, or to demand for their own benefit in respect of such navigation any tolls or dues, of such powers and privileges as are vested in them by any Act of Parliament in relation to such river or canal. *Power for corporation to alter sewers.* 72. **B.** Any corporation, company, undertakers, commissioners, conservators, trustees, or individuals authorized by virtue of any Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation on such river or canal or the use of such dock, harbour, or basin, may, at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, and certified as such by the surveyor to the local board, take up, divert, or alter the level of any sewers, drains, culverts, or pipes constructed by any local board, and passing under or interfering with such rivers, canals, docks, harbours, or basins, or the towing-paths of such rivers, canals, docks, harbours, or basins, and do all such matters and things as may be necessary for carrying into effect such taking up, diversion, or alteration. *Preserving water rights of companies or individuals.* 73. **B.** Nothing in this Act or any Act incorporated therewith shall be construed to authorize any local board to injuriously affect any reservoir, river, or stream, or the feeders of any reservoir, river, or stream, or the supply, quality, or fall of water contained in any reservoir, river, stream, or feeders of any reservoir, river, or stream, in cases where any company or individuals, would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, river, stream, feeders, supply, quality, or fall of water, unless such board shall have first obtained the consent in writing of such company or individuals so entitled as aforesaid.			

Local Boards.	Sewer Authority.
Arbitration questions under preceding sections. 74. B. Any difference of opinion that may arise between a local board and any such corporation, company, commissioners, conservators, trustees, or individuals as aforesaid, whether any sewers, drains, culverts, or pipes substituted under the powers of this Act for sewers, drains, culverts, or pipes constructed or laid down by any local board are equally effectual with those for which they are substituted, or whether the supply, quality, or fall of water in any such reservoir, river, or stream as last aforesaid is injuriously affected by the exercise of powers under this Act, may, at the option of the party complaining, be determined by arbitration in the manner herein-before provided; and in the latter case the arbitrators shall decide the same questions as to the alleged injury; and the local board shall proceed in the same way as is herein-before provided with regard to arbitrations in cases of alleged injury to rivers, canals, docks, harbours, and basins.	

N.B.—*In addition to the saving clauses given above there are others keeping alive all previously existing remedies, &c., notwithstanding the new powers given in these statutes (e.g., 65* **A.**, *page 82, and others mentioned in note following the Index), all things done, commenced, &c. Inasmuch as a Consolidation Act must contain a carefully prepared "Saving Clause," it has not been thought necessary to print at length all these clauses.*

SCHEDULES ARE NOT PRINTED IN THIS DIGEST.

Nuisance Authority, including Local Boards.	Authority under Diseases Prevention Act.

N.B.—*The note on page* 174 *applies to powers set forth in these columns.*

SCHEDULES ARE NOT PRINTED IN THIS DIGEST.

II.—ANALYSIS OF EVIDENCE.

The following is the substance, under the main heads of the subject, of the information and suggestions we have received from witnesses, relating to the operation and possible amendment of the law:—

Present Sanitary Government in various Places.

First, we state the result of our inquiries as to the general sanitary condition of various places under the existing state of things.

Most of the principal cities have Acts of their own for purposes of Local Government. Some have anticipated, and most of them include the principal provisions of the public Acts, while others only contain provisions for special purposes. The powers under those Acts are exercised either by Town Councils or Commissioners.

In about seven hundred towns and districts in England the powers of the general Public Health and Local Government Acts are in force, and are exercised by Town Councils, or Commissioners, or elected Boards.

Still a considerable part of the country has no Local Government for sanitary purposes beyond that provided everywhere by the more recent Acts for the "removal of nuisances," construction of sewers, supply of water, and other purposes before enumerated.

Upon the whole, therefore, taking the country generally, there are, firstly, boroughs, large and small, not under the Local Government Acts, and boroughs, large and small, which have adopted those Acts.

There are, secondly, non-corporate towns not under those Acts, and many, both large and small, under the provisions of those Acts.

There are, lastly, semi-rural districts formed under those Acts, while the greater part of the country remains under no Sanitary Authority, except such as the more recent Acts give to Vestries or Boards of Guardians.

Comparative Condition of Places *under* and *not under* the Public Health and Local Government Acts.

We proceed first to collect the evidence showing the generally improving condition of various kinds of towns and places under the general Public Health and Local Government Acts, as contrasted with that of the same kind of places not under those general Acts. In the first category of *large boroughs*, those not under the general Local Government Acts will be found in most cases to have Local Acts, giving them equivalent powers, and therefore to offer no such contrast of inactivity with improvement.

General Condition of Large Boroughs *not under* the Public Health and Local Government Acts.

Liverpool, Manchester, and Birmingham are the most conspicuous examples of boroughs almost metropolitan in wealth and population, where the Local Government is entirely administered through their Corporations acting under Local Acts, without any interference from the central government except such as all local government is subject to under the later general Acts.

All of them have carried out some system of cleansing and of water supply, and have medical and inspecting officers, and are furnished with many sanitary appliances.

Liverpool.

The town clerk of Liverpool states that the Town Council efficiently administer the powers of local government, which Local Acts give them at least as largely as the general Acts would. (Rayner, 2262.) He attributes the somewhat high death-rate, though lower than that of Manchester, to the number of poor Irish and emigrants among the inhabitants, and only suggests that greater power should be given for the particular purposes of widening streets, and spreading a too crowded population. (2220.) Sir W. Denison also remarks on the overcrowding and want of water. (Denison, 7647-9.) A provision of one of the early Metropolitan Acts relating to smoke has been adopted into their local Acts. (Rayner, 2233.)

The health officer of Liverpool states that since the Act of 1866 made it imperative on the Local Authorities to take action against nuisances, 14,993 privies have been converted into water-closets, the Council assisting the poorer owners, who were the greater number, towards the cost, from the surplus funds of the borough. (Trench, 7712.) Cellar dwellings are regulated by Local Acts nearly on the same terms as by the general Act of 1848, and 424 unfit houses have been demolished, the Corporation paying full compensation. (Rayner, 2240.) It was found extremely difficult to prevent the re-inhabitation of condemned cellars by any means short of actually filling them up.

A plan of sewage utilization has been commenced. (2256.)

A very complete system of inspection is maintained in districts which was at first assisted by the police, but has since worked better as a separate service of its own.

The Corporation have taken former pumping works into their own hands from companies, and have carried out on a great scale their own water supply. (2253.)

In short, the evidence about Liverpool shows that the sanitary requirements of this great town are fairly supplied under its Local Acts.

Manchester.

The town clerk of Manchester states that 22 Local Acts are in force in that city, many of which contain provisions similar to the General Sanitary Acts; some of them, indeed, claiming to have been the models on which they were drawn. (Heron, 2325. 2331.) These include Waterworks and Improvement Acts, and a Burial Board Act.

That the Town Council, which is the governing body, is applying largely the Artizans' and Labourers' Dwelling Act, which puts the responsibility of making dwellings fit for human habitation on the owners. (2333.)

Whenever they find the provisions of the public Acts superior to their own, they use them, as, for instance, section 19 of the Sanitary Act of 1866, relating to smoke. (2339.)

The death-rate is high, but chiefly among infants.

The medical officer of health is assisted by a health committee, and the police are employed as inspectors, being directed to give information of nuisances seen by them in the rounds of their duty. (2427.) There is also in Manchester and Salford a sanitary association, which Dr. Trench describes as doing the work which he does in Liverpool. (2422, 3. Trench, 7805.)

The rivers are described as reaching Manchester so foul, that their additional pollution by this city scarcely makes them perceptibly worse.
Heron, 2514.

The ashpit system is retained, and put in its best form.

They have recently obtained from Parliament further provisions against offensive trades.

Birmingham. Hayes, 2555.

The town clerk of Birmingham describes the local administration of that midland metropolis as under the Municipal Corporation Act and two Improvement Acts of 1851 and 1861, with which some of the general Acts are incorporated, and under some general Acts besides. A section of one of ther Local Acts limits their aggregate rate for improvements to 2*s.* in the pound and the street rate to 2*s.* 6*d.*, neither of which can be exceeded without the consent of the ratepayers, which never can be got. Birmingham, however, is healthy, and well looked after, and great works are on foot both for water supply by company, and for sewerage, and sewage utilization by the corporation itself. There is also an admirable system of inspection of nuisances throughout the whole borough.

2571. *Newcastle-upon-Tyne.*

We may add the evidence received as to the general condition of Newcastle-upon-Tyne, which is the only large maritime borough not under the Local Government Act.

The Local Acts were repealed and consolidated in 1837, and amending Acts have passed in 1841, 1846, 1850, 1853, 1855, and 1865.

Great sanitary defects exist here, arising from the old-fashioned narrow streets or "chares" in the lower part of the town, on the river, near the Castle.

The cholera has raged here with peculiar virulence in all its visitations of this country, and attached itself to the lower town.

Even in the new town demolition and re-construction have been so ill regulated that it is described as "an accumulation of unfinished streets."
Carr, 2623.

The clerk to the Sanitary Committee of the Corporation states that that committee, which is the Local Authority, have done much to remodel the town, and to make owners complete their undertakings. Where such works have been carried out, mortality has sensibly diminished. The ash-pit system is chiefly adopted here, as in Manchester.
2645. 2653. 2679.

The sewerage has been improved since 1853, upwards of 60 miles of main drainage having been made in the town, but they are still allowed to discharge by seven outfalls into the Tyne, the tide flowing beyond the town. There is some talk of intercepting and utilizing the sewage. The water and gas supply is undertaken by a private company.
2654.

The Corporation have established baths and wash-houses, and the Common Lodging House Act is efficiently carried out. Hospitals are provided for epidemics.
2690. 2699.

Newcastle is a large market for the north, and a complete system of inspection is maintained, both of every kind of market, and of lodging-houses, and of nuisances throughout the town.
2695.

In the south of England there are no large boroughs not under the Local Government Act.

General Condition of Large Boroughs *under* the Public Health and Local Government Acts.

Bradford.

To *compare* with this evidence on the condition of large boroughs under Local Acts, the condition of *large boroughs which have adopted* the provisions of the General Acts, we may take, as a fair example, the case of Bradford.

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The town clerk of Bradford, in his written answers, states that the population of Bradford has increased from 66,000 to 106,000 in 1861; the estimate in 1869 being 138,000.

It had, in 1847, a charter granted, and by an Improvement Act in 1850, the Council were constituted the Local Board of Health, and adopted most of the powers of the public Acts. They have provided baths and wash-houses, and fairs and markets.
Rayner, 2207.

By a Corporation Waterworks Act in 1854, amended in 1858, 1862, 1868, and 1869, they have supplied themselves with water, which gravitates down from large reservoirs, one being at a distance of nearly 30 miles. Mountain streams are impounded; springs of great purity are made use of; rainfall from extensive gathering grounds is collected, and an abundant supply for the outlying districts as well as the town is thus secured at a cost on permanent works which already reaches 800,000*l.*

Public sewerage and drainage is being vigorously proceeded with, the only difficulty being that of outfall.

They have been ordered by the Court of Chancery to defœcate their sewage before 11th January 1872.

The Clerk of the Guardians presents to the Sanitary Committee a return showing the localities where the deaths have occurred, and thus guides them to particular spots. When information of a serious character, indicating the presence of epidemic disease, is obtained, members of the Council institute a house-to-house visitation, the whole borough being arranged in districts for the purpose.

The building byelaws have, after very considerable discussion, been modified to facilitate the erection of cottage property.

Bristol. Bristol is a large city, with 154,093 inhabitants (by census, 1861), having a Local Improvement Act, under which, and using the powers of the Sanitary Act, it has carried out great improvements. It is an illustration of the good condition into which the whole country might be brought if the Local Authorities exercised their functions properly, and its improvements have been a great pecuniary bargain. Sewerage and drainage have been very much improved, floods have been much reduced, and disease thereby largely diminished, but the flagrant evil of a discharge into a tidal river still remains; but Dr. Budd, a resident physician, who is our witness, gives much credit to Bristol for its measures for preventing disease. A very able and energetic health officer attends every morning at the board of health, where he meets a staff of inspectors, each having a district under his charge. They furnish reports, and the health officer proceeds to the infected localities. A remarkable abatement of prevalent diseases has resulted and at no great expense, richly repaid. A considerable reduction of poor rates has followed, and of mortality from 31 to 22 per 1,000. Disinfection by anticipation has been the secret of Bristol's unexampled success, and is easier than suppression.
Budd, 9344. 9348. 9346. 9300. 8302. 9238. 9240. 9242. 9243. 9261.

A year ago 100 cases of typhoid occurred in Bristol workhouse, and were found to come from vicious and abominable sanitary arrangements. Mr. Heaven, the Clerk to the Local Board, in his answers to circular questions, says that the Public Health Act, 1848, was applied by Provisional Order in August 1851; that the Improvement Acts of 1840 and 1847 relate to the construction of buildings and lines of streets; that the only byelaws made are for regulating lodging and slaughter-houses.
9291. Vol. III. Part 2.

In Gloucester the adoption of the Acts has resulted in large combined works of water supply and sewerage, which have reduced the mortality from 24 in 1,000 (which was the rate in 1849) to 20½ in 1868, to which rate deaths in the county hospital contribute; 85,000*l.*, or more than one
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year's rateable value, has been expended on water supply, and 100,000*l.* borrowed for sewerage and other public works. Only five per cent. of the houses are unsupplied with waterclosets. The drainage, however, is still into the Severn, though a net profit is made from the remaining scavenging. They have a surveyor, inspector, and assistant. Three adjoining local Boards imperfectly exercise their powers, and have a proportionately higher death-rate.
3930.

Great Yarmouth. Diver, 11,416.

In Great Yarmouth, a great maritime borough, there was strong opposition to the introduction of the Public Health Act, from fear of heavy rates, but since its introduction in 1851 it has worked satisfactorily, and led to extensive drainage and sewerage operations. Considerable outlay has been also made for street improvements. Water has been supplied by a company, brackish and undrinkable water having before been drank. Defective drainage led to the first petition for the Act. The cholera had been very fatal in 1849, and from other causes the death-rate was always high. Complete sewerage is now carried out, but utilization of sewage is only under discussion.
11,400. 11,420-1. 11,411. 11,406.

The present Local Board, which is the Town Council, acts efficiently in sanitary matters.
11,443. 11,453.

Three adjoining places, parts of the borough, adopted the Local Government Act so lately as 1869, and their former government is already beginning to improve.
11,391.

Oldham. 11,455-61.

Oldham is a borough of 83,000 inhabitants (with a Local Act of 1826), which, in order to obtain a loan under the Public Works (Manufacturing Districts) Act, 1863, adopted for limited purposes the Local Government Act. But experiencing great complication in the working of their Act of 1826, in connection with the part adoption of the public Acts, the Town Council in 1865 found it necessary to obtain a special Act for the local government of their borough, and thereby have with great convenience to the population consolidated and amended the provisions under which they had been previously governed. Since 1863 20 miles of main drainage have been constructed within the borough, costing nearly 20,000*l.*, and 16,500 lineal yards of paved streets through which the main sewers run, and a vast amount of connecting drainage, which, however, is still allowed to discharge into the streams. There are seven constables employed in visiting the whole town to enforce sanitary regulations, and upwards of 2,000 nuisances have been abated.
3937-8. 3946.

Swansea. Richards, 7375.

Swansea has a population of 60,000, and Mr. Richards, M.P., one of our colleagues, says of it, "Perhaps there is no town in England or "Wales where sanitary works have been more "fully carried out." The readiness of the large ratepayers, owners of large smelting works, to encourage sanitary improvement, has been the cause. The water supply is very perfect, and town drainage, which, however, discharges into the sea. The cost has been large, but there is a very marked improvement in the health of the place.
7438. 7381. 7387.

Lincoln. Mantle, 11,136.

Lincoln is a borough of 25,000 inhabitants, which in 1865 was induced to adopt the Act from the prevalence of fever and deficiency of water, and the inability of the old Commissioners to make a remedy. Buildings have been improved. The cesspool system is not yet abolished, the opposition to the expense of sewerage on such a scale as to render utilization possible being still unsubdued. No more drains are allowed to go into the river, but builders of new houses are allowed to make cesspools. The Corporation has shown extreme reluctance to execute the powers of the adopted Acts; certain of their members who were most active, having been excluded.
11,145. 11,163. 11,162. 11,157. 11,166. 11,170.

Monmouth is governed by its Town Council and Commissioners under a Local Act, 58 Geo. III. It does not give such large powers as the general Acts, and is full of obsolete enactments, and many of difficult construction. Old main drains discharge into the river. There are cesspools, and no regular cleansing of them. In the neighbouring country, wherever there is a stream, people build privies over it. There are waterworks made by a company. If the streams and springs were kept pure, there would be no need of artificial water supply. Some of the well water is very bad, corrupted by soakage of drains and cesspools.
Monmouth. Milman, 4472. 4527. 4485. 4497–4509. 4501. 4500.

General Condition of Small Boroughs *not under* the Public Health and Local Government Acts.

Stafford.

Stafford shows a confusion of old jurisdictions. The old borough is under Improvement Commissioners, while a district within the present municipality, called Newtown, remains without local government. The inhabitants outside the old borough are very desirous of obtaining the benefit of the Local Government Acts, especially with respect to the drainage of their houses, greatly needed; but every attempt has been frustrated upon a division of the council. The Corporation and Commissioners act separately, and often clash. Neither body has power to borrow money for improvements. There is an inspector of nuisances at a salary of 10*l.*, but no health officer. In a recent small-pox epidemic, the Authorities could not interfere. The Guardians have failed in attempts to improve the grossly-neglected condition of the town. Consumption and rheumatism prevail from the dampness of the soil, owing to dammed-up water, and scarlet and typhoid fever frequently recur. There is only surface drainage. Pigs are kept to consume the offal of slaughter-houses in the town, and cattle fairs are held in the streets. The water is contaminated by soakage. No control is exercised over the erection of houses, and fever arises from the poverty and abominable construction of workmen's dwellings. The Council defeated (on plea of expense) an attempt to adopt the general Acts.
Day, 7237, 7244. Letter of Town Clerk, Vol. III. Part 2. Day, 7260. 7263. 7268–74. 7280–7307. 7328. 7293–4. 7304.

Tiverton.

Tiverton is an old borough, with a lace manufacture, and 10,447 inhabitants. The town clerk, who is also a clerk to the Board of Guardians of the Tiverton Union, states that the mayor, aldermen, and burgesses are the Local Authority, being *ex officio* Commissioners under two Local Improvement Acts, 1794 and 1822, for lighting, paving, cleansing, &c. They have made byelaws under the Municipal Corporation Act, and, of course, have the general powers and duties given by the Sanitary Acts. The adoption of the Local Government Act would simplify and complete the powers they want.
Hole, 10,053

They have an abundant supply of good water from neighbouring hills, which a reservoir would make perfect, but they assume that they have no power to make one. This water runs into the town in an open course, and is fouled by every sort of refuse. The byelaws under the Municipal Corporations Act against such a nuisance are not enforced. Some outlay has been made on sewers, which are still imperfect, and have their outfall into the Exe.
10,121.

Many other public works, most desirable and even inexpensive, their Local Acts give them no power to undertake. There is a reluctance to use the powers they have.

A new cemetery has been made, but the vaults in the old burial places, though found by medical men unfit, are not closed. Dilapidated houses are reported, but not repaired. The Guardians

do not see to the Vaccination Act being enforced.

Mortality has been reduced where the sewerage is carried out.

Basingstoke. Basingstoke, with a population of 4,640, is drained partly into a river of the purest water above the town, and partly into a canal. Soakage of sewage gets into the wells. The Local Government Acts have not been adopted from fear of expense, small cottage ratepayers having outvoted it at public meetings, and in 1865, when the matter was brought before the Corporation, it failed of the required two-thirds majority by one vote. Sanitary concerns are neglected.

Soper, 6929. 6939,–43,–55. 6940,–54.

Chichester. Of Chichester there has been formal complaint to the Local Government Act Office, and a report made by the inspector. Its population is 9,000. No sanitary works have been constructed. An Act has been obtained for removing the complained of cattle market from the streets. The relieving officer for the city is nuisance inspector. The Guardians do not consider they have any sanitary functions.

6953, 6971. 6937–91.

Street regulation is under a paving commission.

Seaford. Seaford is an ancient borough, part of the cinque port of Rye, one of the old unreformed charter corporations. Its population is 1,150.

The governing body under the charter consists of a High Bailiff, Recorder, and Jurats. The Vestry is the Sewer Authority, and acts by a committee. The Corporation govern the borough, and in the Recorder's opinion are the Nuisance Authority, but the Home Office decided that the Vestry were the Nuisance Authority, and the Corporation do not so act. What little corporate property they have, after paying one or two servants, they seem to share among themselves.

Buck, 3600. 3680. 3592. 3688.

Many houses are so dilapidated as to be unfit for decent people to live in.

3617.

They would not adopt the Local Government Act for fear of too much power getting into one or two hands, such as the agent of the chief landowner.

3636.

On complaint being made under the 49th section of the Sanitary Act of the state of the town, the Local Government Act Office sent down an inspector, on whose recommendation 2,800*l.* raised on a rateable value of 7,000*l.* has been spent on drains, with an outfall into the sea.

They have removed a pestilential cesspool, into which all the filth of the place formerly entered.

3637–3647.

A better water supply is wanted; the well water being good, but fouled.

3651.

They are shy of the expense, and want to pay off their sewer debt, and are afraid of their houses being interfered with. Nuisances are duly reported, but it is conceived that no power is given by the Acts as to dungheaps and pigsties.

The rate of mortality is only 14 in 1,000.

General Condition of Small Boroughs *under* the Public Health and Local Government Acts.

Banbury. A somewhat complicated case is Banbury borough, with its neighbouring townships of Neithrop in Oxfordshire, and Grimsbury in Northamptonshire. These were made a district under a Local Board in 1852, and considerable inconvenience is occasioned by each of these three portions being under different magisterial jurisdiction.

Pain, 4124.

The board consists of 13; 6 for the borough, 6 for the townships, and the Mayor. Part of the district being outside the borough, separate rates and separate accounts are necessitated.

4194.

Differing limits on rating have been only partly adjusted by provisional orders.

Drainage works were commenced immediately after the adoption of the Act; and complaints having been made by owners and occupiers on the stream into which they discharged, a farm has been taken for sewage utilization, which is now in full operation. Waterclosets have been introduced throughout the town; a private company supply water. Byelaws, based on the Home Office model, have been adopted.

The death-rate has been reduced from 26 to 18 per 1,000, and the inhabitants attribute great additional comfort, as well as health and cleanliness, to their new system of drainage.

4152.

Knaresborough. Knaresborough, an old borough, got an Improvement Commission 50 years ago, but adopted the Local Government Act last year, to prevent their being over-ridden by a Bill which was introduced by the Harrogate Water Company, the company for supplying Harrogate (three miles off) having proposed to take power to extend their works to Knaresborough. Drainage has been done by the Commissioners, and the town was consequently healthier. A retired sergeant of police is employed as inspector of nuisances and of lodging houses. The new Board is allowed to be a great improvement on the old Commission, though constituted of the same men.

Woodd, 10,140–64. 10,149–54. 10,142–70.

Llanelly. Llanelly, having a population of 13,000, on an application emanating from a local Chamber of Commerce in 1850, applied the Public Health Act, 1848, and changed its old government under a Portreeve and Burgess for a Local Board of 12.

R. Johnson, 3167. 3155–63.

Considerable sewer and water works are in progress.

Considerably more than its rateable value has been borrowed, chiefly from the Public Loan Commissioners, for water, which has been hitherto deficient. And when the reservoir was low was very bad.

3188.

The Local Board have an inspector, who also acts as surveyor, with an assistant, but no officer of health.

3215, 3298.

General Condition of Non-corporate Towns *not under* the Public Health and Local Government Acts.

Tunbridge. Tunbridge is a town of 7,000 inhabitants. There was no action by the Vestry in sanitary matters till, in 1866, it formed a Committee of its members to carry out the Sanitary Acts. They appointed two local surveyors, who reported that for want of sufficient fall it was impossible to drain the town. An engineer, however, made a plan, which was referred to Mr. Rawlinson, and approved by him, and the sanction of the Home Secretary was obtained to borrow the estimated cost of 6,000*l.* The ratepayers, upon this, expressed such dissatisfaction as caused the Committee to resign, and so further proceedings were stopped. Another Committee was appointed to attend to certain nuisances, and the Vestry are in conference with the Local Government Acts Office about plans. Meanwhile the drainage of the lower parts of the town is very bad, and low fever at times hangs about those parts. A company supply water from the Medway, but not enough to flush drains. A tradesman in the town is paid 20*l.* a year to inspect nuisances and lodging-houses. A main sewer runs through the town, made many years ago by private subscription.

Alleyne, 3483. 3527. 3494. 3500, 3509. 3545.

Stow-in-the-Wold. Stow-in-the-Wold is a town of 1,000 inhabitants, with no local government but its Vestry, which has delegated its powers to a Committee of 15, but through internal dissension a portion

Hippisley, 3339. Francis, 9665. Hippisley, 3374–5. 3384. Francis, 9669. 9670.

resigned, and the number got reduced to 9. The most necessary works have since been stopped by litigation. Though the town stands on a hill, the drainage is far from satisfactory. The people dig till they get to a "swilley," or fissure in the rock, into which the sewage can run, and from which it oozes into the wells. There is no inspector of nuisances, which abound without ever being removed. The vestry accounts are never audited. The Clerk to the Committee says that the expenditure having been objected to, the Committee decline to have that question decided by an auditor instead of in a court of law. There is no law compelling any audit of a Vestry's sanitary expenditure.

Dorking. Dorking is a town of 6,000 inhabitants, not under local government, wholly undrained. The sewage runs into the surface drains with the rain, and fever and disease are prevalent. The witness attributes the fever to cesspools. The water supply is very bad.

Dewdney, 9624. 9625. 9634.

Ulverstone. Ulverstone (on the evidence of Mr. Brogden M.P.) has a population of nearly 8,000. In 1853, in consequence of the excess in the returns of the death-rate, Mr. Rawlinson inspected and reported, "Neither proper sewers "nor drains, cesspools crowded among cottages, "prevalence of fever, and no local governing "body with sufficient power;" he recommended, however, "no further proceedings (!) unless on "requisition from the ratepayers;" and nothing was accordingly done till 1858, when the mortality was again very heavy, and an ineffectual attempt was made to adopt the Local Government Act. In 1864, the death-rate being then over 35 per 1,000, Dr. Lankester was brought down to lecture, and he also made a report of the general unsanitary condition of the place. There were no sewers or drains, except of dry rubble for removing surface water. Street and yard channels were filled with liquid refuse. Cesspools were crowded amongst the cottages, and fever was chronic in the houses of the poor. The adoption of the Act was still opposed, at a great expense, by the majority of small ratepayers. A Board of Surveyors under the old Highway Act incurred some expense for drainage at their own risk. It was disputed whether they or the Board of Guardians were responsible for removing nuisances, and none are removed. The adoption of the Act was at length carried, but an appeal to the Secretary of State was immediately lodged against it on the ground of informality. By a compromise of dispute, a Committee of Guardians made some outlay on urgent improvements. Just enough has been done to frustrate the interference of the Secretary of State, and avoid local improvement.

Brogden, 11,507–8. 11,510–1. 11,525. 11,921. 11,556. 11,528.

Surbiton. Surbiton, with a population of 7,000, was put under Improvement Commissioners by a local Act, 1855, incorporating the Towns Clauses, chiefly with a view to drainage, and with other powers. It is a district of 1,800 acres, one-third built on, adjoining Kingston-on-Thames. In four years the Commissioners have completely succeeded in curing a filthy condition, "purifying the air, and making the place habitable." In their endeavours to comply with the Thames Navigation Act, 1866, forbidding the discharge of sewage into the Thames after a given date, they have experienced considerable difficulty. The Metropolitan Board of Works have refused to admit the sewage of Surbiton, &c., at Putney. The Sewage Utilization Act, 1865, contained certain clauses intended, amongst other purposes, to benefit such places as Kingston, Surbiton, and Richmond. Under them the Local Authorities were enabled to take land compulsorily for making sewage farms, and to combine and make one joint scheme. The value of the land desired and the opposition of residents on the one hand, and the fear of expense among the Commissioners themselves on the other hand, defeated this scheme. The Chairman of the Commissioners would *enforce* combination and carry the sewage by pumping to a purely rural district at Bagshot Heath, at a distance of 12 or 13 miles.

Walpole, 5219. 5225. 5226. 5228. 5236.

Epping. Epping is a case of a small town of 2,000 inhabitants. On the passing of the Acts of 1866 and 1868, the Guardians discontinued their former Nuisance Committee, being advised that their powers determined.

Epping, Clegg, 731.

An active medical officer of the Union, who is our witness, did his utmost to set the law in motion in vain. A special drainage district was formed in January 1868, but in order to defeat action the members of the Board resigned; since which there has been neither committee, nor inspector, nor any sanitary officer in the whole district. The Home Secretary is about to exert his powers under the 49th section of the Sanitary Act, but the locality hitherto has managed to evade his action. The sanitary condition of the place is very bad, the mortality greater than in any other part of Essex. Typhoid fever has prevailed from the want of drainage and of good water.

740. 748. 744.

General Condition of Non-corporate Towns *under* the Public Health and Local Government Acts.

Croydon. Croydon is stated by the Chairman of its Local Board to have been the first place to which the Public Health Act of 1848 was applied. Its rateable value being 210,000*l.*, it has spent 200,000*l.* on sewage utilization, and the outlay has more than repaid itself, and 70,000*l.* on supplying itself with water. The rate of mortality has fallen from 62 to 18 per 10,000.

Johnson, 2890. 3007.

Every householder is obliged to conform with the general system, and connect his house with the mains. There are two nuisance inspectors, and three house inspectors; no medical officer, but two physicians are members of the Board. Money borrowed on mortgage at the rate of five per cent. is being paid off in 30 years.

2909.

Merthyr Tydvil. Merthyr Tydvil is a district with a population of 55,000, under a Local Board, part of which has become overcrowded by increasing colliery works, and so subject to typhus. The medical officer states that several hundred workmen's houses are being run up in a neighbouring valley without system or drainage; the Board had, therefore, to use the powers of the Act against great difficulties. Merthyr Tydvil has spent 82,000*l.* in collecting water from the hills around, and 30,000*l.* on sewers, and can distinctly trace to such sanitary provisions a reduction of the death-rate from 30 to 20 per 1,000 within 19 years. The reduction of infant mortality has been peculiarly remarkable. The Artizans and Labourers Dwellings Act, 1869, has been put in operation, and regulations under the Diseases Prevention Act, 1855, worked successfully in suppressing a cholera epidemic in 1866.

Dyke, 6329–30. 6340. 6342. 6287. 6297.

Byelaws have prevented improper buildings, and enforced drainage, and there has been a complete registration of houses.

6350. 6106–8.

General Condition of Rural and Semi-rural Places *not under* the Public Health and Local Government Acts.

East Bridgford. East Bridgford is a parish of 460 inhabitants, where fever is constantly recurring from bad drainage, and the Guardians have utterly failed even to put the powers which they have in force. There is excellent natural drainage, and the place ought to be very healthy. The people drink the water of the Trent after it has received the sewage of Nottingham. The wells are deep, but the soil is porous, and the drainage poured

Beaumont, 4919. 4933. 4938–9.

into holes called dry wells finds its way into them.

4940. *Terling.* Terling is a country parish of 900 population, where a deadly fever once prevailed, the Board of Guardians having wholly neglected their sanitary duties. The Privy Council sent down an inspector, Dr. Thorne, and the Vestry, convinced of their duty, proceeded under his superintendence to construct waterworks. The Secretary of State, under the 96th section of the Sanitary Act, has employed the police to institute proceedings, and nuisances have since been effectually removed. The Vestry have since spent 1,700*l.* in the supply of water. The drains from the houses go into the fields.

Blood, 3902. 3886, 3895, 3902, 3878.

Biggleswade. Weale, 13,670-94. Biggleswade is a small town in Essex in a filthy condition, where the small ratepayers outvote all propositions for adopting the Local Government Acts. (See evidence at length.)

Saxmundham. Saxmundham is a rural parish of 1,200 population in Suffolk, whose Vestry formed a Committee for sanitary purposes under the Sanitary Act, the Guardians, of course, being the Nuisance Authority. The drains running into a brook created a nuisance, of which complaint at last came to the Home Secretary. Long discussion and correspondence with the Local Government Act Office ended at length in an order for abatement, and works are planned. Disputes still continue as to the comparative merits of rival schemes. Some cottages are stated to be unfit for habitation. There are several inspectors of nuisances in the union, usually relieving officers, receiving extra salaries of 10*l.*

Thurlow, 5559. 5600.

Country near Oxford. Field, 6025. Mr. Field, a land agent near Oxford, states that the villages want public drains; they have insufficient water to drink. He gives a single instance of a parish, Fenny Compton, forming a water company. There are cottages, especially those of squatters, scarcely fit for a pig to live in. He knows cases of two whole families living all in one room. Inspectors of nuisances often work well, but are ill paid, and are very partial in the orders they give.

6044. 6088. 6129. 6079.

Villages in Norfolk. Beckett, 6523. 6528*a*. The Rev. W. Beckett, rector of Ingoldsthorpe, gives a bad account of all his large union, with the exception of one parish. Inspectors of nuisances are badly paid, with such salaries as 12*l.*, and are wholly inefficient. Nuisances prevail, and ill-health is the consequence. Privies drain into open ditches, which extend through the marshes for two miles to the sea. Drinking water is fouled by soakage. Vile cottages abound, placed in unhealthy situations; keeping bodies of persons who have died of infectious diseases in small cottages is a great cause of complaint. The Highway Act, after adoption, has been abandoned as a failure.

6556. 6621.

Mr. Read, M.P. for South Norfolk, says the rural districts are generally well supplied with water and drainage; that privy accommodation has been much increased of late; and what they most complain of is water dammed up for mills and navigation. No use is generally made of village sewage. A few industrious cottagers may be found collecting house and pigsty refuse for their gardens, but most of the manure from labourers' dwellings fertilizes only the air with disease.

Read, 7919. 7954.

Semi-rural districts, Lancashire. Lord Egerton, 6876. Lord Egerton says of the rural districts of Lancashire that in some places Local Boards and Guardians exercise a very proper jurisdiction, but other places are perfectly neglected. It depends on individual activity. Many such districts in that county suddenly become urban, and rapidly outgrow the powers of Rural Authorities. The transition state is a source of much difficulty. Vestries they have nothing to do with; they have no such thing in their rural districts.

6877. 6895.

Villages, Lincolnshire. Mr. Winn, M.P. for North Lincolnshire, and Chairman of Glanford Brigg Board of Guardians, gives a better account of the action of inspectors there. Improvements are going on in cottages. In North Lincolnshire generally they all have spring water close on the spot, but the drinking water is in cases polluted from privies and pigsties. But large works are not wanted; the cure would be within each parish. There is a Court of Sewers for surface drainage of the land discharging into the Trent. Relieving officers frequently act as inspectors of nuisances at extra salaries of from 5*l.* to 10*l.*

Winn, 7482. 7484. 7486. 7523.

Country about Reigate. Mr. R. Clutton, a surveyor and land agent near Reigate, stated that the Board of Guardians to which he belongs have a fairly good inspector of nuisances, paid 60*l.*, though he knows that in other unions they are much less efficient and worse paid. The Vestries usually get into the hands of inferior persons. There is much need of improvement in the privy and water supply of cottages, and great inertness in sanitary progress.

R. Clutton, 8351. 8375, 8386

Midland Parishes. Mr. Huskinson, who is agent for large estates in Nottinghamshire, Leicestershire, Lincolnshire, Derbyshire, and Suffolk, and has for many years been an inspector under the Inclosure Commissioners, states generally that in rural districts there is no application of sanitary laws, and that the state of rural parishes is as bad as possible. There are, he says, some parishes belonging to large proprietors where a good deal has been done with regard to sanitary matters, but they form a very small part of the whole, and as to the great bulk really nothing has been done at all. The state of the villages generally he describes to be this, that there are scarcely any house drains, and as a rule no street drains, or in but very few instances; there are open cesspools, very ill-constructed privies, and open and offensive ditches in many places, and those things, of course, have a serious effect, as he believes, on the health and comfort of the inhabitants. In many parishes the water supply is extremely defective. He says, that as a rule there is neither proper drainage nor water supply. As a rule, neither towns nor counties utilize sewage. Even the best-drained towns discharge into rivers or sea, and many are having Chancery proceedings taken against them in consequence. (See Nottingham.) There is practically no acting authority.

8499. 8546. 8612.

Northern Parishes. Mr. Snowball, chief agent to the Duke of Northumberland, having experience in Durham, Yorkshire, Lincolnshire, and other counties, says, country villages within his knowledge are in general drained very badly, and ill-supplied with water, and the same may be said of Bucks. Cottages were very bad, but are greatly improving; they are generally attached to farms, paying no rent, but not so in Durham and Yorkshire.

Snowball. 8088. 8037. 8118. 8052.

Wales. Lord Penrhyn gives a good account of a large Union in North Wales, in the management of which he takes part, and the more populous parts of which are under the Local Government Act.

General Condition of Semi-rural Districts *under* the Public Health and Local Government Acts.

Harrow. Harrow obtained a Local Board in 1850 by provisional order, its district being 1,000 acres (which includes the hamlet of Roxeth), and the rest of the parish, about 9,000 acres, being a special drainage district. The whole is a parish in the Hendon Union, the relieving officer of which is the Guardians' inspector of nuisances. All classes of inhabitants, including the highest, serve on the Board, and with such goodwill that

Winkley, 3801. 3823.

considerable sanitary works, interfering to a large extent with private property, have been executed with little cost in the way of compensation. The parish being partly under the Act and partly not has caused some difficulties. The clerk of the Board states that works for utilizing the discharged sewage are in preparation. Land is already bought for irrigation, under the powers of the Lands Clauses Act. The inspector of nuisances is also surveyor and collector for the district, and though there is not a medical officer, there has always been a medical man on the Board.

3758. 3804. 3801-3.

Ottery St. Mary. Ottery St. Mary is a Devonshire parish of 9,944 acres, and 4,340 population, 2,500 of these being in the town, which obtained, by Order in Council, 1850, a Board consisting of nine, under the Public Health Act of 1848. A special district rate had been levied on the town for sewerage and water supply, but ceased on the adoption of the Local Government Act. Sewerage and water supply have been effected, and former ill-health has diminished. The discharge of drains, however, is still into a stream, but removed below the town. An inspector of nuisances and surveyor have been appointed. Local government works satisfactorily, and former Vestry squabbles have ceased.

Davy, 3001. 3040-9. 3118-3131.

Aldershot. Aldershot presents a special case, where the establishment of a camp has brought an influx of nearly 8,000 population on a wild country, and government nominees are called upon to act as members of a Local Board. The district of the Local Board is drained into the Blackwater; water and gas are supplied by companies; a sanitary officer is appointed and a surveyor also is inspector of nuisances. Sewage utilization has been carried out for the camp.

Bailey, 5957-91.

Forest of Dean. Districts of the Forest of Dean, rapidly covered by a coal mining population, adopted the Act in 1866, and has thus partly mitigated the evils incidental to such hasty crowding.

Heane, 6733.

So much for the comparative condition of various kinds of places under Local Acts, the general "Local Government" Acts, or no Acts for local government beyond the "Nuisance Removal," "Sewage Utilization," and "Sanitary" Acts.

General Rate of Mortality.

The Reports of the Registrar-General show the following facts, that the degree of mortality amongst our rural population is much less than amongst that of our towns. The mean death-rate in town is 24, in villages 20 per 1,000. There are country districts where the average mortality is 15 in 1,000, and some are so neglected as to be constant nests of disease—where the soil is undrained, and nuisances unremoved, dwellings unhealthy, and drinking water fouled and scanty.

Dyke, 6447. Rumsey, 4329. Trench. 7794.

Want of drainage is a frequent cause of sickness and death.

There are many preventive causes of mortality not recognized by sanitary enactments.

Sanitary works in the last 19 years have reduced mortality frem 30 to 20 per 1,000, especially among infants. In Croydon, mortality has been reduced from 26 to 18.

Lord the Fortescue, 5506, 5518.

Lord Fortescue says the same generally of rural districts, and that farmers are therefore taking more interest in the suppression of nuisances.

Present Confusion of Local Authorities.

Simon, 1809-10.

Mr. Simon says the faults of incompleteness in the present sanitary administration are small in comparison with the faults of confusion. The state of the law, especially in relation to Local Authorities, is chaotic on the most favourable construction of the law at present. He supposes we may say that in all country districts there is one Authority for every privy and another Authority for every pigsty; but also that with regard to the privy, one Authority is expected to prevent its being a nuisance and the other to require it to be put to rights if it be a nuisance. He says that at the Privy Council they have been constantly having before them cases illustrating the chaos. They are asked questions, which they are totally unable to answer, as to what are the limits of duty of the two Authorities. It is difficult to know who are the Local Authorities in parts of parishes when the other part is under the local government or the Public Health Act. Health legislation has been at great disadvantage in regard to organization and Authorities. It has all been in a most desperate state of confusion. Invaluable principles are affirmed, but the necessary organization and authorities are non-existent.

Simon, 1813-4. 1812. 1868.

Mr. Blagg says all rural places must suffer from the confusion of Authorities; ordinary people cannot tell where the powers of the Guardians end and those of the Vestry begin.

Blagg, 11,795.

Mr. Rayner observes that by simplification and consolidation both of law and Authorities, economy would ensue, local government being now wasted by multiplication of both, and in such a state of confusion that nobody can make head or tail of it.

Rayner, 2312-3.

Mr. Carr, of Newcastle, says if the law could be consolidated it could be more cheaply and efficiently carried out. There is great confusion as to the Acts, and the application of certain Acts to the Authorities.

Carr, 2730.

Mr. Alleyne observes that in Tunbridge there are three different Sanitary Authorities in operation in that country town: the Vestry Committee, the Guardians as Nuisance Authority, and the Board of Surveyors of Highways. All should be centred in one Board.

Alleyne, 3573.

Mr. Blood describes the confusion between the Sewer and Nuisance Authorities; and in the law putting some works on to one legal body, and some on to another.

Blood, 3902. 3910.

Dr. Rumsey says he has repeatedly represented the anomalies and perplexities caused by the present jumble of Sanitary Authorities. The chaos seems to have been increased by the creation of two classes of Sanitary Authority by the Sanitary Act of 1866. He has commented on the several sources of confusion in these Acts in the Journal of Social Science, October 1866. He tells us—

Rumsey, 4294. 4295.

"For instance, how unreasonable is the enact-
"ment that, while hospital accommodation is to
"be provided by the Sewer Authorities, the car-
"riages which are to convey the sick to those
"hospitals are to be provided by the Nuisance
"Authorities. I admit that a Local Authority
"may act as both a Sewer and a Nuisance Autho-
"rity. The Sewer Authorities are now to pro-
"vide supplies of medical relief as well as hospital
"accommodation in the very districts wherein
"the Nuisance Authorities, that is, the Board of
"Guardians, have for the last 35 years had an
"organized system of infirmary and medical
"relief in full operation, and those very Boards,
"that is, the Boards of Guardians, under the
"Diseases Prevention Act, may be empowered
"by the Privy Council to extend this sanitary
"relief and accommodation during epidemics.
"Here, then, there are two sets of Authorities,
"which it is well known are often in opposition;
"empowered to do the same work in the same
"district, each of course ready to throw off the
"responsibility and to charge the neglect upon
"the other. The Sewer Authority may pro-
"vide hospitals, but it has no staff of medical
"officers to carry its powers into execution. The
"Nuisance Authority has the staff quite ready
"and daily at work, but it is not empowered to
"provide the accommodation. So, in the impor-
"tant matter of registration, as well as in the

"established medical relief, the Nuisance Authority possesses the officers, the materials, and "the sources of information, but its hands are "now tied and the new Sewer Authorities or "Local Boards are to do the work, for which, in "general, they possess neither machinery nor "information. The new powers given to parish "Vestries have, to my knowledge, been pleaded "by Boards of Guardians as the reasons for not "doing their customary duty as Sanitary Authorities. Satisfactory sanitary progress is next "to impossible while there is this divided local "responsibility."

4295. Mr. Lambert observes that there is necessarily a confusion between the powers of the "Nuisance" and "Sewer" Authority, inasmuch as similar works may be undertaken by those two Authorities in the same district. If the sewer is made by the Vestry the expense is defrayed by a rate over the whole parish, in which property of a certain class is assessed at one fourth only; whereas if the work were done by the Guardians, the rate would be assessed only upon the premises which drain into the sewer.

Lambert, 4646.

Farr, 5053. Dr. Farr says: "The administration of the "Health Acts is now in a most unsatisfactory "state, owing to the confusion of the divisions "and of the Authority."

Mr. Dyke enumerates the Local Board, two Burial Boards, the Board of Guardians, the district registrars, and factory inspectors as a series of functionaries about Merthyr Tydvil which ought to be concentrated in one elective Board.

Dyke, 6304–5. Mr. Huskisson says there is an authority in each parish, but it is so difficult to know with certainty what it is, and how it can be coerced to action, that practically people have let it alone.

Lord Fortescue describes the difficulty of learning what duties belong to the Sewer and Nuisance Authorities respectively, and a case where the Guardians acted *ultra vires* by mistake, and the constant danger of Highway Boards and Guardians coming to a misunderstanding as to the extent of their duties.

Lord Fortescue, 5481–3.

5499. Mr. Brogden states a case in which, after the ratepayers had refused to adopt the Local Government Act, a Highway Board [a Board of surveyors under 5 & 6 Will. IV. c. 50] was appointed, and incurred an expenditure of 700*l.*, in Ulverstone, which was disallowed, and the Board of Surveyors had to pay out of their own pockets.

Brogden, 11,521.

11,556–7. Mr. Wilson says: "Where the Public Health "Act is in force, the Nuisance Authority and the "Sewage Authority are the same; but with "regard to many of the recent Acts the Nui- "sances Removal Act, and those which have "been applied in places where the Public Health "Act is not in force, the Nuisance Authority has "not been the same with the Sewer Authority. "Under the Nuisances Removal Act the Board "of Guardians were constituted the Nuisance "Authority, but under the Sewage Acts, the "Sewage Utilization Act of 1865, and its amending "Act, the Sanitary Act of 1866, various powers "were taken from the Nuisance Authority and "given to the Sewer Authority; but in doing so "some of the powers given by the Nuisances "Removal Act have been transferred to them, "and others have not been transferred. Not "seeing myself, or not understanding any reason "for the distinction, I can only suppose it to "have been an oversight. I may be wrong, but "it appears to me that there is no sense on the "face of it why certain powers should have been "transferred from the Nuisance Authority and "others, which certainly justified as much the "action of a Nuisance Authority, should not "have been conferred upon the same Board."

Wilson, 1698.

Mr. R. Clutton gives cases of structural works, where difficulty arose from the inability of Guardians to carry them out without the co-operation of the Vestry, and observes that the uncertainty of the law and duplication of Local Authorities led to considerable inconvenience.

R. Clutton, 8399–8404.

Mr. Grantham, inspector under the Inclosure Commissioners, gives the instance at West Ham of clashing jurisdiction between a Sewer Commission and the Local Board.

Grantham, 1496.

Sir Joseph Heron wishes the possibility of conflict of Authorities were avoided by improved legislation; and Mr. Johnson, of Llanelly, suggests that the Diseases Prevention Act should be executed by the Local Board. It may be observed that the Privy Council can so employ them, as they did in the case of Southampton, as stated by Mr. Alderman Stebbing, who also observes that great difficulty arises from the same body not governing the town and the ships in harbour.

Heron, 2323. R. Johnson, 3257. Stebbing, 5811. Wyatt, 10,440. Stebbing, 5910.

With respect to the Bakehouse Act, it is the duty of the Local Authority to prevent the employment of children where the bread is baked, while the rest of the premises are under the factory inspector. Personal irregularities cannot be properly dealt with by another member of the same community.

Redgrave.

As to Provision of Sanitary Law being left to Voluntary Adoption.

The Sanitary and Sewage Utilization Acts are *practically* permissive.

Blagg, 11,773.

Mr. Pember being asked what defects he thought there were in the present statutes, says: "You will gather from all I have said that the "consent of the people being necessary for the "adoption of those statutes is the most flagrant "fault in them. I think a great mistake was "made when Parliament receded from the general "principle of the Act of 1848, that people should "have no prescriptive right to be dirty."

Brogden, 11,538. Mantle, 11,199. Pember, 4792.

A shocking amount of hot blood, rancour, and bad feeling is occasioned by the construction of these statutes. The fact that it is left to people to fight out amongst themselves, first of all, whether they will apply the statutes at all; and secondly, as to the way in which they will apply them, whether they will have a district or not, is productive of a great deal of harm.

4788. Brogden.

Mr. Taylor being asked, Is there not a great difficulty in bringing towns under the Local Government Act? answers, "There is, and "there is not. There is a difference of opinion "almost everywhere. There are some who "desire to come under the Local Government "Act, and others who do not, and it is a question "which party is strongest." "The powers and "duties are already in existence almost every- "where. The country is being gradually "covered by those powers."

T. Taylor, 8720. 8721–9.

He says, in the event of there being an indisposition, there is no power of compelling a district to form a Local Board. He would himself rather leave the adoption of the Act to the operation of circumstances, which are tending in that direction. He thinks that there ought to be a power of compulsory combination of Authorities resident in the Central Authority in the last resource.

92. 98. 8725.

Mr. Arnold Taylor admits that several large towns are neither under the Local Government Act, nor any Improvement Act, yet he would still allow large towns to adopt the Act, but he thinks it would be desirable to declare the Local Government Act to be in operation in all towns above a certain size, and in the same way the Sanitary and Sewage Acts in districts with less population, but feels there is a difficulty in taking population as a basis of definition.

A. Taylor, 1201. 1204. 1205.

Mr. Norris thinks it very desirable that places of above 10,000 inhabitants should be compelled to adopt the Local Government Act. Mr. Clegg would put it in force in every parish in the kingdom. Mr. Chambers would turn the Local Government Act from a permissive to a compulsory Act all over the kingdom. Mr. Harrison, speaking of combination of parishes for sanitary purposes, says, "unwillingness must be got over by compulsion." Mr. Ponsonby says there would not be much difficulty in framing one general measure, the whole of which should be applicable to large towns, and some part of it to all places, great and small, containing provisions with reference strictly to sanitary matters.

Norris, 951. Clegg, 751–2. Chambers, 10,381. Harrison, 6210, 6265. Ponsonby, 3950.

There is a general wish, we are told, among the respectable inhabitants of Stafford, for the compulsory adoption of the Local Government Act.

Day, 7296.

Instances are given of failure in attempts at adoption by the more intelligent inhabitants being outvoted by a mass of small ratepayers, when in the opinion of witnesses it was clearly the interest of the place.

At Tunbridge adoption has been long delayed, and only may at last be effected with difficulty.

Alleyne, 3521.

The more intelligent inhabitants of Basingstoke have always been overborne by the cottage ratepayers, or by the failure of getting the required majority of two-thirds of the Town Council.

Soper, 6953, 6991, 6998.

Cray Valley could not get the united Local Authority it wanted, and which was necessary to carry out its works, for want of power to compel combination of the parishes concerned.

May, 4215.

Aldeburgh cannot adopt the Act from the dread of the majority of ratepayers of possible expenditure.

Dowler, 10,246.

At Biggleswade, in spite of urgent need, a mass came to the meeting who refused to pass the resolution for introducing the Local Government Act. The state of the town, says Mr. Weale, as represented by the inspector, was such that if anything short of absolute force could have induced the people to do something, it would have done it. The inspector's report was sent to the Secretary of State, but *nothing was done* in consequence.

Weale, 10,679.

Bracebridge, in Lincoln union, refuses either to adopt the Act or to use its present powers. Chichester likewise. (See full account.)

10,680; 10,784. Mantle, 11,196. 11,232. A. Taylor, 1295.

In Ulverstone, in the face of heavy mortality, the proposal first proved fruitless, and was with difficulty afterwards carried; the adoption was appealed against, and after great expense finally failed.

Brogden, 11,513. 11,525.

The nature of the reluctance to adopt sanitary law as such, is not ill illustrated by instances in which that reluctance has given way before a still greater indisposition to come under other legislation of not absolutely compulsory character. Thus, when the General Highway Act of 1862, for the formation of highway districts, came into operation, "scores of places, particularly in "Yorkshire and the North of England generally, "not intending to do anything under the Local "Government Act of a sanitary kind," nevertheless adopted that Act in order to retain the management of their highways, and "to escape the "operation of the General Highway Act." So wide spread was this disposition to avoid the fair incidence, each in its proper sphere of action of the two Acts (which the Legislature had virtually left parties at liberty to choose between), that it was found necessary in the Local Government Act, 1863, to make provision against like abuse in future.

Taylor, 861.

In Great Yarmouth simple fear of expense prevented adoption of the Act.

Diver, 11,476.

In Bromley the refusal by the Home Office to sanction the plan of the Local Board has led to nothing being done.

Devas, 11,308; 11,351.

Mr. Dewdney, of Dorking, says, "Take the "Local Government Act and erase the word "*may* and insert *shall*. Efforts there at adop- "tion were long outvoted by a vast number of "small proprietors of cottages."

Dewdney, 9633.

At Lincoln there was much difficulty in inducing the Corporation of that city to adopt the Act, the opposition chiefly arising from the owners of small tenements. In 1865 the Act was adopted, and in November of that year all those members of the Corporation who had voted for its adoption, and who had to seek re-election, were expelled from their office.

Mantle, 11,153. 11,157.

Want of Coincidence of Areas of Local Government.

We have much evidence on the evils of a want of coincidence or identity of *area* for various purposes of local government.

Dr. Rumsey observes that parishes (in the civil sense as places having separate poor-rates,) in 550 instances extend into two counties or hundreds, and 180 out of 160 unions overlap county boundaries. He laments the double difficulty caused by the ancient parochial unconformity with counties, and the modern union intrusion upon counties. He says the climax of confusion was reached when the Registrar-General constituted a new set of counties, which he called registration counties, aggregates of registration districts, and suggests that wherever a registration district is divided by a county boundary, the vital and sanitary statistics of the two portions should be returned separate. There would be many advantages in bringing sanitary matters under county jurisdiction, especially in the appointment of scientific officers for sanitary inquiry and advice. The first step is to recognise registration districts as areas for sanitary investigation. "There is no general agreement between "the areas for statistical returns and the areas "of sanitary management."

Rumsey, 4287. 4274.

Mr. Lambert observes that registration districts are generally coincident with unions. The vaccination and medical districts do not coincide. Unions were originally formed by assistant-commissioners, who were sent down to make inquiry as to the most convenient way of arranging groups of parishes into unions, having regard to the area that it should not be so extensive as to create inconvenience in the administration of relief, and that the population of the parishes to be united should be sufficiently extensive to warrant the formation of a union. Other things had to be taken into account, for example, the existence of Local Acts, and the difficulty of obtaining the consent of certain persons where those Local Acts were in force. In some cases where you had a town surrounded by a county district, the town, owing to this difficulty, was sometimes placed in one union and the country district in another union, although that country union formed a circle or half circle round the town.

Lambert, 4600. 4637. 4671. 4673.

There is absolute power under the Act of 1844 given to the Poor Law Board to separate parishes from unions, and to add parishes to unions, although they have no power to break up an entire union without the consent of the Guardians. There have been instances of a certain number of parishes taken from one union, and a certain number from another, and a new union constituted. Revision and re-distribution is a work of difficulty, but not so much so since the Union Chargeability Act. The Gilbert's Unions are now wholly abolished.

4678. 4682. 4711–2, 4725. 4724.

Dr. Farr, speaking of his statistical department of the General Registration Office, says it is difficult to make the divisions of the country coincide. He urges the importance of endeavouring to make the same boundaries serve for

nearly all purposes; and the desirability of not creating new districts at any rate, but of adhering as much as possible to the old, and making the district, whatever it be, serve for nearly all administrative purposes. A great many of the difficulties of administration under the Sanitary Act are derivable from their being no great division of the country for all purposes, such as is found in France. You cannot get a simple administrative system till you get a sound division of the country, taking into account the existing state of things. The administration of the Health Acts is in a most unsatisfactory state, owing to the confusing of the divisions and the confusion of the Authority. The poor law union or registration district would be the best district to deal with all except the towns.

Farr, 4447–51, 5053–4.

Re-adjustment of the boundaries of towns so as to include populous districts which have grown up without the actual limits, is thought necessary by Mr. Thring for any system of sanitary legislation to be efficiently carried out.

Thring, 437.

But it is not suggested that areas can in all cases be made coincident. We have already directed attention to the evidence relating to Watershed Boards, and the districts under the jurisdiction, for certain purposes, of Commissioner of Sewers. Witnesses suggest that boundaries of sanitary districts should be extended, and new districts created as circumstances arise. When a town extends beyond a municipal area, the district would have to be enlarged. No system of sanitary legislation can be efficiently carried out without a re-adjustment of the boundaries of towns, so as to include populous districts which have grown up without the actual limits, and although constituting part of the town, neither share its burdens nor submit to its control. Cases constantly occur of boroughs under the Local Government Act, in which the population beyond the borough boundaries is increasing, while the population within the borough boundaries is stationary. The population within the borough boundaries, at present, has to bear all the rates, while the population outside the borough boundaries, which really and truly is a part of the population of the borough, gets all the advantages of the borough expenditure, and bears none of the borough burdens. What is wanted is some machinery by which the borough boundaries should be extended from time to time as the population increases outside the boundaries. This should be done by some machinery, similar perhaps to Provisional Orders—a machinery which should not cost the ratepayers of the borough anything. Another witness thinks the whole country, generally speaking, should be mapped out into sanitary districts, under local boards, new districts being created by central authority where necessary, and would enable the Central Authority, on recommendation of an inspector, to expand a district.

Thring, 434–5. 437.

T. Taylor, 8691.

Pember, 4775.

4790.

In Manchester some discussions have from time to time taken place as to the desirability of districts immediately around them being included within the area of the Corporation of Manchester. Some districts have felt rather anxious to be in; but the Corporation have not entertained such suggestions very favourably. It will occur very frequently in districts which are more populous than their surroundings, that for the purpose of general legislation and the carrying out of sanitary provisions, it would be most desirable that the power should exist and be exercised of including within such areas the surrounding districts.

Heron, 2417.

Mr. Ponsonby says,—In any general measure provision should be made for, say, such places as Oldham, taking in the outlying districts.

Ponsonby, 3951.

At West Hartlepool they considered it absolutely necessary for their well-being that the adjoining district should be under some local government, and were proceeding, by means of a Local Act, to annex an outlying district.

Wyatt, 10,420.

There should be power in the Central Authority to create new districts for sanitary purposes and impose a boundary.

Heron, 2418. Pember, 4790.

Mr. T. Taylor is quoted as saying, "If ever "the town of Epping is to come under any "efficient system of local government, and to "have proper means applied for its sanitary im- "provement, there must be formed a district of "the town of Epping, made up of, &c."

Clegg, 739.

Mr. Dyke would give power to the Central Authority to compel formation of local districts.

Dyke, 6331.

Mr. Rawlinson condemns the registration areas as practically useless, and in many cases mischievous for sanitary purposes, as regards towns and Local Boards, because a registration area is "not necessarily limited to either the "municipal area or the Local Board area, but "some area that is neither one nor the other.

Rawlinson, 664. See T. Taylor, 282; Clegg, 779.

Highway districts, when adopted, are in some counties nearly coincident with unions, as in Notts, &c., in others with petty sessional divisions. The unions have the advantage of having been formed round central towns, but the petty sessional divisions have generally the chief market town for their place of meeting.

Huskinson, 8528.

In Gloucestershire highway districts coincide more frequently with the petty sessional, and the result is advantageous.

Harrison, 6199. 6213.

Lord Fortescue deplores the want of coincidence of highway, poor law, and petty sessional divisions.

Lord Fortescue, 5495–7.

Areas have made to coincide in Hampshire. Vol. III. Part 2.

Lord Eversley has shown us how thoroughly and successfully the county of Hants has been so arranged. In 1846 the petty sessiona ldivisions throughout that county were made to coincide with the Poor Law Union districts. In 1863 the whole county was divided into highway districts, conterminous with these under representative boards of waywardens, who are practically much the same as the members of the Boards of Guardians. Parishes in unions lying outside the county boundary are simply omitted from the other districts. The same clerks and treasurers are made available for all these, with no great increase of salary. Every highway district has a surveyor, who is of course employed by the Guardians in their sanitary capacity. Where parishes are divided into tithings, each tithing has a waywarden and guardian to itself.

No new Sanitary Authority suggested for Town Districts.

Taylor, 8718; Lord Egerton, 6876. Thring, 356–419. Simon, 1962. Thring, 418. Heron, 2321–2. Chambers, 10,320. Lord Egerton, 6876.

No new Authority is suggested for towns or Local Board districts. The Local Government Acts fairly provide for health matters in those districts where they are fully in force. The Councils of boroughs, and elected Boards in other populous places, are generally allowed to want only more vigorous action. They are the sole Sanitary Authority in urban districts.

Mr. Chambers suggests that the qualification should be raised and their discretion lessened, for Local Boards generally.

Lord Egerton says there is most difficulty in the case of places just becoming towns. Large places are well cared for, but population growing up outside sometimes have practically no government at all.

Heane, 6766.

In the case of towns suddenly springing up, as in the coal forest of Dean, the Local Board is not working satisfactorily, and does not get the class upon it which is most interested and affected. The main expense falls on the workmen; the Board consists of large coal and iron proprietors. More working men and intelligent tradesmen should be on it. It has plenty of power.

6820–3. 6807. 6333.

Evidence in favour of *ex officio* element on Local Boards has been referred to above.

Suggestions of Witnesses for Improved Rural Authorities.

Following up the evidence on the condition of rural districts which are merely under the provisions of the later Acts imperfectly administered by Vestries or Boards of Guardians, we will now sum up the suggestions we have received as to a better Rural Authority.

Heane, 6845.

Their duties.

Before we sum up the evidence on the constitution of such Authorities, it may be well to give briefly the opinion of witnesses as to what must be their duties.

Mr. Arnold Taylor takes the sanitary requisites for villages to be four: water supply; sewerage; a good system of privies; and removal of nuisances. Lord Fortescue thinks it very desirable that the Local Authority should have control of the highways. Mr. Beckett agrees, provided all powers were in a parish Board for the purpose. Mr. Field thinks that surplus-water drains should be constructed in every village; but that the old system of a privy with an ashpit should be retained, and inspectors see that they are emptied. A proper water supply should everywhere be secured, sometimes by two or three parishes uniting with easement power to go through lands. Rural Authorities might also have power to enforce sanitary requisites in cottage building.

Lord Fortescue, 5499. Beckett, 6716. Field, 6026. 6042. 6050, 6130. 6053–71.

Mr. Pember and Mr. Blagg would have sanitary matters directly controlled by the Central Authority.

Pember, 4830. Blagg, 11,805.

The great majority of the witnesses recommend either Vestries or Guardians as the Rural Authority, but it may be convenient in the first instance to mention the suggestions in favour of other Authorities.

Many witnesses recommend the grouping of parishes into *sanitary unions*, analogous to poor law unions, but not identical with existing poor law unions. Thus Mr. Milman (who accepted a suggestion that each parish should be represented) would retain Vestries as primary boards, being Authorities already existing in every parish, but he thinks the grouping parishes into unions for health purposes might be beneficial. Others would elect members of the Board in the same way as waywardens are elected.

Milman, 4556. 4555. Walpole, 5229. Field, 6027.

It will be remembered that such groups are intended by these witnesses to form units, and are not combinations of units, except so far as relates to rating and arrangements for representation.

A Local Board. Beckett, 6542, 6716–2. Huskinson, 8514.

A *Local Board* in every parish was recommended by Mr. Beckett, the Board to consist of the resident minister, churchwardens, overseers, guardians, highway surveyors, and magistrates resident in the district; and by Mr. Huskinson, who suggests a Board composed of persons resident in the parish and thus constituted, viz., the two overseers, the waywarden, and the guardians as *ex officio* members. He would supplement those by other four, elected by owners, the first named being in a more special manner the representatives of ratepaying occupiers.

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There are other suggestions, *e.g.*, one from Hull, that the nearest Local Board should have authority over adjoining rural districts; others would greatly increase the number of Local Boards in the neighbourhood of large towns, and thus at once bring the outlying districts under urban restrictions (See written answers from Bradford and Exmouth); or would forthwith extend area of the Local Board with the same object. (See written answers from Luton). Others would greatly extend the powers of the police. (See written answers from Bury and Newquay.)

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Several witnesses recommend magistrates, either alone or conjoined with others, but playing a more important part than *ex officio* guardians. Thus, Mr. R. Clutton would have the justices aided by chairman and vice-chairman of the Board of Guardians, and the chairman and vice-chairman of the Board of Highways. "I would "treat a nuisance as I would a drunken man," said Mr. Blood, who would bring the whole into a rigid code.

Magistrates. Batt, 10,481. 10,527. R. Clutton, 8359. Blood, 3923.

The writer of the answers from Winterton would place the authority in Justices in petty sessions, and would station a person in the centre of about every five villages, and let him execute such works as the Justices in petty sessions shall determine.

Mr. Simon says, that "there are certain health "actions that have to be discharged over large "areas, and perhaps in a somewhat different "spirit to that on which we can always reckon "in elective boards, and those I think would be "better exercised, as the lunacy action is now "exercised, by the magistrates of the country."

Simon, 1972.

Mr. Rayner, who claims to have had considerable experience of country districts, would take the districts for highway purposes just as they stand, giving the county magistrates in petty sessions jurisdiction over places of less than 5,000 inhabitants, and would allow them certain powers to inflict penalties, as they have under the Highway Act. He says, "The Board of Guardians, "as a nuisance authority, is quite ineffective. "It is a mixture of incongruous duties. They "should attend to the relief of the poor; high- "way surveyors have certain powers connected "with drains and nuisances, and they have ap- "pliances, plant, and servants to do all such "works."

Rayner, 2299. 2298.

Mr. Beckett would give magistrates authority over the parish board which he recommends.

Beckett, 6544–5.

Highway Boards.

Highway Boards, where they represent a group of parishes already formed, are recommended by Mr. J. T. Harrison, C.E., on the ground that they have officers and labourers for carrying on the works, but the Guardians, on complaint of their medical officer, should be empowered to call on this Sanitary Board to execute works.

Harrison, 6192, 6200 6193.

Mr. Francis, solicitor, and clerk to the Guardians at Stow-in-the-Wold, thinking a Vestry of a small country parish incompetent to deal in such questions as come before them, is of opinion that a Highway Board is the most suitable body.

Francis.

Mr. Weale, though he feels a difficulty from their not being universal, would prefer Highway Boards, as they are less burdened than Guardians, and have a mixture of magistrates and others.

Weale, 10,671. See Brogden 11,583–5.

Among the written answers that from Ilfracombe favours Highway Boards, complaining of the paucity of resident magistrates and the distance.

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Mr. Taylor considers this to be the question of the greatest difficulty in our whole enquiry. The farmers, who are the most interested, are generally the most opposed to sanitary improvements. Being asked whether he thought parishes or unions the best areas for sanitary government, he said—"Parishes are certainly "bad areas; very old divisions, one cannot say "how or why formed; unions, he presumes, "were formed on considerations of rateable "value, and population. In neither case was "there any consideration of natural conditions "for local improvements, such as drainage, or

T. Taylor, 87; 120. 153. 100.

100. " watershed, or water supply. The great bulk " of parishes are entirely ignorant of the law, " which is the mischief we have to struggle " against. The difficulty in the case of paro-
8804. " chial boards is their great number, and the " necessity of an enormous number of organi- " zations. The difficulty of communicating " from the centre with parishes is almost insuper- " able, but with unions it is not; that is within " compass; and though parcelling out the duties " of a union board parochially might be difficult, " you would have this organization of the union " board for the purpose of communication." The Authorities in villages, says Mr. Menzies, are difficult to move, and will do nothing. The nuisance removal powers of the Guardians work well up to that point.

8677. Menzies, 7070–1. 7072.

Mr. Arnold Taylor, an inspector of the Local Government Act Office, says that his observation has led him to the opinion that the parish should in rural districts be the unit for local government, that the open Vestry should be done away with as the Local Authority, and a committee of ratepayers, elected and continued as in town districts, adopting the Local Government Acts, should be substituted; that there should be power to unite villages for local government by provisional order; that the Board of Guardians should no longer be the Nuisance Authority, that there should be District Boards of three or five specially qualified members, including a medical man, one conversant with engineering works, and a third acquainted with money matters and details of business generally, appointed and paid by Government out of the local taxation of each district, to act for counties or subdivisions, or unions of them, as Authorities intermediate between the Central Authority (the Home Office) and the Local Authority, and having jurisdiction in all sanitary matters and nuisance removal and rivers pollution, with a right of appeal by the parish Local Authority to the Central Authority against acts of such District Board, and with power for the District Board, on default of the Local Authority, to execute works and raise money.

A. Taylor, 1139. 1154–6 1176 1321 1178 1182 1173, 1216. 1183 1174 1185. 1187 1283. 1284 *Vestries.*

Mr. Thring thinks that in country places you must deal with the Vestry as the sanitary unit, but he would unite parishes for drainage and water supply, and by aggregation of areas would lead local government on to highway districts, and thence to the county.

Thring, 376.

Mr. Thurlow, chairman of the committee of the Vestry at Saxmundham, prefers the Vestry to the Guardians. In drainage works and sewage works he thinks that the Vestry would more than probably study their own interest in the outlay much better than the Board of Guardians.

Thurlow, 5572–3.

Mr. Mantle, chairman of Lincoln Guardians' Sanitary Committee, prefers the Vestry to the Guardians, as of a more working number [but the Lincolnshire unions are unusually large.]

5572, &c., 5585 Mantle, 11,215. Weale, 10,838.

The question seems answered by experiment, says Mr. Simon [his opinion is given at length in his 11th Report, as medical officer of the Privy Council.] We began, he says, with Parish Authorities in 1855, and they slipped through the fingers; you could never catch them; in 1860 the law was altered to make the Board of Guardians the Local Authority for places that had not special health districts. That was a tangible and permanent Authority, had a clerk, a regular place of meeting, medical officers, and so forth, and it was felt to be a great gain. Under the parish system it had been obligatory that every parish should appoint a sanitary inspector; but this obligation remained a dead letter, and when a return of the inspectors appointed was ordered, it appeared a large number of parishes had not even heard of the law.

Simon, 1824, 1854.

We have had much evidence of the inaction of the Vestry, and of its even suppressing the action of its own committees. Any proposal for improvements is outvoted by the lowest class of ratepayers, even in cases of pressing emergency.

Mr. Clegg, Epping, gives an account of the manner in which the Vestries have failed in his district: " They would not act. . . . There " is an attempt to get rid of nuisances in They- " don Bois, and they have elected a committee, " and I believe the committee have virtually " determined to do nothing; and it will end " there. Generally speaking, the Vestries will " not work at all." Mr. George Beaumont, a land agent and a large ratepayer in East Brigford Union, states that he was one of a committee which the Vestry had elected under the Act of 1866. A great fever broke out from neglected drainage in 1869, by which time the Committee was supposed by its members to be defunct, and the Vestry would neither act itself nor would its committee act. Application was made to the Guardians, who would only appoint an inspector for the parish at a salary of 5*l.*, and advertize for an inspector for the union at a salary of 10*l.* The Secretary of State being appealed to, declared he could not interfere so as to enforce a higher salary. His opinion is, however, as strongly expressed against the Board of Guardians as a Sanitary Authority.

Clegg, 755. 757. Beaumont, 4907, 4920. 4943.

Mr. Buck, vicar of Seaford, thinks that in such a place it is desirable to have health objects carried out by the Vestry.

Buck, 3671*a*.

Mr. Field would have sanitary districts the same as highway districts, large enough for drainage works: the parish being the area of rating, and in no case the Vestry being the Rural Authority, but a Board constituted of delegates from Vestries, and elected as waywardens are.

Field, 6027, 6064, 6070.

Mr. Bailey Denton thinks that if there were a proper code in the hands of persons in rural districts, and a proper inspector (not such as now exists) at hand to receive complaints and act upon them, Vestries might be made serviceable to carry out sanitary improvements.

Bailey Denton, 4877.

We will now give some evidence in favour of the one Local Authority in all sanitary matters in rural districts, being the Board of Guardians if spurred to action.

Board of Guardians best rural Sanitary Authority.

Mr. Simon expresses a decided preference for the Board of Guardians as compared with the Vestry, but would suggest that their constitution as a Board should be for all purposes of local government; that they should not be elected as a Board of Guardians for the poor, and act as *ex officio* for health, but that their election should be as a compound board for health and poor relief. The purpose of health ought to be contemplated in their election, so that they might not say, as they often do say, " We are " not elected for health affairs, know nothing of " them, and it is hard they should be thrust " upon us in addition to our primary duties." It should be part of the original appointment of the Board. " We began with the parish in 1855, " and were driven in 1866 to the larger area of " the union, with its clerk and medical officer " and regular place of meeting, and then first " sanitary expenses were appointed, whom the " parishes had hardly heard of their obligation " to appoint."

Simon, 1824. 1825–6. Whitehurst, 11,699.

Mr. Taylor says,—On the whole the Board of Guardians, or a new board of the same nature, elected both for health and destitution, would be the best. They have already an organization.

T. Taylor, 8765–80. 8677–8804.

Mr. Ponsonby, town clerk of Oldham, would have the Guardians for the Local Authority of such places as are not under separate local government.

Ponsonby, 3992.

Lord Egerton thinks the Board of Guardians certainly a better Local Authority than the Vestry for rural districts, and observes that " in " Lancashire they have now nothing to do with " vestries."

Lord Egerton, 6895.

Mr. Menzies, deputy Surveyor of Windsor Forest, says, " the Board of Guardians would be " better than any other authority I know of."

Menzies, 7074.

Mr. Darby says, " Taking it altogether, the " Board of Guardians would be as good an " authority as any other for rural districts, and " they would become more effective by the sense " of responsibility." He would add some special sanitary members to them.

Darby, 7352.

Mr. Winn, M.P., speaking of Lincolnshire [where unions are unusually large], says, On the whole the Board of Guardians is the best Authority that could be adopted. He would transfer sanitary duties from the Vestries to them, but as separate from their duties as guardians of the poor. They might, he thinks, meet on alternate weeks for the two subjects. There would be no advantage in a new board; there are boards enough, the Board of Guardians would do everything that is required. Local Boards within the union, except in large towns, should, as also the Vestries, be under the Board of Guardians.

Winn, 7460. 7465. 7469. 7478–80. 6505–6 7. 7448.

Lord Penrhyn thinks that " in all the rural " parishes not under Local Boards, the whole " power should be vested in the Board of Guar- " dians."

Lord Penrhyn, 7840.

Mr. Read, M.P., says, " For some purely local " purposes we must still have the action of the " Vestries, but for general sanitary purposes " the Board of Guardians is the best Rural " Authority."

Read, 7910.

Mr. Snowball thinks the Board of Guardians the best Authority for all sanitary purposes in villages, but that local prejudice and feeling would operate against their doing their duty, and there must be power to compel, and inspectors to report to the Central Authority. The unions are very large in the north, and the boards not well attended.

Snowball, 8030. 8084.

Mr. Basil Woodd thinks the Guardians might be made to work well if they had a very efficient inspector, but does not know of their ever having done anything. No better set of men could be got. Guardians in rural districts are not generally men who would be willing to take up a thing on their own account. If an inspector were to lay anything before them, they would be perfectly willing to carry it out to the best of their power, but they would not initiate any proceeding. If any other body were elected, you would get men of the same class, if not the same individuals.

Woodd, 10,179–86.

Mr. Chambers thinks parishes of 5,000 population and upwards may answer well for areas of local government, but generally the union should be the area. Vestries often fail, from their constitution, to comprehend anything about the requirements of Acts of Parliaments. The Boards of Guardians should be specially constituted Sanitary Authorities, excepting places having their own Boards.

Chambers, 10,366. 10,367. 10,369. 10,370.

Lord Devon says that, taking the country through, the Guardians would be the best body of men so to entrust with authority.

Lord Devon, 10,862.

Lord Fortescue, giving an instance, in the west of England, of confusion which arose between the functions of Guardians and Vestries as Sanitary Authorities, expresses his preference for the Guardians as the best sole Authority in rural districts. He says, if it was known that the Board of Guardians had jurisdiction over sanitary matters, they would be elected with that object in view, but practically the number of men able and willing to undertake public duties with advantage to the community in a thinly-inhabited rural district is limited.

Lord Fortescue, 5484–92. 5487.

Mr. Rayner says that the Boards of Guardians make bad Sanitary Authorities. [See also Mr. Blood (3902), Mr. Ponsonby (3988), Mr. Pain (4205–6), Mr. May (4267–8), Mr. Beckett (6545, 6593), Mr. Snowball (8091), Mr. Clutton (8386–7), Mr. Huskinson (8523), and Mr. Weale (10,659–10,660, 10,679).]

Rayner, 2298.

Mr. Simon thinks we must aim at making the Board of Guardians the best Authority. The powers already given them of acting through committees would require very great development, and to be very well considered, and made very complete. " So very important an interest " as that of health should not be administered " by persons appointed for other duties." He thinks that the power of acting by Committees which exist under the Nuisance Removal Act, 1855, and Sanitary Act, 1860, should be largely exercised by the Guardians, they remaining the original, tangible governing body.

Boards of Guardians should act for sanitary purposes by committees. Simon, 1825 2006–9

Lord Penrhyn would put all rural districts under Boards of Guardians acting by committees specially elected, as the assessment committees are.

Lord Penrhyn, 7840. 7872. 7873.

A committee chosen from the Board of Guardians would make a very excellent authority for rural districts, says Mr. Richards, M.P.

Richards, 7413.

The whole Board should be the Sanitary Authority forming a committee for this particular purpose, thinks Mr. Winn, M.P.

Winn, 7467–8.

There are analogous powers, says Mr. Chambers, under the Public Health Acts for appointing committees and sub-committees, not very commonly exercised, but where there is a sufficient number the work is always so much better done.

Chambers 10,373.

The question whether such sanitary committees should be appointed by the Guardians for a year, or merely for the case, elicits various evidence. Mr. Chambers thinks that the whole Board of Guardians would not find time for sanitary considerations, and if they only appointed committees as the occasion required they would rarely appoint any. If the Board of Guardians appointed a standing committee for the year, or for two years, in which every parish in the union had one representative, that might, he thinks, perhaps answers the case.

Chambers 10,375.

Lord Devon, while thinking the Guardians the best Rural Authority, says that they should be left to act by committees or not, as they pleased. He thinks they would generally so act, but that such committees should not have power of sanctioning any large expenditure without reference to the whole Board, and should be elected for the year, and not for the occasion. He instances a union with several such committees. A certain proportion of the committee should be elected for more than a year. It might be desirable that the expenditure on such parts of unions, not above a certain size, as are not included in any Local Board, should be charged on the common fund.

Lord Devon, 10,864. 10,866. 10,868. 10,871. 10,872. 10,880.

To give more permanence to such committees, which must often have protracted works to carry out, Mr. Woodd suggested that they should be elected for more than a year, and that part only should go out of office annually. The ratepayers might not like a wider choice in forming such a committee than out of the actual body of the Guardians.

Woodd, 10,188–98. 10,205.

Mr. Weale would take the Board of Guardians, acting by a special sanitary committee, who in large cases should refer to the whole Board for sanction.

Weale, 10,666–70. 10,699.

A considerable *ex officio* element in all Local Boards, chiefly of magistrates, is generally insisted on, both to give due influence to the

Ex officio element.

owners of property to be rated for sanitary works, and to give higher intelligence and character to the Boards. Mr. Chambers says amendment is needed in the constitution of the Boards, in reference to the character of the men who serve upon them. It might be advantageous to introduce into Local Boards that principle of *ex officio* membership which has been applied by Mr. Hardy's Act to the metropolitan poor law management. To improve the educational status, the rector or vicar of the parish, the medical officer of the district, and the resident magistrates, or some proportion of them, should be *ex officio* members of Local Boards generally.

Chambers, 10,320, 10,324, and 10,376.

Mr. Huskinson thinks the owners' interests are practically not sufficiently represented now on Boards of Guardians; the justices are *ex officio* members, but other owners ought to be represented. He would let an owner give his agent a power of attorney to act for him on the parish Board.

Huskinson, 8513. Cf. p. 33. 8608.

Mr. Weale thinks the *ex officio* element so important that he would have preferred the Highway Boards for Rural Authorities if they had been everywhere established, as they have less business and a better admixture of magistrates.

Weale, 10,671, 10,726.

Intermediate Authority.

An Intermediate Authority between the Local Authority and the Secretary of State has been recommended by some witnesses, not only as a referee for larger functions affecting several districts, but also as a means of communication between Local Authorities and the Central Authority.

Mr. Thring who proposes Vestries to be Local Authorities, thinks "that in the country "there ought to be a general control in "sanitary matters lodged in a County Board" which would entirely do away with any Intermediate Authority like the Board of Guardians, throwing into the county organization all small boroughs, though having a separate court of quarter sessions, but that large towns should be treated independently, such Board not to act mediately but absolutely, *e.g.*, able to compel a whole county to drain itself, and that it should consist partly of elected and partly of official members, namely, the Justices. The County Financial Board, of late much discussed, is his ideal, with administrative powers, judicial authority still remaining with the quarter sessions. Mr. Tom Taylor and Mr. Arnold Taylor agree that some intermediate County Board is necessary to complete sanitary organization, and that some of the power now given to the Secretary of State by the 49th sec. of the Sanitary Act, to execute works on local default, should be transferred to it. The area of such Authority should be divisions or unions of counties, with power over Local Boards within. They think a medical man and some one conversant with engineering works, and some one with a good head for business, should be attached to such a Board, and the latter is for paid government officials. The quarter sessions would do, if its action could be made continuous.

Thring, 378. 375. 378.

407.

T. Taylor, 216–258. A. Taylor, 1172. 1173, 1178, 1216, 1281, 1283, 1180–6 1315. 1320–4. T. Taylor, 231, 232.

Mr. Simon says, "I do not think that there "should be any Intermediate Authority. I "think it quite possible that for certain health "purposes, other than those of the Nuisance "Law, there should be a different class of "Authorities. We have a Local Authority for "lunacy in the magistrates, and it is quite "possible that that same Authority might "advantageously act for some special health "purposes, and also where the administration is "to be over a larger area than that of unions. "It is possible, for example, that they might be "the best Authorities for a good many commercial interests of health which require to be "attended to. But for the administration of "the Nuisance Law as it is, or in the more "developed form which I hope it will take for "the administration of that law, it seems to "me that there ought to be no successive "Local Authorities, that there should be the one "responsible Local Authority and the Central "Government Authority to look after it."

Simon, 1828, 1971–2.

Lord Fortescue "attaches great value to "county administrations, and would certainly "have a County Authority intermediate between "the Central and Local Sanitary Authorities of "all sorts." It should be a representative County Board elected by ratepayers.

Lord Fortescue, 5498. 5511 5517, 531*a*.

The Rev. Mr. Hippisley thinks it would be a valuable change if Local Authorities were kept as they are, and a County or some Intermediate Board were established above them, with an appeal to the Secretary of State.

Hippisley, 3404.

Mr. Winkley also desires that an Intermediate Board should be instituted to exert pressure on the towns and the Guardians.

Winkley, 3827, 3828.

Mr. May, solicitor to the Cray Valley Bill, would prefer strengthening the Home Secretary to establishing an Intermediate Body.

May, 4261.

Mr. R. Clutton says, "If you have magis- "trates on the sanitary committee of the "Guardians as the Local Board, you would not "want an Intermediate Body."

R. Clutton, 2425.

Mr. Cuthbert Johnson thinks an Intermediate Board would be a nuisance.

C. Johnson, 2944.

Dr. Rumsey thinks there would be many advantages in bringing sanitary measures under county jurisdiction.

Rumsey, 4288.

Mr. Snowball thinks that the supervision of a County Authority, intermediate between the Local and Central, would be beneficial, and says it must come to that.

Snowball, 8110.

Lord Egerton thinks an Intermediate Board would only multiply expense.

Lord Egerton, 6982.

Mr. Soper says there should be a pressure on the Local Authorities from without.

Soper, 6999.

Mr. Menzies wants the Intermediate Authority like the quarter sessions, or something of that sort acting for a county.

Menzies, 7116.

Mr. Milman thinks there must be some intermediate power to compel parishes to do works, such as a County or River Conservancy Board.

Milman, 4526, 4554, 4580–4582

Mr. Rawlinson thinks, on the contrary, that a County Board as a supervising power would be mischievous, although he is in favour of establishing an Intermediate Authority.

Rawlinson, 686.

Mr. Winn, M.P., would not have any Intermediate Authority between the Guardians and Home Office.

Winn, 7464.

Mr. Pember would have no County Board. He thinks the motive power ought to be spread over a larger area.

Pember, 4783.

Sir J. Heron would object to any Intermediate Authority between the Local Board and the Secretary of State, whose power should be strengthened. He would have in any case only two Authorities; one Local, another Central, with the magistrates as an executive body to carry out the law.

Heron, 2407, 2456, 2529.

In Mr. Harrison's scheme of Highway Boards, multiplying into river conservancies, and all coming under the Home Office supervision, no further medium authority for counties would be needed.

Harrison, 6242.

Mr. Read, M.P., says that there must be an Intermediate Authority; and thinks that County Financial Boards, if constituted, might take charge of the rivers and be Intermediate Authorities generally.

Read, 7948, 7949. 7922.

Mr. Huskinson would have no Intermediate Authority.

Huskinson, 8540.

Lord Devon thinks an Intermediate Authority an unnecessary complication, and that inspectors would be all that would be necessary for intermediate action; but yet he says that the Central Government will incur odium if it attempts to do right.

Lord Devon, 10,875–10,903. 10,908.

Mr. Devas, a county magistrate, near Bromley, and late Chairman of that Local Board, says, the fewer Authorities the better; the machinery is already too complicated. He would prefer direct action from the centre on the locality.

Devas, 11,348–9.

Combination of Local Authorities.

Some witnesses suggested that Local Authorities should be combined so as to form the Intermediate Board, and some desired that a County Authority should be taken for that purpose. We will first refer to the generic question, whether there should be any Intermediate Authority, and secondly, to the specific question in what way local authorities may be combined and may form a larger Authority.

Districts have now the power of combination by a voluntary agreement on both sides, but the following evidence has been given us in favour of greater powers for enforcing combinations of districts:—

T. Taylor, 953.

Mr. T. Taylor says there is a very strong and pressing need for powers to compel the combination of Local Authorities; and he expressed himself as favourable, in the abstract, to a single Authority being thus placed over a whole river basin, so as to coerce all the Local Authorities within it, and to form the "buffer" or Intermediate Authority which is required to come between the Local Authorities and Secretary of State. A Watershed Board, if there were a *tabula rasa* would be most naturally fitted to be the Intermediate Authority.

88, 94. 191. 217. 218, 223–8, 261–5, 315–322.

According to Mr. Thring, a federation of Local Authorities is advisable for objects affecting several districts. He would establish a Conservancy Board over a whole river basin for such objects, but not for sewering towns.

Thring, 376–7. 504–9.

Mr. Rawlinson, the Chairman of the first Royal Commission on the Pollution of Rivers, one of the first inspectors under the Act of 1848, and a member of the Royal Commission which inquired from 1857 to 1865 into the question of sewage utilization, and now the chief inspector of the Local Government Act Office, proposes the mapping out of the whole kingdom by its watersheds, under River Conservancy Boards, and the putting each tributary river area under a Sub-Conservancy Board, the entire organization under one Central National Conservancy. His idea is that the Local Boards should be represented in the Conservancy Board. The powers of each kind of Board could be distinct; Conservancy Boards should not exercise the ordinary powers of Local Boards, and Local Boards should never make sewers without submitting their plans first to their Conservancy Board.

Rawlinson, 531–7, 542–4, 555, 662–670.

Mr. A. Taylor would provide by provisional order for the combination of districts; and would also create powers for compulsory union of districts under one Board over the whole watershed.

A. Taylor, 881, 1154–6, 1222, 1345–9.

Mr. Grantham, inspector under the Inclosure Commissioners for inquiries under the Land Drainage Acts, especially that of 1861, is favourable to the union of all districts within the same river basin for the purpose of arterial drainage; and although he thinks the objection might be taken by agriculturists to this being mixed up with town questions, yet he thinks that villages of small size might be taken for sanitary purposes into drainage areas, and that the agricultural and town questions come very close together, and might be regulated by a body having control over the whole watershed.

Grantham, 1471. 1568. 1503. 1504. 1508–1530.

Mr. Simon thinks that Local Authorities must have an almost unlimited power of combination, limited only by requiring the sanction of the Secretary of State; and that the Secretary of State should have power to compel the combination of the areas, Authorities, and rating powers of Local Authorities.

Simon, 1842–3, 9756, 9758.

Mr. Rayner says that Watershed Boards, having powers of the whole river basins, are necessary to supervise the Local Authorities.

Rayner, 2302–8.

Sir J. Heron thinks that it is absolutely necessary that the Authorities of a whole watershed area should be united, and that Watershed Boards should be established.

Heron, 2369, 2511–2.

Mr. Winkley recommends the formation of Watershed Boards in order to press the Local Authorities of towns and the Boards of Guardians to do their duty.

Winkley, 3860–4.

Mr. May, in giving an account of the attempt at legislation for the Cray Valley, expressed himself in favour of a Board over every watershed, and mentioned the proceedings in the case of Cray Valley as a proof of the necessity.

May, 4215, 4227.

Dr. Rumsey, who has given great attention to sanitary legislation, and written many pamphlets on the subject, is in favour of the authority of Watershed Boards as an Intermediate Authority on which the various Local Authorities should be represented.

Rumsey, 4288, 4296.

Mr. Milman wished for an Intermediate Authority to give sanction to large works, which should either be a Watershed Board or a County Authority.

Milman.

Mr. Pember expressed himself in favour of a combination of districts, so that each river basin should be placed under a single Authority.

Pember, 4790, 4814–8.

Mr. Bailey Denton is for Conservancy Boards based on watershed divisions of the country, besides which he considers that "there is no other proper division of the country." The Intermediate Authority, coming between the Central and the Local Authorities, should set the latter in motion and supervise them.

Bailey Denton, 4848, 9, 4851–5, 4880–5.

Mr. Walpole describes the ninth section of the Act of 1861 as useless at present, owing to the impossibility of districts agreeing as to the mode of proceeding, or as to the ratio of burdens. He would therefore give the Central Authority a power to compel the union of Parishes and the formation of a joint Board.

Walpole, 5228. 5229, 5231.

Professor Christison, a member of the Commission, saw it to be very desirable that one Authority should have charge of the whole river.

Christison, 5310, 5311.

Mr. Harrison, civil engineer, and a member of the first River Pollution Commission, who has filled various public offices as occupier of land in Gloucestershire thinks "it would be "very beneficial to combine a number of parishes "to carry out sanitary improvements." Such combinations would coincide with highway districts rather than with unions. He would have River Conservancy Boards to superintend the Local Authorities and to carry out works, whose jurisdiction should extend up a river from the sea. They might, he thinks, be amalgamated with the Salmon Fisheries Commission.

Harrison, 6190. 6190–2, 6219–6244, 6253.

Mr. Menzies speaks well of the Conservancy Boards established on the Thames and Lee rivers, and thinks it most necessary that other rivers should be under similar Conservancy Boards. Each Conservancy Board should have under its authority the river and all its tributaries, in other words, the whole river basin; and this must be the Intermediate Authority between the Central and the Local Authorities.

Menzies, 7027, 8, 7036–8, 7050, 7116.

Major-General Sir William Denison, Chairman of the River Pollution Commision, which has recently presented a report which must

tend to legislation, has given evidence before us explanatory of the views formed by him after local inspection, and hearing evidence in various river basins on the important branch of sanitary inquiry within the scope of his Commission.

Speaking more pointedly in respect of river pollution, but also with reference to more general sanitary considerations, he proposes that the Local Authorities which may be the executive for suggesting and carrying out in their detail works of improvement, and for removing nuisances, and the like, such as the existing Boards of Health, with their present or enlarged powers, should be under the immediate control of, and punished on default by a strong Authority, having jurisdiction over the entire river basins, with power to call upon the Authorities to carry out the law, and to be itself an Authority "not to act or suggest processes, but to express opinions and give information." He thought that probably the last-mentioned Authority might, when the system had come into full operation, itself undertake the removal of nuisances, although not the details of water supply or drainage. This strong Authority—not representative in its constitution, but rather monarchical—to consist of the Lord Lieutenant of the County and four or five subordinates, "referees—not executive agents," and probably "a body paramount in the locality," and whose acts should not "admit of appeal" to the Home Office or otherwise, whether to be appointed by the Crown or by Local Authorities, or whether by election, "he was scarcely prepared to say as yet;" probably, he thought, election would be the best plan. He objects, from his foreign experience, to Central Authorities. The Authority he recommends must have power differing both in kind and degree from that hitherto exercised by ordinary Municipal or Conservancy bodies, very extensive, partaking both of a legislative and administrative character; passing regulations or bye-laws, and directing, where it might see fit, the initiation of schemes or the adoption of such as might appear to such Authority to be best, the Authority itself to be such as would be beyond the suspicion of subserviency to local influences.

Gen. Denison, 8813. 7622. 7612. 7635. 7610. 7620. 7621. 7615. 7610. 7656. 7682. 8809. 7688. 8808.

In the latter part of his evidence General Denison pointed at the division of an entire watershed, or basin of a river and its affluents, amongst a set of Local Bodies, with a Local Authority over them, embracing the whole watershed, and having power to call on the smaller Authorities to do their duty or to do it for them.

7654, 7657, 7601–7676, 8808–8816.

Mr. Read states that the Haven Commissioners of Great Yarmouth have the management of the rivers which empty themselves at that port, and the actual drainage of the county (Norfolk) is under them. There is a court of sewers in Lincolnshire, controlling the surface drainage into the Trent, whose authority extends from the Humber upwards.

Read, 7920. Winn, 7523.

Mr. Snowball finds that Local Authorities in country districts are never efficient, and is therefore in favour of Watershed Boards.

Snowball, 8016, 8091.

Mr. Beckett thinks single villages generally too small rating areas for water or sewer works.

Beckett, 6644–9.

Election of Local Authorities.

There is no provision under the Sewage and Sanitary Acts for regularly recurring elections of the Committee of the Vestry. Moreover the Vestry can when they please upset the Committee.

T. Taylor, 275.

A difficulty has occurred as to the disqualification of members of a local Board in construing together sec. 12 of the Act of 1848 and sec. 25 of the Act of 1858.

R. Johnson.

The Poor Rate Amendment Act, 1869, has had a very injurious effect upon the Sewer Authority. A similar system to the old Small Tenement Act should be substituted.

Francis, 9680–4, 9687–9692.

Central Authority.

We proceed to sum up the evidence we have received on the working of the present Central Authority. It consists (1) of the Home Office, which works through the Local Government Act Office and (2) the Privy Council, which has a medical staff for various health purposes.

It appears from Mr. Taylor's evidence that internal disagreements between the *ex officio* head and the working members, and the antagonism it had excited in the engineering profession, and the resentment of localities whose excess of mortality subjected them to the imposition of the Act, led to the discontinuance of the General Board of Health in 1858, and to its functions having either ceased or been distributed between the present twofold offices, after having been for eight years very actively exercised by the Board.

T. Taylor.

The Board had incurred prejudice by the employment of civil engineers as inspectors, who undertook works in the places inspected by them. Sir B. Hall, who became President on the Board's reconstruction in 1854, appointed inspectors on salaries requiring them to give up their whole time to the office.

The most important functions relinquished in 1858 were those of compulsorily applying the Act, and of sanctioning the employment and dismissal of local officers.

The Home Office seemed the department the most naturally connected with local government, and the medical functions of the General Board were transferred to the Privy Council, with a view to keeping that part of sanitary work distinct from the legal, engineering, and financial parts; and for the facility, for diseases prevention, of Orders in Council in cases of emergency.

Mr. Tom Taylor, who began to work with the General Board of Health June 1850, has been secretary of the Local Government Act Office since its commencement.

T. Taylor, I, 4, 6.

In 1858, when the General Board of Health ceased, Mr. Simon, its medical officer, was transferred to the Privy Council, and by a minute of Council in 1861 he became the administrative officer for public health. He is in frequent communication with the Local Government Act Office, and papers on other Home office business are occasionally referred to him. His correspondence with the Home Office will for the future increase, since by an arrangement made last February, complaints addressed under the 49th section of the Sanitary Act, 1866, in matters concerning the public health, and all complaints under section 10 (by which the chief officer of police may be authorized to institute proceedings against nuisances on default of the Authority) are at once referred by the Home Office to Mr. Simon, with liberty to him, as regards any engineering questions, to have the aid of an inspector from the Local Government Act Office. Moreover, questions as to the quality of water supply, and byelaws or regulations in matters concerning the public health submitted for sanction of the Home Secretary, are referred to Mr. Simon.

Simon, 1794. Farr, 5048. Simon, 1800. Simon, 9979.

Dr. Batt says that some power is necessary to set the Local Authorities in motion.

Batt, 10,534.

Mr. Gordon says that in Scotland there is a Board of Supervision to compel the Local Authorities to do their duty.

Gordon, 11,119–20.

While Mr. Brogden says that if there is any opposition from a locality the Secretary of State does nothing.

Brogden, 11, 588.

Officers of Central Authority.

The staff allotted for the execution of the work in the Local Government Act Office consists, besides the secretary, of three inspectors. Mr. T. Taylor represents that this only gives power to do half the work at present devolving on that office, a detail of which is given below.

T. Taylor, 210.

A power of inspection by the Secretary of State is wanted, similar to the poor law and lunacy inspection, the power of examining into the working of the Act systematically and of seeing that the Act is carried out, and how it is working; that the Local Authorities are doing their duty, and what is the effect on the health of the district.

206, 279–87, 291, 304.

The duties thrown on Mr. Taylor in case of local default are beyond the powers in his office as now constituted. He has no staff for the purpose.

216.

A complete staff would require both medical and engineering experts. The inspector's staff of the two present central offices is different. You might, he thinks, find men capable of dealing with medical subjects, and with general superintendence if the offices were united.

21. 214.

Mr. Simon has two general sanitary inspectors, and four vaccination inspectors, besides the inspector of the National Vaccine Establishment: all medical men. His inspectors, and those of the Local Government Act Office, have very distinct provinces of work, and it is rarely that a case arises for concurrent action. By an arrangement made February 1870, between him and the Local Government Act Office the general nature of which has been above explained, Mr. Simon is to have the assistance of an inspector of the Local Government Act Office as regards any engineering questions which may arise.

Simon, 9979.

If one Central Authority had all the health supervision of the country, different sorts of inspectors would still be necessary; there must be special vaccination inspectors, medical and quasi-medical inspections made of trades might be consolidated, and some others. Hospital inspection could not be brought into connection with lunacy inspection, which would probably remain a specialty.

2080.

Mr. Rawlinson thinks medical and engineering inspection had better be kept separate.

Rawlinson, 677.

Officers of Local Authorities.

The officers now connected with local sanitary government in country districts are health officers and inspectors of nuisances; the former being the medical union doctors, and the latter often the relieving officers, occasionally the police, and sometimes men specially appointed for the purpose.

Mr. Simon thinks that in country districts the union medical officer and the medical officer of health should be one person.

Simon, 1924, 2129.

In large towns these officers are distinct; the health officer, by the Act of 1848, must be a medical man, and generally both these officers and the inspectors of nuisances are effective. By the Artizans' Dwellings Act, medical officers of health acting as sanitary inspectors in towns of above 10,000 population have power to present buildings unfit for habitation for demolition. In Manchester there is a voluntary sanitary association, which renders important services. In Durham there is a medical society, and one in Newcastle-on-Tyne, under which registration of disease is carried out.

Carr, 2786. 1st Report, Appendix, p. xiv. Trench, 7770. Heron, 2420. Carr, 2696–708.

We have had described to us the general sanitary staff of Liverpool, Manchester, and Newcastle.

Few towns, however, have any sort of health officer; the power to appoint one under 40th sec. of Act 1848 is rarely used. In Aldershott, which from its rapid rise is a sample of a peculiar class of towns, the surveyor of the board is inspector of nuisances, and there a medical officer of health has been appointed. Surveyors seem to be very generally appointed, the inspectors of nuisances being often the same person. The clerk who acts as legal adviser is generally a local solicitor, and there are treasurers with or without salary.

Bailey, 5967, 6008. See Abstract of Answers. Vol. III. Part 2. T. Taylor, 12,371.

In Birmingham a very low death-rate is attributed to "an admirable system of inspection." Croydon has separate inspectors of nuisances and houses.

Hayes, 2570 C. Johnson, 2915.

Mr. Heane thinks there is a want of definition between the duties of a medical health officer and those of an inspector of nuisances.

Heane, 6745.

As to the employment of police* as inspectors of nuisance, we have evidence which may be summed up as follows:—

Employment of the Police.

Mr. Hippisley thinks they would be useful in representing things, but that it would be much better to have an officer for the purpose.

Hippisley, 3432.

Dr. Rumsey says, the county police would be very serviceable as inspectors if their employment as such was not objected to by the population.

Rumsey, 4324.

Lord Fortescue says, that in his district they are so much of opinion that the rural police may be employed with advantage in country parishes, that they have appointed one of the superintendents of the county constabulary as their inspector.

Lord Fortescue, 5494.

South Molton has its own staff of one policeman, under an independent jurisdiction. Mr. Field does not think the employment of the rural police would be an improvement.

Field, 6084.

Mr. Beckett thinks the police might be employed under the directions of the magistrates, and in plain clothes; else there would be the great difficulty that his visit to a cottage in his regular dress would lead to the idea that some offence had been committed by the persons in the cottage. But their duties are so many that they would not supersede the necessity of having other inspectors of nuisances as well. Lord Egerton does not think the police officer so desirable as the relieving officer; the objection to the police officer is, that he is liable to be removed.

Beckett, 6670. 6666. Lord Egerton, 6911. 6924.

Mr. Winn has the strongest possible feeling against the police having anything to do with sanitary regulations; he would rather employ sanitary officers than the police for that purpose. As it is, they are obnoxious to the farmers. Mr. T. Taylor thinks it would be desirable to make general use of the rural police. Lord Penrhyn does not approve of the use of the police as inspectors. Mr. Read would object to the police, who are unpopular enough as it is. Mr. R. Clutton thinks the *officers* of police might be used; not the ordinary policeman. He thinks the ordinary policeman would sometimes be very unfit for it. The arrangement would not be popular. Mr. Snowball thinks the police would be good inspectors of nuisances in country places.

Winn, 7449. 7570. T. Taylor, 8684. Lord Penrhyn, 7843. Read, 7928. R. Clutton, 8441–2. Snowball, 8112.

As to towns, Sir J. Heron says that the Authorities in Manchester make use of the police in exercising a general superintendence over matters which are obvious to them, and seen in the discharge of their duties. Mr. Milman thinks the inspector of police, or at all

Heron, 2422. Milman, 4523.

* See also Batt, 10,502; Brogden, 11,560; Power, 11,967; Walker, 12.115; Diver, 11,451; Whitehurst, 11,696; Lord Devon, 10,859.

events the borough police, might carry on inspection in such a town as Monmouth. Mr. Dyke, of Merthyr Tydvil, does not think it would answer to make the policeman inspector of nuisances, or to cause him to act otherwise in the execution of the sanitary laws. People do not like policemen getting into their houses. Mr. Heane thinks the police would be unpopular as inspectors of nuisances. Dr. Day, of Stafford, thinks a policeman would be a proper man in the first instance to find fault and give notice.

Dyke, 6411.

Heane, 6867.

Day, 7339.

Dr. Trench says that in Liverpool the police are not employed as nuisance inspectors, because they would thus neglect their proper duties.

Trench, 7771.

Mr. Druitt thinks the police should act as informants of nuisances.

Druitt, 9061.

In the country the relieving officers are badly paid as inspectors of nuisances, having often about 10*l.* added to their salaries. Mr. Mantle condemns them as incompetent for the purpose, but they are generally thought the most suitable. Mr. Snowball says, in the north they are ill paid, often infirm, and their duties not done.

See Whitehurst, 11,706. Blagg, 11,787–91 Mantle, 11,223. Snowball, 8026.

Mr. Menzies speaks ill of them, and wants a more independent officer.

Menzies, 7980–90.

Dr. Darby says they act without discretion.

Darby, 7344.

Mr. Beckett says generally of his part of Norfolk the inspectors never visit except when sent for; and often decline to act against their own class. Mr. Winn gives a better account of Lincolnshire inspectors, and thinks there would be very little for a superior inspector placed over them to do.

Beckett, 6532. 6662. Winn, 7518–22, 7454.

Mr. Field gives a better account of the inspectors in the country round Oxford, but thinks they are partial in the orders they give.

Field, 6077.

Lord Penrhyn speaks well both of medical officers and of inspectors in North Wales.

Lord Penrhyn, 7844–60, 7876. Clegg, 759. Beaumont, 4909.

Many semi-rural and rural districts neglect or refuse to appoint any inspectors; as, for instance, Epping and East Bridgford.

Mr. Clegg suggests that every union should have a surveyor, whose approval should be necessary to every plan of a building.

Clegg, 770.

Dr. Rumsey thinks that no efficient sanitary system could be established without making use of the poor law medical staff of the country. He thinks that the cost of sanitary inspectors should be distributed over as large an area as possible, and their duties be defined by the Central Authority. He would collect a certain number of medical relief districts under one medical officer of health and registration, who should report to the local inspector upon all cases of sickness and mortality. There would be an aggregate of districts for medical relief and an aggregate of districts for registration. Two classes of facts would thus come under the local superintendence of a highly-qualified officer, who would make use of them for sanitary purposes. Mr. Mantle would use the poor law medical officers to aid in sanitary inspection. They should report the nuisances they see on their circuits, says Mr. Darby.

Rumsey, 4335. 4354, 4398. 4372. Mantle, 11,250. Darby, 7368.

Medical Officers.

Poor law medical officers are appointed by the Boards of Guardians subject to central approval, they are irremoveable by the Guardians, and a moiety of their salaries is repaid by Government. Mr. Field says they are generally badly paid. Mr. Lambert says that in a large number of instances they consider themselves insufficiently remunerated. They number 3,435, besides 685 workhouse medical officers, who are the sanitary officers of the workhouse.

Batt, 10,562. Weale, 10,776, 7. Field, 6080. Lambert, 4737.

Mr. Lambert is against their being precluded from private practice; as they undertake it in spite of the restriction.

4741.

Dr. Heslop says that the rural medical officers are much superior to those of the large commercial towns. Sometimes they are registration officers.

Heslop, 11,617.

Mr. Baker would make all medical officers *ex officio* registrars of births and deaths.

Baker, 9529.

Major Graham says the registers are well filled up by the medical men in London. In the country they object unless paid. One will not give another information.

Graham, 6440.

Mr. Richards thinks "in all cases the medical officer of the union should be the registrar."

Richards, 7412.

Mr. Winn mentions medical officers, registrars, and relieving officers, in two districts.

Winn, 7586.

The district of a poor law medical officer is not allowed to exceed 15,000 acres, or 15,000 population. Vaccination districts have not less than 25,000 population.

Lambert, 4625.

When the Guardians are the Nuisance Authority they may require the medical officer to report, and pay him for it out of the common fund.

4629, 4690.

Lord Devon thinks the poor law medical officers the only available medical staff for sanitary administration.

Lord Devon, 10,910.

Dr. Heslop is strongly of opinion that such appointments should be permanent on the present plan; but if chosen by the central government, their independence would be secured without permanence.

Helsop, 11,612.

Mr. Beckett would have union medical officers appointed for three years instead of for life.

Beckett, 6614–6.

Mr. Heane would have them appointed by the Home Secretary, and *ex officio* members of the Local Board. Their duties should be to assist and advise the Board in all sanitary matters, to make periodical inspections of their district, and to report to the Board; and the inspectors of nuisances should be placed somewhat under their authority. He himself keeps a *certified* register of deaths.

Heane, 6745. 6757.

Central and local staffs might be improved and re-arranged.

Several suggestions have been made for improving and re-arranging the staff, both local and central, of inspectors, and of medical officers.

A return was made to the House of Commons in 1870 of all the inspectors now employed all over the country—those directly connected with the sanitary laws, factory inspectors, lunacy, poor law, &c., which will be found among our evidence; and we have had various suggestions made as to the possibility of combining some of them, both for economy of time and expense in locomotion, and more effective and authoritative employment of them, by greater unity of administration.

Vol. III. Part 2. Simon, 1934.

Mr. Clegg thinks there should be sanitary inspectors taking similar districts to those of inspectors under the Poor Law Board, coming from London, but resident in their districts. They should see the surveyors' reports on their circuits, and Boards neglecting to act on their orders should be fined out of the rates.

Clegg, 765. 766. 801–3.

Mr. Pember proposes to divide the country into districts for inspectors, who should be experts of two or three classes.

Pember, 4804–5, 12.

Mr. Arnold Taylor suggests permanent inspectors from the Central Authority, making circuits as the poor law inspectors in districts all over the kingdom, advising, but leaving the executive to the Local Authority; and that there must be also regular medical inspection.

A. Taylor, 884.

Mr. Chambers thinks inspectors must come round from the Central Authority.

Chambers, 13,346.

There should be itinerant visitors to each town or district, says Mr. Soper, similar to school inspectors.

Soper, 7002.

Mr. Simon has been quoted as to the necessity of medical inspectors for special purposes, *e.g.*, for vaccination, hospitals, lunacy, offensive trades, and that there should be a head inspector over all. He considers that there must be itinerant

Simon, 2165. Field, 6111. Simon, 1914.

inspectors, but not necessarily coming from the centre, but possibly for district circuits, into which England should be divided.

Rumsey, 4392. Clegg, 762.

At present local sanitary grievances come very irregularly and variously to his knowledge; sometimes by a note from a registrar through the Registrar-General, sometimes through the Local Government Act officer, sometimes through the Poor Law Board, and sometimes a complainant writes to him. There are localities interested in suppressing facts about disease.

Simon, 1932.

Dr. Rumsey is anxious for systematic inquiry and constant sanitary inspection, which ought to be universal, continuous, and comprehensive, and for resident medical officers.

Rumsey, 4270.

Mr. Huskinson thinks the staff of inspectors required by the Central Authority need not exceed 20 or 25, and that they should not come from London, but be local men, employed as the Inclosure Commission employ local inspectors.

Huskinson, 8520.

Mr. Harrison thinks that an inspector from the Central Office should from time to time see that Local Authorities execute their works.

Harrison, 6217–8, 6244–5.

Mr. Mantle would impose duties of personal inspection on central inspectors.

Mantle, 11,243.

Mr. Redgrave, Factory Inspector for the eastern half of England and Wales, and for Scotland, thinks there should be one and the same means for enforcing all the regulations which he enumerates as bearing upon the health of the people. He does not propose to interfere with the functions of any existing public department, but he remarks that for alkali works and mines there are skilled inspectors, and part of the duties of mine inspectors might be put on the inspectors of factories, who would stir up Local Authorities on all points. Overcrowding and ventilation are already partly under their cognizance, and they have acquired great influence in their localities. They would judge of possible consumption of smoke, and of the pollution of rivers. An increase of their staff would be necessary. The factory inspectors he looks on as executive; the medical to decide scientific questions. He would retain the medical officers under the Privy Council, who would be necessary for all medical subjects. He would also retain the gentlemen in the Local Government Act Office, Mr. Tom Taylor, Mr. Arnold Taylor, and their colleagues. He would not interfere with the Councils of large towns.

Redgrave, 7964. 7988. 7968, 7995. 7992. 7971.

Mr. Baker, Factory Inspector for the western half of England and Wales, and for Ireland, thinks there should be three medical men (of the same position as Mr. Simon) attached to the Home Office, as advisers on questions coming up to them, and an officer of health in every town, independent of the Local Authority, appointed and paid by Government. In country districts the poor law medical officer should be the health officer. There are areas too small for use. The town officer of health should have an area of five miles in diameter. The factory inspectors might inform the officer of health of such unsanitary matters as come within their cognizance. The officer of health would also be of great use to the factory inspector, who on his part has power to summon a peccant manufacturer before the magistrates. He thinks the factory inspectors could not themselves act in any degree as the sanitary inspectors, their qualifications not being at all in that direction. Two of the central medical officers he would have to go on circuit.

Baker, 9586. 9416. 9428–53. 9502–73. 9436. 9540.

The certifying surgeon is a protection to the mill-owner as well as to the children employed. Before there was a Factory Act passed, a mill-owner employed a medical man at witness's suggestion.

9460, 9485.

Parents know that a sick or delicate child would be rejected, and they are not sent; they would falsify the registers; children have to be protected against their parents.

9461–4, 9527–8.

The certifying surgeon should visit all works at least once in every quarter.

9465–6.

He might act as an informant if he saw anything unsanitary.

9467.

The certifying surgeons are appointed by the factory inspector.

9468.

The surgeon sees the child at the works, he asks it questions, and gives a certificate.

9469, 9470.

The certificate has to be renewed at each change of employment, because it is retained by the employer.

9471–2.

Mr. R. Clutton would have a superior class of inspectors, like the factory inspectors, and sub-inspectors of the union.

R. Clutton, 8380, 8436.

Dr. Trench, of Liverpool, thinks that the Central Authority should only send inspectors about occasionally, and that if they were continually going round the country, the agitation against them would be as great as that against the Public Health Act in 1848.

Trench, 7801.

A more sweeping consolidation of inspectorship throughout the kingdom has also been suggested.

T. Taylor, 8802.

Mr. Dyke suggests greater use of the factory inspector in enforcing sanitary laws. He also states that by a circular of the Registrar-General's, in 1858, registrars are directed to communicate with them on the occurrence of an epidemic; he then communicates with the Privy Council, who put the Act of 1855 in operation. The Board of Guardians nominate and pay the registrars, who ought to report direct to them. Mr. Dyke thinks that the sanitary and burial boards, registrars, and factory inspectors, might all be under one elected Board. The medical officer should be registrar. A lawyer and civil engineer would complete the staff.

Dyke, 6376–9. 6299. 6305. 6324. 6326, 6391.

Lord Penrhyn wants more power in the centre to set localities in motion, and thinks the poor law inspectors might be used.

Lord Penrhyn, 7845–75.

Mr. Taylor remarks—"Of course it would be "very desirable to consolidate the functions of "inspectors so far as could be consistent with "their efficiency. Each class have now as "much as they can do with their own work. "Our inspector's time is fully occupied in the "duties which arise under our Acts." By a rearrangement he allows there might be economy of travelling, if the principle of local inspections were extended. They are wanted to advise Local Authorities, and to keep them moving. He is perpetually sending to Vestries and to magistrates to acquaint them with the law. A regular system would require inspectors to be the poor law or factory inspectors, who have districts assigned them. He thinks cattle plague regulations more properly a matter of local police than of a central department, and quarantine a political rather than a sanitary question.

T. Taylor. 8798, 8802–5. 9922. 9924.

Mr. Weale, formerly an assistant commissioner and inspector under the Poor Law Board, does not think the present number of poor law inspectors could do the necessary inspection under a united administration of all local government including the Sanitary as well as Poor Law Acts, but the united work might be done by adding to the number of inspectors, and more economically and efficiently than by having different inspectors under each set of Acts. He has often had to advise Boards of Guardians on the appearance of an epidemic, on the issuing of notices, and urging appointment of inspectors of nuisances, and on questions of law. About removal of nuisances,

Weale, 10,644. 10,662–3, 10,675.

when information was wanted he always gave it, and they were glad of his opinion. If any general system is carried out involving sanitary measures, an immense amount of additional business will be thrown on the inspector. Smaller areas and more inspectors would be
10,718. better than giving assistant inspectors. Poor law medical officers would, he thinks, make the
10,737–42. best officers of health. The audit of the Poor
10,781. Law and Sanitary Authorities is the same, and might be made so throughout the kingdom. Sanitary inspection, if thorough, must be more
10,524. onerous than poor law inspection, but by re-
10,848. striction to smaller districts might be made easy.

Dr. Budd says medical officers of health (to be appointed by the magistrates and precluded from private practice, with salaries of from 500*l.* to 1,000*l.* per annum) should be appointed throughout the country, say one to each parliamentary division, and should be responsible to the central department. It is a question, he
Budd, 9229, thinks, whether they should not also be the
9223, 9270, coroners; and they should have a staff of
9364–5, inspectors, in fact a sanitary police, under
9295, 9319– them, and should receive reports from the re-
9323, 9230, gistrars, the hospitals, &c., and the poor law
9233, medical officers.
9310–2.

Home Office. (Local Government Act Office.) CENTRAL SANITARY FUNCTIONS under the Home Office have been summed up by Mr. Tom Taylor as follows:—*

1. *Under the Local Government Act*, 1858.

21 & 22 Vict. c. 98. Appointing summoning officers to call meetings for considering adoption of the Act in certain cases (sec. 13).

Settling boundaries for places having no defined boundary known to the law (sec. 36).

Inquiring on petitions for exclusion of places, or parts of places, from adoption of the Act (sec. 17); and on appeals founded on legal invalidity of adoption (sec. 18).

Dividing districts into wards for the election of local boards, on petition of owners and ratepayers (sec. 24).

Dispensing with certain prohibitions of voting (sec. 25).

Sanctioning unions of adjacent districts (sec. 27).

Examining and approving byelaws made under secs. 32 and 34 (sec. 115).

Sanctioning the purchase of premises for the construction of new streets (sec. 36).

Making orders putting an end to exemptions of certain processes from penalties for non-consumption of smoke (sec. 45).

Approving market byelaws and toll tables (sec. 50).

Sanctioning loans for the extension of works (sec. 57).

Deciding appeals against disallowances by auditors of the accounts of Local Boards (sec. 60).

Hearing and deciding on memorials against private improvement expenses (sec. 65).

Inquiring on petitions, and making and passing through Parliament in schedules of confirming bills, provisional orders for the compulsory taking of lands (sec. 75).

Inquiring on petitions for future execution, repeal or alteration of local Acts, for separations of parts of districts from the districts, or for incorporation with districts of adjacent places or parts of places, or for alteration of Provisional Orders, or Orders in Council, or confirming Acts (sec. 77).

Inquiring on petitions for enlarging the limits of borrowing powers from the assessable value of the district to twice that value, and extending the term of repayment from 30 years to 50 (sec. 78).

Reporting annually to Parliament on the execution of the Act (sec. 79).

Making orders as to costs of appeals and inquiries (sec. 81).

2. *Under Sanitary Acts* 1866, 1868, *Sewage Utilization Acts* 1865, 1867, *and Sanitary Loans Act*, 1869.

Inquiring into and modifying the formation of special drainage districts (sec. 6 Sanitary Act, 1866, and sec. 7 Sewage Utilization Act, 1868); and making places not having known and defined boundaries into special drainage districts (sec. 8 Sewage Utilization Act, 1867); and uniting *special* drainage districts and determining the apportionment of their expenses (secs. 10 and 14 Sewage Utilization Act, 1867). — 29 & 30 Vict. c. 90, and 31 & 32 Vict. c. 115; 28 & 29 Vict. c. 75, and 30 & 31 Vict. c. 113; and 32 & 33 Vict. c. 100.

Granting powers by provisional order, to be confirmed by Parliament, for compulsory taking of lands for works of water supply or sewage outfall, or sewage irrigation (sec. 11 Sanitary Act, 1866; sec. 7 Sewage Utilization Act, 1865; and sec. 4 Sewage Utilization Act, 1867).

Recommending and sanctioning loans for the purposes of sewer authorities (sec. 12 Sewage Utilization Act, 1865).

Directing the chief officer of police to institute proceedings under Nuisances Removal Acts, when he is satisfied on inquiry that nuisance authorities have made default in doing their duty (sec. 16 Sanitary Act, 1866).

Putting in force by publication in the "Gazette" certain portions of the Sanitary Acts for regulating houses let out to more than one family, and confirming regulations for such houses (sec. 35 Sanitary Act, 1866).

Inquiring into complaints of default of duty by Local Boards and Sewer or Nuisance Authorities, making orders limiting a time for the performance of the duty, and if default is not supplied appointing a person to do the work in which default has been made, at the cost of the authority in default, and charging such person (sec. 49 Sanitary Act, 1866, and sec. 8 Sanitary Loans Act, 1869).

Making order for the payment of all inquiries or proceedings directed by him in pursuance of the Acts aforesaid (sec. 9 Sanitary Loans Act, 1869).

Recovering expenses incurred for works done under the last-mentioned power (sec. 8 Sanitary Act, 1868).

Certifying expenses incurred, or loans contracted for doing work in which Local Authorities have made default, or the amount of overplus of such loans (secs. 4 and 7 Sanitary Loans Act, 1869).

Mr. Taylor has also questions as to the sanitary arrangements of schools referred to him by the Education Department, &c. — T. Taylor, 8790.

On the question of the operation of sec. 49 of the Sanitary Act, 1866, we have had the following evidence: — *Operation of Sanitary Act, sec.* 49.

A complaint under sec. 49 of the Act of 1866 should be required to be signed by a *quantum* of ratepayers. — A. Taylor. 1161, 1309.

Case of Chichester; collision between Local Government Act Office and the Local Authorities. — 1294.

Mr. Rayner says he has no objection to sec. 49 of the Act of 1866; would object to a County Board or to inspectors. — Rayner, 2295, 2300.

* The following account of his duties was furnished to the Commission at their request by Mr. T. Taylor.

Heron, 2340. Sir J. Heron mentions the circumstances under which sec. 49 of the Act of 1866 was passed.

It was not, he says, then contemplated that the Secretary of State should execute works.

1667. T. Taylor, 8707, 8708–9. An Act was framed last session to enable the Home Secretary to raise money to put in force sec. 49 of the Sanitary Act, 1866. It has not been put in force yet, further than by appointing a clerk to make preparations for levying a rate.

Privy Council, Medical Department. CENTRAL SANITARY FUNCTIONS under the Privy Council, in the Medical Department of the office, have been summed up by Mr. Simon as follows:—*

1. *Under the Diseases Prevention Act*, 1858, *and Public Health Act*, 1858.

The putting the Diseases Prevention Act in force, sec. 5 of the Diseases Prevention Act, 1855. The issuing of directions and regulations under that Act, sec. 6 of the same Act, and Public Health Act, 1858, sec. 1, made perpetual by 21 & 22 Vic. c. 97.

Making inquiries in relation to any matters concerning the public health in any place or places, and to the observance of the regulations and directions issued under the Diseases Prevention Act. Public Health Act, 1858 (sec. 3).

2. *Under the 23 & 24 Vic. c.* 77.

Authorising the Nuisance Authority, in any case where it is a different body from the Board of Guardians, to the authority for executing the Diseases Prevention Act, instead of the Board of Guardians (sec. 11).

29 & 30 Vict. c. 90. 3. *Under the Sanitary Act*, 1866.

Sanctioning the rules of the Nuisance Authority as to removal of contagiously diseased persons to hospitals (sec. 29).

Prescribing within what nuisance jurisdiction ships in certain cases shall be (sec. 30).

Authorizing or requiring two or more local authorities to act together for the purposes of the Diseases Prevention Act (sec. 40).

31 & 32 Vict. c. 115. 4. *Under the Sanitary Act*, 1868.

Sanctioning the temporary supply of medicine and medical assistance by the Sewer Authority; or, in the metropolis, by the Nuisance Authority, for the poorer inhabitants of its district (sec. 10).

30 & 31 Vict. c. 84. 5. *Under the Vaccination Act*, 1867.

Prescribing the qualification to be required from persons appointed public vaccinators, and sanctioning exceptions from the same. Making regulations to secure the efficient performance of vaccination, or the provision and supply of vaccine lymph by the public vaccinator. Making inquiries as to the observance of such regulations, and to the execution of the Vaccination Act, 1867. Superintending the National Vaccine Establishment, or making other provision for the supply of lymph (sec. 4).

Superintending the distribution of the moneys provided by Parliament for public vaccinators, and making the necessary periodical inspections (sec. 5).

Making regulations as to re-vaccination (sec. 8).

Applying to the Poor Law Board to determine any vaccination contract (sec. 9).

6. *Under the Pharmacy Acts.*

Sanctioning the byelaws of the Pharmaceutical Society (sec. 2 15 & 16 Vict. c. 56., and sec. 25, Pharmacy Act, 1868).

Approving regulations to be made by the Pharmaceutical Society with respect to keeping, dispensing, and selling poisons (sec. 1 Pharmacy Act, 1868).

Approving of additions to the schedules of poisons in the same Act (sec. 2).

Approving examiners of the Pharmaceutical Society, and inspecting the conduct of its examinations (sec. 6).

Directing the name of any person convicted of any offence against the Pharmacy Act to be erased from the register of Pharmaceutical Chemists (sec. 26).

7. *Under the Medical Acts.*

Suspending the right of registration in respect of any particular qualification on a representation from the General Medical Council (sec. 21).

Prohibiting any attempt to impose on a candidate for a qualification any obligation in regard to the practice of any particular theory of medicine (sec. 23).

Quarantine, &c.

The Quarantine Act is administered through the Privy Council, and the Cattle Diseases Acts have a veterinary department in the Council Office to themselves, consisting of a secretary, a chief clerk, 12 other clerks, and about 25 extra clerks. — Helps. 9787.

The Burial Acts are administered through the Home Office, with a separate medical inspector for the purpose. — T. Taylor, 10, 11. Holland, 8141.

The Local Government Act Office has power to appoint medical officers under the Artizans Act, but has only done so in the single instance of East Dean. — T. Taylor, 247–8, Heane, 6740–1.

The Poor Law Board sanctions the appointments of relieving officers as nuisance inspectors; otherwise Nuisance Authorities, which in country districts are the Boards of Guardians, have no central control further than that, under the Sanitary Act, the Local Government Act Office may undertake works on their default. — 29 & 30 Vict. c. 90, ss. 16, 49.

Other Acts affecting public health find their supreme authority in other chief departments of State, *e.g.* the Alkali Works Act in the Board of Trade, and the sanitary provisions of the Factory Acts come under the Home Office.

On the first necessity of more strength being given to the Central Authority, Sir J. Heron says, "I would not withdraw the Secretary of State's "power under the 49th section of the Act of "1866, but I would give additional powers to "do away with the necessity, except in extra-"ordinary cases of his undertaking works." — Heron, 2458.

Mr. Taylor's evidence is strongly in favour of "unification of the Central Authority." Of the working of the present system, Mr. Taylor, who has seen the whole experiment, first as secretary of the Board of Health, and then of the Local Government Act Office, states that since the division of functions the Home and Council offices are constantly corresponding on the subject, — *Central Authority wants strengthening and unification.* T. Taylor, 17.

* The following account of his duties was furnished to the Commission at their request by Mr. Simon.

and have been occasionally at cross purposes. He thinks the sub-department over which he presides might be sufficiently officered to do the whole work necessary to set Local Authorities in motion, and give them what assistance in the way of advice and skilled superintendence they require, without overburdening the head of the department of State, provided an Under-Secretary could speak for it in Parliament. He is of opinion that the whole staff would not have to be larger; the staff might even be smaller; it is a consolidation of duties, and *pro tanto* the tendency would be to diminish the office staff. He would transfer to a department of the Home Office the duties now discharged by the medical department of the Privy Council, and an illustration of the desirability of such an arrangement, he mentioned what Mr. Simon calls the "concordat." As far as he can see, a great many questions connected with the public health might be under the eye of the same Central Authority, and worked by consultation and arrangement between its different branches. He would remove all the health business, both relating to men and cattle, now transacted in the Council Office to this one centre.

64, 67.

30.

9925.

9922–25.

Mr. Arthur Helps gives reasons against transferring the execution of the Quarantine Act from the Council Office, as chiefly concerning commercial and international questions.

Helps, 9882.

The Home Office, says Mr. Bailey Denton, should be the chief Central Authority, and issue instructions and receive appeals, but should not interfere in the execution of works. He gives an instance, however, of the danger of a Central Authority recommending any particular process, in the Local Board of Hitchen having an action brought against it by a miller for fouling water. They adopted the General Board of Health's advice, and so incurred further actions, which finally induced them to dissolve themselves in despair, and even a section of the Act of 1858, introduced to meet this case, has failed to revive the Board.

Bailey Denton, 4853,–7,–8.

4862.

Dr. Rumsey describes the main causes of the defects in sanitary management as being,

(1.) Want of inspection, which should be universal, continuous, and comprehensive.
(2.) Want of proper resident medical officers.
(3.) Want of competent Local Authorities.
(4.) Want of clear definition of the duties of the medical officers and local authorities.

Rumsey, 4270.

He wants to see all those departments of Government which have to do with sanitary work, either sanitary inquiry, or sanitary administration, or sanitary works, combined in a single Board of Health. There are, he says, a great many functionaries whose total remuneration would go a great way towards the fund which would be necessary for the proposed Medical Officer of Health.

4298, 4301–4.

4360.

Dr. Budd says there should be a thoroughly efficient administrative department for sanitary matters, presided over by a Minister of Health, who should have medical men in his office, and who should be armed with power to enforce the law on recusant Authorities, and the adoption by them of whatever science has made sure in the way of prevention of infectious disease.

Budd, 9229, 9288, 9347–9352.

Mr. Mantle would have a Central Authority, with power to compel inert Local Authorities to action. That Central Authority should make no doubtful sound. He has been in correspondence with the Poor Law Board, Local Government Act Office, and Medical Department of the Privy Council, and found the greatest difficulty in getting anything like united action.

Mantle, 11,239.

11,240.

Mr. Pember thinks that a Central Authority, something like the old General Board of Health, should be revived, employing superintending inspectors, who should have districts allotted them. In fact, the whole country should, he thinks, be mapped out, and reports made as to places wanting drainage and the class of works wanted, and the works going on, and the Central Board should hold inquiries on the spot, and promulgate the result. The Central Board should have the power of doing the work themselves on default, and charging the ratepayers.

Pember, 4775, 4789, 4830.

See Brogden, 11,577.

Mr. Chambers would have a Central Board in London, dictating to Local Boards what remedies should be applied to local evils; inspecting, ordering, but not actually executing. Such Central Board should gather all departments involving sanitary superintendence under its roof.

Chambers, 10,345. 10,351.

Mr. Devas would give the Central Authority power over all Local Authorities as its *protégés*.

Devas, 11,345.

Mr. Huskinson would have a permanent Board in London, such as the Inclosure Commissioners—a non-political body. Any person aggrieved should have power to apply to this Central Authority, who should make inquiry by their inspectors. It should have similar power over towns as over country parishes. It should not execute works, but might contract for recusant Authorities. It would accumulate a great deal of technical knowledge available throughout the country. Periodical visitation would not be necessary,

Huskinson, 8600. 8510. 8568. 8579.

Mr. Simon is of opinion that it is almost inevitable that his office should be transferred to the Home Office, since the other offices cannot be transferred from the Home Office to the Privy Council Office. He thinks that both sorts of subject-matter, the subject-matter of the medical department and the subject-matter of the Local Government Act Office, should be under one Minister, but with two separate offices. The General Register Office ought to be under the same Minister. They could be managed separately as departments. A destitution branch and a health branch might, he says, very well be co-ordinate offices under a single Health Minister. This, he thinks, quite a conceivable arrangement. It would never do to make the sanitary superintendence of the country a branch of the Poor Law Board as such. He says it is important that the local health administration of the country should be identified with the system of medical relief of the poor.

Simon, 2108. 1836, 1860, 1948. 1862. 9726, but see 9775, &c. 1967.

Mr. Taylor thinks it would be easy to establish a communication between two departments.

T. Taylor, 8736.

Lord Devon, speaking from experience as President of the Poor Law Board, sees no difficulty in devolving the administration-in-chief of all matters arising within the Sanitary Acts, and the poor law as part of local government, on one high officer of State, provided he has a sufficient number of assistants. Both branches of his administration would require a considerable additional staff.

Sanitary and Poor Law administration might be under one chief minister of local government. Lord Devon, 10,851, 10,907.

Mr. Druitt admits that the Poor Law Board is virtually, in some particulars necessarily, the Central Sanitary Authority of the country.

Druitt, 9092.

Mr. Simon states that frequent as the communications are between the medical department of the Privy Council and the Local Government Act Office, there are immeasureably more frequent communications with the Poor Law Board.

Simon, 9696.

Mr. Lambert observes that the existing Poor Law Medical Officers have great facilities for ascertaining the state of disease, inasmuch as

they are constantly visiting every parish in their district, and many of them are visiting not only paupers but other classes of the population. They would require extra remuneration if they had further sanitary returns to make. He thinks there would be no difficulty in the way of poor law auditors auditing the accounts of all Local Authorities within their districts.

Lambert, 4730–9.

4610–4714.

The inspectors' districts would have to be diminished. As to the Poor Law medical officers, &c., if new and important duties were thrown upon those gentlemen, the salaries in many cases would require to be largely increased, and if those duties are of an onerous character, it would be necessary to take very stringent precautions to prevent an interference, by the necessity of performing those new duties, with the primary duties of the medical officer, namely, the attendance on the sick poor. Therefore, "if you were to impose upon the medical officer other considerable duties, you must probably diminish the districts, and the number of officers so employed would have to be increased." Lord Devon expressed himself in similar terms respecting relieving officers.

Lord Devon, 10,852.

Mr. Dyke, officer of health, Merthyr Tydvil, says, "The same Authorities, by whatever name "called, should relieve the poor, and be the "guardians of the public health." But he seems to imply that he thinks the health and poor law functions should be in separate groups.

Dyke, 6337–6894.

6305.

Dr. Rumsey thinks there would be no insuperable difficulty in the same medical staff being employed both by Boards of Guardians and Sanitary Local Boards.

Rumsey, 4403–10.

Dr. Farr says, "The administration of the "poor law is one of the lowest duties. The "Boards of Guardians require reorganization "on a well considered plan, and they should be "absorbed in Local Government Boards and "Town Councils."

Farr, 5054.

If a relieving officer is appointed inspector of nuisances, the sanction of the Poor Law Board must now be obtained to the appointment; otherwise the Poor Law Board has no power or knowledge as to what is done by the Guardians as Nuisance Authorities. Guardians, as Nuisance Authorities, may require medical officers to report to them, and may pay them for reports out of the common fund. Guardians generally subscribe to hospitals. Under Mr. Hardy's Act of 1867, the Poor Law Board can order the building of asylums for certain classes of the poor and dispensaries, but this power, when resisted, is practically inoperative, owing to the difficulty in the way of proceeding by mandamus.

Lambert, 4640.

4631.

4630.

4685.

4686.

The possibility of uniting to a certain extent sanitary and poor law administration under one management, is witnessed by Mr. Gordon, M.P., late Lord Advocate for Scotland, who was himself the means of getting an Act passed in 1867, placing under the Board of Supervision for administrating the poor laws, the sanitary administration of the whole of that kingdom, with limitations to their powers in the case of towns of 10,000 population.

As in Scotland.

Gordon, 11,081.

Mr. Walker, Chairman of the Board of Supervision, says, the large towns in Scotland do not act frequently, or to any large extent, under the Public Health Act. They have either a Local Police Act of their own, generally with much more stringent regulations than the Public Health (Scotland) Act contains, or they have adopted the General Police Act, 1862, which also has very special stringent regulations upon sanitary matters; over that work the Board of Supervision have no control, and they have no official knowledge of it.

Walker, 12,083. 12,084.

Mr. Gordon states that the Board of Supervision consists of a salaried Chairman, assisted by three of the sheriffs, who are advocates practising in Edinburgh, and local judges in the counties, and who receive, in addition to their salaries as sheriffs, 150*l.* on this account. The Lords Provost of Edinburgh and Glasgow, the Solicitor General, and two or three other gentlemen are members of the Board, and occasionally attend.

Gordon, 11,082.

The powers of the Board of Supervision in administering the Public Health Act, in addition to the poor law, consist in inquiring into the state of public health and into the action of Local Authorities, and by application to the Court of Sessions enforcing their duties. The Local Authorities are either Councils, or Commissioners, or the Parochial Board, which is equivalent to the English Board of Guardians.

The 96th section of the Public Health (Scotland) Act gives the Procurator Fiscal (who represents the Lord Advocate in criminal matters) authority to take proceedings against a Local Board in default; and the 97th section authorises the Board of Supervision, with the approval of the Lord Advocate, to apply by summary petition to the Court of Session, or during recess to the Lord Ordinary.

Gordon, 11,088.

One of our colleagues, Dr. Christison, professor of medicine in the University of Edinburgh, thinks that the best Authorities for rural districts in Scotland are the elective bodies now in existence. A General Board should give directions to all those Local Boards, so that they should act on the same principles, not to dictate, but for reference or appeal. The Local Authorities would be the Heritors corresponding with our Board of Guardians. The locality of the General Board, whether in Edinburgh or the Privy Council Office, would depend on the nature of the respective laws and Boards of the country, because, although there may be a separate Board for carrying out the Nuisance Act, still there would be frequent reference to what is done by other existing Boards, *such as the Poor Law Boards and the Town Councils.*

Christison, 5306.

5308.

It is obvious, he says, that the Privy Council, which is at present the governing Board, so far as there is government in the manner, is admirably suited for the purpose, if they had time.

5390.

Dr. Hancock, LL.D., who is in charge of the judicial and criminal statistics of Ireland, and was employed in preparing the Irish part of the Act of 1866, says that his main object was to get rid of the divided responsibility of the old Sanitary Authorities. The old Board and officers of health constituted in 1818-9 were abolished; the Sewer Authority was made the same as the Nuisance Authority, so as to get rid of having two; for the special prevention of disease, advantage was taken of the poor law authorities being perfectly organized under the Dispensaries Act of 1851. Then there was an exhaustive territorial division, and with regard to that, the Nuisance Authority was the Town Authority wherever a town was organized for local government. Every other part of the country, whether under Corporation or Commissioners, was placed under the Board of Guardians, so that there could be no conflict of authority. Then with regard to special medical provisions for temporary emergencies, the Guardians are made the sole Authority.

and in Ireland.

Hancock, 10,980, 1.

The Lord Lieutenant in Council is the only Central Authority which could create Town Boards. It is, he says, in the contemplation of the Government to put Irish towns under a Local Government Act Office in Dublin. Since 1868 the distinction between the poor law inspectors and the medical poor law inspectors has

10,989.

10,994.

been terminated; and the same officers are inspectors for all purposes.

11,066. The committee of management of a dispensary district are employed by the Guardians in special cases for the Diseases Prevention Act, and have charge of the Act while it is in

11,033–6. operation.

Boards of Guardians are already to some extent under the Poor Law Commissioners for

11,000. sanitary as well as poor law purposes, and the poor law inspectors in special cases act as sanitary inspectors.

14 & 15 Vict. c. 68. The Medical Charities Act of 1851 attached a medical commissioner to the poor law department, and placed all medical arrangements in

11,029. dispensary districts under him.

Mr. Power, Chief Commissioner of the poor laws in Ireland, says that the Sanitary Act of 1866 placed every part of the country under some single and known jurisdiction, which was not the case before. It placed under the Boards of Guardians, and therefore under the Poor Law Commissioners, all parts of the country which were not under Town Councils or Town Commissioners, but the Act gave the Poor Law

Power, 11,928. Commissioners no such power as they have

11,951. under the poor law or under the Medical Charities Act for the purposes of organization or

11,938–9. management. He thinks the small towns should

11,962. come under the Poor Law Commissioners. The sanitary jurisdiction of the Boards of Guardians under the Act applies to two-thirds of the popu-

11,930–1. lation, the other third being left to urban and populous districts under Town Councils or Town Commissioners. This is the whole scope and extent of the combination of the poor law and

11,933. the health law in Ireland. The Lord Lieutenant has power similar to that exercised by the Home Secretary on complaint under the 49th section of the Sanitary Act, but has no inspectors, and no correspondence with those Authorities; when a complaint comes, the Castle has to borrow an

11,940–1. inspector from the Poor Law Commissioners.

Bombay an example of comprehensive sanitary authority. Hewlett, 5683. 5695–9. 5781. A very complete sanitary organization in the city of Bombay has been described to us by Mr. Hewlett, health officer. The sanitary administration is under a Municipal Commissioner with executive power—a controller of accounts, an executive engineer, and a health officer. He gives us a full detail of his operations. This is evidence of a very complete system, hardly applicable to this country. The death-rate has been reduced from 39 to 19 per 1,000.

Powers of Local Authorities.

The following analysis of evidence on the powers of Local Authorities, is intended to be such that the concise statement of the law, the suggestions for its amendment, and the evidence on each point, may stand in the same order:—

1. *Water Supply.*

Thring, 444. There is no power to compel a Sewer Authority to supply one or two cottages alone with water, provided that the rest of the district is properly supplied.

At all events in cases of new cottages, the owner ought to be compelled to provide a supply, or to see that there is a supply before a cottage is passed as fit for a human being.

445. Wilson, 1763, 1787. At West Ham a difficulty as to the 2*d.* a week water clause arises from there only being power to enter and do the work after notice to owner to lay on the water. There should be power to cause the owner to be fined on non-compliance. They have often difficulty in finding him, and perhaps he then turns out to be very poor.

Water companies should be punishable if they give bad water. The irresponsibility of water companies is something abominable. If they give us water which is impure or polluted by sewage, and in consequence create or greatly increase some cholera or typhoid fever epidemic, they are virtually unpunishable. Simon, 1844.

Mr. Simon doubts if water companies, except in London, are subject to much law, and the law in London is imperfect.

The Privy Council Office cause water to be analysed at King's College. Laboratories are necessary, but too great stress is sometimes laid on analysis. In cases where water has been most poisonous, the real test has been killing the people, not what chemists have demonstrated. 1949, 1955.

There should be in every quarter sessions division a public analyst appointed by Justices, with certain definite duties as to public supplies of water, &c. 1957, 2091.

The Local Authority should enforce a supply of water, &c., before the house is inhabited. 1994.

There were difficulties as to the water supply of Croydon, owing to the Lambeth Water Company having power to supply the parish. C. W. Johnson, 2947.

There should be power for a Local Board to take from a company, at a proper valuation, the supply of any part of their district, buying their pipes, and so on. For instance, in the parish of Croydon there is a large district of Norwood which the Lambeth Waterworks Company supply, and the Croydon Local Board cannot go there, although they have an abundance of water to supply them. The Local Authority should be able to enforce water supply in all tenements. 1994, 5544.

They have excluded the company, however, from Croydon itself. 2922, 2924.

The bountiful supply of a town with water is the foundation stone of all sanitary improvement. They have a scale of charges, very low for cottages; 1*d.* per week, or 4*s.* 4*d.* per annum, for a *constant* supply. They object to cisterns. There is and must be waste. 2927, 2953, 2962, 2974, 2993, 2976.

Mr. Milman thinks the storing of rain water could easily be managed. It would in some respects obviate the necessity for expensive waterworks; he would not, however, use it for drinking purposes. Milman, 4520, 4569. 4570.

In a place where he formerly resided there was a regulation (not, however, carried out) of an old Act, that the houses should have shoots to them.

There should be, even in the smallest villages, a standard of purity of drinking water, maintained by a Government test. Bailey Denton, 4875.

It would be a great preventive of disease if water supply could be afforded, but the gathering grounds would often be six or sometimes nine miles away. Dyke, 6337.

The great difficulty in Lancashire is want of water; not but that it might be made sufficient by various processes, retention of flood water, &c. Gen. Denison, 7608, 7672, 7699, 7700.

Oldham has just been applying to Parliament for leave to take water out of another valley, and which is wanted for the towns in that valley. A Local Authority is wanted which should decide such questions on the spot. 7610.

If smoke was consumed reservoirs need not be covered; in a populous district, however, they should always be covered. 7663–4.

Water once polluted by sewage can only be made fit to drink by distillation. 7665–6, 7701–3.

The Local Authority might provide for water supply for villages. It may sometimes be done in the same way as has been done at *Blidworth*, in Sherwood Forest, viz., by laying down pipes Huskinson, 8557-9.

from a source. In some villages this is a more serious matter than drainage.

8560. The Authority should have power to acquire land for the purpose *beyond* the parish.

8561–4. Compensation would have to be paid for taking water.

T. Taylor, 8706, 8762–4. The Local Authority should have the power of supplying water, taking land compulsorily outside their district for the purpose; there are difficulties in the way of supplying an outside population. Where there is a small population near the boundaries, and the cost of supplying that population is a small addition to cost, it is hard to deny the Board that power; but where the outside population is large, inasmuch as the first cost of the water supply is paid out of the rates of the district, it does seem very hard to saddle the district with the cost of supplying more than it wants for its own purposes. An extra charge for water supplied to the outside district might, no doubt, be made.

Menzies, 7027. In such a case as towns in the Thames valley, where the water is hard, the rain water ought to be saved with greater care for domestic washing purposes, and the like.

7096, 7146–8, 7177–9, 7154, 7228. No cottage should be allowed to be built unless a supply of water, as far as it is reasonably good within the district, is provided. There must be discretion with the Authority as to how it is to be provided. You must take from wells in some cases, from storage water in others, but Mr. Menzies would not build cottages in places where he could get only the latter, if it could be avoided. Five gallons per head per diem is the minimum that should be allowed.

R. Clutton, 8422. Underground reservoirs are made, and thus they collect rain water in the fens, &c., where the water is impure.

8431–4. Villages often in hilly counties depend upon wells, or more frequently ponds which dry up in dry seasons. Mr. Clutton scarcely sees how a supply could be made compulsory. A supply could be procured at a very considerable cost by gathering grounds and tanks.

8388–9, 8393, 8406–7. In some districts the water supply has been a good deal damaged by leakage, especially in oolite and chalk soils. Fever is caused thereby. It is difficult to make cesspools and ordinary privies impervious to water.

Norris, 914, 973. In the large towns of Yorkshire waterworks are made which embrace an exceedingly large area of supply, *e.g.*, Halifax covers about 4,000 acres, but our limit of water supply embraces nearly 30,000, including 12 Local Board districts. We supply them in bulk with water. All such places require is a power for the distribution of water for domestic and sanitary purposes within their own areas. The Acts applicable to rural districts need not include any provisions in respect to water supply.

Carr. 2667, 2754, 2828–2831. Water is supplied to Newcastle by a private company, with which the Corporation contract at the rate of 3*d.* per 1,000 gallons.

2825–6. The supply of water to tenement houses has been enforced under the Sanitary Act of 1866.

Rawlinson, 547. The law makes it very difficult for a Local Board to establish waterworks if there are any established rights in the way.

Buck, 3614–5. At Seaford water is supplied from draw wells and pump wells. It is sufficient in quantity, but very impure.

Lord Fortesque. 5819, 5520. The rainfall is so great in Devonshire that there is abundance of fresh running water. The fouling of drinking water, except in the case of wells near cesspools, is not so great a mischief as where the rainfall is less and brooks are scarcer.

Bailey, 5961. At Aldershott the water supply is by a private gas and water company, and is not under the control of the Local Board. The only contract between the Board and the company relates to water for watering the streets.

A proper water supply is very important. Where a proper supply of fresh pure water cannot he provided by wells, it should be brought from a distance. Field.

Power should be given to the Local Board to search for and find it, and if springs were properly attended to there would be a supply in almost every parish. 6038.

At Fenny Compton a small water company was formed; there the landowner gave leave for his water to be taken. They carried it a mile or so. The water is supplied to every cottage; the supply is constant, and the rates are very low. 6044–6052, 6143.

Where there are conflicting claims to water between villages competing for the same source of supply, there should be arbitration; and where water has been used for manufacturing purposes, compensation. 6131–3.

In the case of Eastington, a village in the blue lias clay, no other source for water was available than hills at two or three miles distance. But even in that case reservoirs would be necessary for dry seasons. Harrison, 6183, 6272.

Cottages in the Cotswolds have been in some cases supplied by tanks under the cottages. 6273.

In Norfolk the people are supplied with water from wells; they get water at from 12 to 20 feet deep. The water is good when not fouled by soakage. Such water is often drank. There should be a well for every three or four cottages, and where from the depth wells would be expensive, public wells or tanks should be paid for out of highway rates. Beckett, 6559, 6581–4, 6560–1, 6582–5.

At East Dean the water supply is from wells and natural springs. The former are in some instances polluted; the latter are perfectly good. Heane. 6788–9.

The supply is not sufficient in summer, when the springs dry up. 6790.

As houses increase the deficiency will be more felt. 6791.

There is a plan under discussion for a private water company. 6792.

At Swansea the water supply is very perfect; there is constant pressure day and night, and the water is taken into nearly every cottage. There has been very great waste, but a new form of cistern has been lately introduced. There has been much wear and tear from carelessness, but it is decreasing, as the people learn to appreciate the advantages of constant supply. The pipes and taps, &c., are the property of the owners of the houses. Richards, 7376. 7398, 7419, 7399, 7420–2.

In North Lincolnshire the water supply is from wells; these are sometimes polluted by soakage from privies and pigstyes. There is a bad case of this at Winterton, which is under a Local Board. Winn, 7482, 7483–4, 7487.

There is a full supply of water except during extreme droughts. 7485.

In Norfolk the supply of water is good; it is from springs. The wells are very deep, seldom under 30 feet, and in cases of that sort Mr. Read does not suppose that any serious detriment would result from soakage. Read, 7919.

Country villages are often ill-supplied with water. Snowball, 8037.

The supply (from springs and wells) is in the hands of adjoining owners, and the villagers have not money enough to carry the water from distant sources. 8038–9. 8040.

Mr. Snowball knew a case where the landowner was willing to allow his water to be taken, but there was no means of raising the cost of laying down pipes, &c. 8042.

3046. The village is on the coast, and water could not be obtained by pumps.

8118–9. He believes there is great difficulty in the water supply in Bucks, but he has not felt it so bad there as in Northumberland.

C. W. Johnson, 1151. A great many villages have only polluted water.

Lord Penrhyn, 7862. In North Wales, works of water supply would not have to be executed for purely rural districts; for the towns we have to bring water a considerable distance.

J. Clutton, 8461–3. 8466. In the Fen districts water is usually collected from the roofs and supplied from tanks, which is the best supply to be had there. The tank is put as close to the house as possible, so as not to interfere with the foundations. There is great trouble in keeping yard soakage from them.

The supply fell short in the summer of 1868.

8465, 8467–8. It is very difficult to make the tanks perfectly water-tight, because foul water will drain into the tank through the joints of the pipes if proper provision is not made for carrying away impure matters from the house.

A. Taylor. 881. Local Boards should have the same power to acquire lands for water supply which they have for sewerage outfall.

1265, 1266. The same power of enforcing water supply should be given, and the audit of accounts should be compulsory.

J. Ponsonby, 4103. At Oldham the water is supplied to each house. They do not use stand-pipes.

4105. The supply is constant.

4106. There is waste, but it helps to cleanse the sewers, &c.

4108. They have constant inspection of taps, &c., and frequently fine for waste.

Budd, 9296. 9305. A supply of water should be compulsory, not to each house; but there may be a common tap, as is common at Bristol, for the service of a court.

C. W. Johnson, 2997. At Croydon they have found no inconvenience from supplying very small houses.

2923, 2978. Heron, 2492. The supply is from two wells, partly artesian and partly ordinary wells. For instance, one was made about 60 feet in depth, the other about 190 feet, and from these depths the water rises.

In Manchester they prefer to lay water on in the small houses to having stand-pipes in courts.

Druitt, 8995, 9200. In London there is plenty of water, or would be, if it was not immensely wasted in the houses of the poor.

The cisterns used in common by many often become impregnated with impurities. There should be a constant supply in some neighbouring place, with a waste preventer. The supply should be near at hand.

9201–4. Gairdner, 8206–7, 8223. At Glasgow there is a tolerable supply of water; as a rule, it is not taken into houses of a single apartment or even of two apartments, because the slop that is made by having the water in those houses, and the risk of contamination by the leakage upwards of gases from the drains is a source of danger. There is usually a supply from the main, with a tap and sink, in every other floor, and one tap to every ten families. Owing to want of space and of light it is difficult to obtain even this. There are still cisterns among the better houses.

8226–7, 8292–3. The supply is from Loch Katrine. It is exceptionally pure and good. It is constant, except in very high stories.

8207. The sanitary department has effected the supply of water, cleansing and disinfecting of houses, &c., hospital accommodation, &c., but the evil is to a great extent beyond their control, owing to the bad house accommodation and bad habits of the people.

Liddle, 12,311–3. At Whitechapel they have water-waste preventers. There are 90 in their district. Persons can draw off a pail at a time without the necessity of keeping it in butts. It would not answer for a great many of the poorer houses to introduce water. The pipes might get broken and the houses flooded.

R. Rawlinson, 574. It would be of the greatest possible advantage to enable Local Authorities to become possessors of their own waterworks, and the State should give them all necessary facilities for acquiring such public works.

Heron, 2377, 2471. Sir Jos. Heron has a strong opinion that it is very desirable that where it is possible the ownership, both of the waterworks, both water and gas, should be in the Local Authorities.

Norris, 994. Local Boards should have the water and gas in their own hands.

T. Taylor, 8705–6. Local Boards should have power to supply gas. This is usually conceded to towns by Local Acts.

App. II. to First Report, p. . Mr. Taylor recommends that certain sections of the Waterworks Clauses Act be incorporated with the new Sanitary Act.

2.—*Pollution of Water.*

Thring, 447. Power should be given to close a pump where water is unfit for use. There would, however, be great difficulty in ascertaining what water was poisonous.

496. All manufactories set up after the passing of the new Act should be summarily punished if they pollute a stream; but all existing manufactories should be compelled in all cases to do merely what they are compelled to do by the Salmon Act of 1861 in the case of salmon rivers, viz., to use the best practicable means, at a reasonable cost, to render their liquid refuse harmless.

T. Taylor, 12,364. When the supply of water from a well or pump is so foul as to be injurious to health, power should be given to close the well or pump temporarily or permanently.

Ponsonby, 4047. It is important that provision should be made for closing wells and pumps. A complaint was made to the Home Secretary against the Corporation of Oldham, as to the state of a district where its water, although laid on, was but little used, but instead pump water. This pump was analysed and found impure, but the Corporation had no power to prevent its use.

Simon, 2015. There is no power to close a private water supply which is found injurious to health. Mr. Simon has often wished for that power, but one cannot shut one's eye to the difficulties, *e.g.*, a man has a well in his garden, close to a cesspool, and therefore necessarily polluted, and meets a proposal to shut it up by saying that it is used for watering the garden, and the like, never for drinking.

2018. Public wells are under the Local Authority, and can be closed.

Rawlinson, 717, 721. With regard to the pollution of rivers, you should prohibit—

(1.) The casting in of solids from any source.

(2.) The passing in of any unclarified refuse, dye waters, soap waters, or chemical ingredients of any kind which are notoriously liable to render the water so impure as to spoil it for other manufacturing purposes.

—and leave the finding of a remedy in the hands of the persons so tied up.

718. After considerable inquiry and thought, Mr. Rawlinson has never seen a manufactory as to which this would be an unreasonable requirement.

Water is so scarce in Lancashire and Yorkshire, that sewage-tainted water must be left for use in steam-engine boilers, &c.

719. Manufacturers, if compelled to clarify their waste water, would obtain valuable products therefrom. The woollen manufacturers, tin-plate makers, and gas manufacturers can all carry on their trade without polluting the streams if they choose. So can alkali manufacturers.

720. Milman. 4563–4. Pollution from surface drainage it would be hardly necessary to prevent, if the main means of fouling the streams were removed.

Christison, 5285, 5291, 5355, 5391, 5418, 5347, 5419. Dr. Christison has a very strong opinion that manufacturers and owners should in all cases be compelled by law to take practical means of rendering their refuse innoxious. He would absolutely prohibit *pollution*. He has formed a strong opinion on that point, and upon the ground that he has never yet been engaged in any of these investigations where it did not turn out that when manufacturers applied to the abatement of the nuisance the same skill which they had applied to the improvement of their manufactures, the nuisance was abated materially or altogether, and not only without any extra expense, but in general actually to their profit.

Heron, 2369. The rivers, when they reach Manchester, are so largely polluted that it is a question whether they leave the town much worse than they enter it. If the sewage of towns is to be interfered with, such interference must necessarily extend to the sewage along the whole course of the rivers. Unless a main sewer (as in London) is constructed with an outfall into the sea, it is difficult to see how the streams can be protected.

2369, 2511–2, 2516. Some body must be appointed to represent the whole area that drains into each river, and that area will have to bear the expense in such proportions as they are found to be interested in the expense to be incurred.

Pember, 4756. The Lee Act (1868) forbade the discharge of sewage into the river anywhere, and of solids into the navigable part, except that an exception was made in favour of certain towns which were allowed to discharge their clarified sewage into the stream.

4758 The governing body was representative, the different interests in the valley being represented.

Richards, 7439. It is desirable that Local Boards should have the power to cleanse the surface of all streams in their district.

R. Clutton, 8409, 8419–8421, 8409. The Local Authority should have power to empty, cleanse, and remedy wells which have been contaminated by leakage.

3. *Sewers and Sewage.*

Suggestions as to Law, &c. There are not sufficient powers for combined back drainage.

Rawlinson, 571. Owners of property should not have any power to claim wayleave for the passage of a sewer through their property unless they could show special damage.

Norris, 927, 934, 1023, 1073–7. Under sect. 69 of the Public Health Act the Local Board has to require the owners to sewer before taking action, which is practically absurd.

Wilson, 1692, 1703, 1719. A sewer made by the owners would be a piece of patchwork.

1793. The Local Board should be required to give notice of their intention to do such and such work, and time should be given for an appeal.

1694, 1704. The inhabitants should be left to make their own connexions.

1716. In the Bradford Waterworks Acts there is a provision which is very useful, of taking a conduit by way of easement, not by way of purchasing the fee simple. The main point in assessing compensation is this, whether your sewer or your conduit, whichever it may be, passes at such a level as that it will interfere with the cellarage when the property becomes building ground.

Rayner, 2212. Under the Public Health Act, substantially it is a question of easement, because the Local Board have power to put down sewers on payment of compensation.

Milman, 4484–5. At Monmouth there was, up to 1868, no system of scavenging for emptying cesspools, but if a cesspool became a nuisance the occupier was ordered to abate it.

4486. This was a bad system. Many of the cesspools should have been abolished, and those that were left should have been regulated.

4488. Sewage ought not to be discharged into streams. This principle is asserted in Acts of Parliament, but not carried out. The witness is opposed to irrigation.

4491–3–8, 4521, 4585 4590. The law should forbid (1) the discharge of sewage, refuse from slaughter-houses, &c., into water; (2) allowing sewage to wash into the ground of any town or inhabited place.

4492–4. Sewage should be kept separate from the water drainage, and removed to some convenient place for sale to the farmers. He thinks the farmers would remove the contents, and that the objections to the system are less now that roads and means of removing refuse are improved. He thinks an amended cesspool system would be the best; they should not admit of soakage, and should be capable of being easily cleaned and inspected.

Bailey Denton, 4883–5. The Land Drainage Act of 1861 failed in its second object, viz., that of obtaining easements through properties for outfalls, &c., owing to the process laid down being expensive and troublesome.

4894. Mr. Bailey Denton believes it to be practically impossible to make drains and cesspools water-tight, so that no matter can pass into wells.

Lord Penrhyn, 7863–6. As the rural districts become populous, works for drainage become more and more a matter of necessity; for such works there should be a power of making a Joint Board under the Home Office inspection.

Snowball, 8006–7. There is a great want of uniformity in the manner in which the sewerage of towns is carried out. There is sometimes a difference in the system in the same town, and perhaps the Local Authorities having control in different parts of the town do not work in harmony.

8008, 8011–3, 8098, 8100–8010. Mr. Snowball thinks a *Central Body* should lay down rules which should be generally followed; and should control the ashpit system where that is used.

8009, 8012, 8095, 7–3. He would forbid the discharge of sewage into rivers or into open pits.

8017. He thinks the sewage can be utilized, but not profitably.

8094–6. Towns should be compelled to utilize their sewage, which should be tested and sold to farmers according to its value.

8021, 8128, 8132. In small villages you must have privies cleansed in the usual way by clearing out the soil, but power is wanted to compel this to be done frequently.

Carr, 2826 In Newcastle the powers given by the Sanitary Act, 1866, are sufficient for the purposes of correcting the absence of waterclosets and diminishing in the same measure the number of privies.

2886. It is intended that they should come more extensively into use.

Norris, 930. In many large towns, as in Halifax, where dyeworks are established, and large cloth manufactories are carried on, we find the streams

black. If you injure owners below, where the waters are comparatively pure, the provisions cannot be too stringent, but where the injury done can scarcely be ascertained owing to the dirty state of the stream, which has existed for, say, 40 or 50 years, it is hard that Local Boards should be restrained from draining into them.

Gen. Denison 7668. Subject to engineering arrangements and the provision of the necessary funds, large towns may dispose of their sewage without polluting rivers, and without danger to health.

7669. General Denison does not think a mere fine does any good. There must be a power to enforce the operation of any particular measure at the cost of the community.

7691–2. The Justices are manufacturers of nuisances.

7607. Every person using the water of a river should be compelled to pass it clear to those below him.

Walpole, 5232–3–5. Mr. Walpole would abandon cesspools altogether, except in particular circumstances where they are a necessity. He thinks deodorization might succeed. He produced a bottle of water which he had had eleven months; it was white and clear, and without sediment or smell. He saw it deodorized. The contents were taken from a sewer falling into the Thames at Hammersmith.

5276. There is no power to compel a person laying out land for building to provide a system of sewers for the use of houses to be built. No person should be allowed to lay a foundation-stone until he can show that he has made proper provision for the thorough drainage of the new properties.

Field, 6025. Thinks that public drains should be constructed in every village to carry off the superfious water, and that nothing but clear water should be allowed to enter. No other drains should be constructed at the public expense in purely agricultural districts.

6034.

6039, 6052, 6103, 6130, 9105. The Local Authority should have power to go through any intervening land, whether within or beyond their district (similar to the power in the Land Drainage Act to get an outfall), to get at water.

Harrison, 6186–8. Where sewerage or water supply is carried out the expense should fall upon the houses benefited by it.

Menzies, 7027, 7030. That there must be a double system of drainage by which the rainfall could pass directly into the river, and the sewage and household water be conveyed by itself to the pumping station.

7027, 7031, 7062. That there should be efficient and abundant flushing, not only for main drains but for each house.

7150–6, 7224–7230. Many cottages must depend upon rainfall; it is not always necessary to provide a filter. There are from 23 to 25 inches of rainfall per annum.

7065–9, 7161–5. As to villages, wherever you have 2,000 people living upon half a square mile, *i.e.*, 320 acres, a system of drainage is necessary.

7167–8. Where manufactories exist and towns are springing up you must have a different system.

7066–8, 7149, 7157–9, 7160. Where there are gardens attached to the cottages, sufficient drainage can be carried out by attention to individual cottages.

There should be no surface drainage to cottages except to take the rainfall from the roof, &c.

General Remarks and Examples.

Budd, 9339–9341. Dr. Budd thinks surface water useful in flushing the sewers, and would not separate the storm waters.

Hippisley, 3375. The drainage of Stow-on-the-Wold is very bad. There the people dig to a "swilley," or fissure, and the sewage gets at once into the source of the water supply.

There are cases of groups of cottages where probably a covered tank, properly constructed, would be the best receptacle for sewage. That would be a point upon which the discretion of the Local Board would be fairly exercised. Huskinson, 8554.

The ordinary privy, if properly constructed, need not be injurious to health, but the great fault is that the privy is so ill-constructed that water is allowed to get in, and fermentation takes place, and a serious nuisance is created, and wells are fouled by percolation.

With some exceptions all the new houses at Llanelly which have been built since the application of the Act of 1848, and within 100 feet of a main sewer, connect with the main sewer; not so those built previously, with reference to which the Board has no compulsory power. They have found difficulty in getting parties to connect. R. Johnson, 3222, 3285–6.

The Lincoln Union Workhouse is within the borough, but the Local Board, on being asked to find an outfall for the sewage, there being a prevalence of typhoid fever, replied that, although they were compelled to find an outfall for the drainage of a district, they were not compelled to find one for any particular part of the district. Mantle, 11,176.

At Croydon, every householder is obliged to conform with the general regulations. Whenever a sewer is brought within 100 feet of a dwelling, the Board makes them connect the house with that sewer. The Board abolish all privies; there are very few of them left now. They cannot, of course, do so when there is no sewer within 100 feet of the house; in that case they have no jurisdiction. They filled up in the first few months some 2,000 or 3,000 cesspools. C. W. Johnson, 2909–11

At Llanelly there is a main sewer running from the upper end of the town to midway between the town and the docks, and there it ended, and discharged itself into an open sewer running along a large piece of flat ground, and the purpose for which the Board are borrowing 2,000*l.* is to extend this line of sewage down to the sea. R. Johnson, 3220.

There will be but one outfall into the sea; this will be in front of a part of the town which may be rather thickly populated, but is a small part of the town near the port, in fact between the three docks. The river is tidal. 3259–60.

A considerable number of old houses are drained into the sewer. The great majority in the better part of the town are so drained. All the new houses within 100 feet of the main sewer will be drained. 3275.

They cannot compel owners of houses built before the adoption of the Act to connect with the main sewer. 3285.

They have a difficulty in case of property lying intermediate between the sewer and another property within 100 feet of the sewer. For instance, where there are half a dozen houses all within a distance of 100 feet, supposing the main sewer to be running down the centre of a street in front of them, and there is a side street as it were running up past the end house, there is no power at present to enable the Local Board to compel the owner of the premises belonging to the first house to allow the others to pass through them, so that the Board must either (1.) Have the sewer made under the house, which is very objectionable, or (2.) They will have to make a subordinate sewer, by which I mean the sewer going up the side street through the premises of all the houses, until they get at the last one which is within 100 feet, thereby being obliged to drain some half a dozen houses at the public expense for the benefit of the individual householder without draining any particular district. 3223.

3225. At Llanelly they have no plan in view for sewage utilization.

3201–2. They have, as a provision for ventilating the sewers, brick shafts from the man holes, with charcoal baskets and open gratings. The sewers are trapped through the entire distance.

Heron, 2369. Sewage irrigation is impossible in the neighbourhood of Manchester.

2468, 2515. Manchester has a complete system of sewerage throughout the town. The disposal of the sewage of the district is a very difficult question. An outfall from Manchester to the sea would cost 1,000,000*l.* sterling.

Norris, 936. Utilizing sewage by irrigation works is almost impossible in thickly-populated districts such as Halifax.

Ventilation of Sewers, &c.

Farr, 5186–8. Sewers have no doubt distributed disease in some cases through want of proper provision for ventilation, which should be enforced.

Menzies, 7198–7201. The ventilation of the drains at Eton and Windsor is in a very bad state. They are intending to convey the foul air out of the sewers by means of chimneys.

Trench, 7763–6–8. At Liverpool they ventilate principally by large pipes with Archimedian air extractors. They have about 1,020 such pipes erected for the purpose; at every change of level such a ventilator is put up. They have also, in communication with the drains, ordinary drain spouts, but they are not allowed to be used when any window is near. They have also three or four large ventilators in communication with larger buildings and furnaces.

7767–9. The drains are trapped throughout and flushed.

Liddle, 12,276. The ventilation of sewers by rain pipes is highly objectionable, and Mr. Liddle thinks would be poisonous, because the emanations from the sewers, as at present constructed, would pervade the houses by means of such pipes.

Budd, 9385. There is no ventilation of sewers at Bristol. Dr. Budd would consider it very useful.

4. *Privies, Waterclosets, and Earthclosets.*

Milman, 4498, 4507–8. Mr. Milman would enforce the construction of proper privies by landlords, not necessarily one to each house, the construction to be such as not to admit of soakage into the soil.

Harrison, 6182. The law should compel the construction of proper privies to each house. The supply of water is a more difficult question.

Beckett, 6594–5. In witness's parish in Norfolk privy accommodation is now sufficient; 15 years ago cottages usually were without any, or very little. There is not now one attached to every cottage.

Carr, 2767. With a little additional power over ashpits they would be no nuisance.

2847. This defect is a laches on the part of their (Newcastle) byelaw.

C. W. Johnson, 2955–6. At Croydon the Board do not use ashes in privies, that would be an abomination. They have scavengers going about, but they only clean out dry ashes.

Davy, 3131. At Ottery St. Mary there are no open privies. Waterclosets are attached to every house or group of houses.

Stebbing, 5843–4, 5873, 5883–4. At Southampton the Board want power to close privies, their present privies being mere open receptacles dug in the earth. They cannot convict a man for having a privy unless they can prove it to be a nuisance.

Beckett, 6555. What is required in villages is power to compel owners to properly drain their own properties. Large drainage works are not usually required.

6556. In witness's parish, Ingoldsthorpe, Norfolk, privies, &c., are drained by open ditches which extend to the sea, which is two miles away.

He thinks the plan of the old privy system, where the matter was removed regularly and employed on the land, better than the present. 6557.

At Litcham, in Norfolk, a fearful attack of typhus fever broke out, which was attributed entirely to the sewerage having got into the wells and polluted them. 6501.

In Manchester the Corporation discourage waterclosets; they have 36,000 ashpits to 10,000 waterclosets. If the privies and ashpits were turned into waterclosets the rivers would become abominable. They are perhaps more strongly in favour of our system, *i.e.*, of privies and ashpits, when they are properly constructed, as the best for us under the circumstances (and this apart from the question of river pollution), than we were 10 years ago. The Corporation say, "until a mode of "disposal of, and dealing with, sewage has been "in some way satisfactorily determined, keep "out of your sewers as much as possible the "fæcal matter, which in itself renders them pol-"luted." Sewage irrigation is impossible in the neighbourhood of Manchester. They have not enough water for waterclosets. They have had no experience of earth closets, properly so called. It is necessary that the Local Authorities should inspect and empty the ashpits. They recover back by sale about one half of the expense of removing the nightsoil. Not in any case should they have the ashes to remove. Heron, 2369, 2513–4, 2371–2, 2427, 2469, 2425, 2452–5, 2373.

Salford, on the other side of the river, and the Lancashire towns generally, with the exception of some newly-created towns, are managed as Manchester. 2441, 2451.

Privies have in Liverpool been extensively turned into waterclosets. Rayner, 2228.

The officer of health (Dr. Trench) is strongly in favour of this, but then Liverpool has a tidal river with a great scour.

There is in Liverpool a sufficient supply of water. Trench, 7827.

The difficulty has been that in carrying out the law they appeared to be unjust to private people. It is a question of cost. 7804.

The large majority of privies have been converted into waterclosets, even in the poorest parts of the town (Swansea). This works most satisfactorily in spite of the cost of conversion, &c. Mr. Richards believes this to be the cheapest way of emptying them. Water is the cheapest carrier. This is a purely financial view, irrespective of cleanliness and comfort. Richards, 7394–7.

The waterclosets are not damaged, either by carelessness or otherwise, so much as was anticipated. 7431–3.

Mr. Field is in favour of the old system of a privy and ashpit. Field, 6026, 6098.

The Local Authority should see that they are properly constructed, and empted periodically. 6035–7, 6099.

It would be necessary to reconstruct many of the existing privies. 6100–1.

At Glasgow the excreta from the poorer houses is thrown out into ashpits and collected and removed for agricultural use. The ashpits have been lately much improved and made smaller, so as to necessitate frequent removal. Gairdner, 8228–9.

The privy accommodation is usually outside, and, considering the construction of the house, better so. 8256–7.

There is in terms power to compel adequate privy accommodation, but from the close system of buildings they are obliged to be content with so much as there is space for; they are built in the most open spaces they can get. 8299, 8300, 8323.

If there was power to strike at the root of the evil, sanitary administration would pay as a commercial operation. 8264.

Earth Closets.

Snowball, 8102–6. Mr. Snowball prefers earth closets to ordinary privies if the cottagers could be got to use them; they require more supervision, and there is difficulty with the cottagers to make them use them.

Rawlinson, 541, 608, 722. Earth closets are a failure, but earth latrines may be used with advantage.

Thring, 363. Mr. Thring thinks an optional power should be given to adopt earth closets instead of water-closets, and to compel a small minority which insist on using water to carry off the refuse matter at their own cost.

Hewlett, 5772, 5773, 5774, 5783–5. The Health Officer of the city of Bombay has had no personal experience of the experiments made in India of the dry-earth system. He believes that could not be adopted in large towns. It certainly could not be done in Bombay, which is on an island, and where all the earth would have to be carried into and out of the city, and where during three or four months it would have to be stored under cover. They have tried disinfectants and have used them largely.

Walpole, 5230, 5266–73. Mr. Walpole thinks earth closets suitable for a country house, not for a town. He does not think machinery necessary, but there must be domiciliary visits, some one going round to see that minute details received constant attention; and he does not think the house ashes would be sufficient for the requirements of each household in a town.

Budd, 9267. Dr. Dudd has had no experience of earth closets. He believes dried earth has great disinfecting power.

Huskinson, 8555, 8658–8660. The earth closet, if machinery is used, requires more attention than a privy, and is therefore worse. If you could make one of a simple form without machinery it would be as good or better. If earth was thrown into the water-tight privy, it would be a great advantage.

Heane, 6829, 6837–4. The use of the dust coal, dust, or common mould in a privy, such as Mr. Heane had recommended in his report, would answer the present purpose, and save an enormous expense.

Darby, 7370. In a parish in Sussex the Local Authority require cesspools to be constructed to the privies. The old plan was to throw earth in, and there was no smell. Now that the cesspools have to be cleansed it is a great deal worse.

R. Clutton, 8390. The dry-earth system has been introduced in Gloucestershire. It has not worked well, owing to the carelessness of the cottagers.

8391–2. The Local Authority should have power to insist on the earth system. It is difficult to make cesspools watertight if they are of any size. If they are allowed at all they should be small, and earth should be thrown in daily.

8408. In order to avoid pollution of wells earth closets should be used, or water-tight cesspools should be constructed into which earth should be thrown and removed at short intervals.

8497. Where the landlord has been duly impressed with its importance, and has taken the trouble to promote it, the earth-closet system has come usefully into operation in a rural district.

8396. Baron Rothschild is said to have adopted the earth-closet system upon his estate, and in the first instance he supplied the dry earth and carried away the contents, giving all his cottage tenants an intimation that whenever they wished to have it themselves and chose to supply their own dry earth, he would cease to take it away, an arrangement which a great number of tenants have accepted.

8364, 8376–9. Earth is so natural a material for cleanliness that it is used by animals for the same purpose. The witness has used it himself for 25 years for the collection of everything in the character of manure.

8398 The ordinary sink water remains as a difficulty. He does not know how it is managed by Baron Rothschild.

7. *Scavenging and Cleansing.*

Carr, 2725–6, 2833–4. The Corporation of Newcastle have no power to acquire land, outside the borough, to form a desposit of purely town refuse; it would be desirable that they should have such power.*

2677. The principal expenditure for sanitary purposes, at Newcastle, is for the daily cleansing of ashpits and privies, street cleansing, and watering.

2678–2680. There is an expensive system of ashpits. The Corporation have difficulty in disposing of the contents.

Beckett, 6557 *a*, *b*, *c*. Mr. Beckett would cause the frequent removal from dustpits, &c., of their contents to some waste place outside the villages; such places would generally be found. If not, a small piece of land should be purchased; the expense of this and of the removal of the rubbish would be recovered by the sale of the heap for agricultural purposes.

Druitt, 8989, 8990. The removal of refuse from private houses, under the powers of the Acts, is intensely badly managed. It is forbidden to any private person to remove, for instance, dust or refuse from his house. He could not do it under a fine. Then the parish makes a contract with certain persons to remove it, but those persons who are bound to remove it on application, are not bound to remove it at a convenient time, or in a cleanly manner, or with any sort of regard to the comfort of the inhabitants.

8. *Highways.*

A. Taylor, 1213. Mr. A. Taylor would put the roads under a different Authority from that which had charge of sanitary measures.

Clegg, 820. Mr. Clegg would give the jurisdiction over the roads to the Sanitary Authorities.

Lord Fortescue, 5499. It would be very desirable that the Authority which executes structural works in parishes should have jurisdiction over highways.

5502. At present communications which are of no benefit to the parish at all, but which are of great value with regard to the general communications of the district, are charged solely to that particular parish.

Daglish, 2582. Section 69 of the Public Health Act, 1848, contains a provision that the first cost of sewering, &c., shall be paid, in cases where the street is a highway, out of the general district rates. In the neighbourhood of Newcastle-upon-Tyne the country is covered with roadways which were formerly used as roads for coal, and are now not so used, but have become public highways, and this provision is very obnoxious; accordingly the three municipal boroughs of Newcastle, Tynemouth, and Gateshead have obtained clauses which enable them to put upon owners the first cost of doing the necessary improvements of highways for building purposes.

* In his report to the Health Committee of the Borough of Liverpool in 1869, a copy of which was transmitted to the Commission, the borough engineer, Mr. James Newlands, C.E., states that one of the most important steps taken by the Health Committee was the purchase of a farm as a depôt for refuse, the possession of which had "entirely changed the relation between the "seller and the purchaser of the refuse. Before it was "obtained it was difficult to dispose of the refuse at even "2*l.* per boat-load, and now the price per boat-load "averages 4*l.*"

2595–6. Any right, even of footpath, would give an exemption, and throw it on the general district rates.

2588–9. It would be very desirable that the powers of altering and diverting public highways, now possessed by quarter sessions, should be vested in Local Boards.

T. Taylor, App. to First Rep. p. ix. A clause carrying out the views expressed by Mr. Daglish, answer 2582 above given, has been recommended by Mr. T. Taylor.

9. *New Buildings.*

Clegg, 768–9, 721. No building should be erected without the approval of the Local Authority; a surveyor to the union should be appointed for this duty in country villages.

A. Taylor, 1159. Mr. A. Taylor would extend the byelaw system with regard to the construction of houses and their position to rural districts, so as to give them the means of drainage into a sewer.

Wilson, 1765–6. At West Ham there is, under a byelaw, inspection and licensing of houses before habitation.

Norris, 940. Powers with relation to buildings should be extended so as to include houses already built.

Simon, 1919. Conditions of building should be regulated.

1992, 2052, 2071. Mr. Simon states that he has had experience to a great extent of health being affected by dwellings unfit for human habitation.

Buildings are frequently unfit for habitation. New buildings should be licensed. He would require that the floor under the cottage be dry, and that the cottage be efficiently floored.

1995. There should be further legislation as to existing tenements.

2066, 2072. He is not afraid of stopping the building of houses.

2154. He would have houses and cottages inspected, especially those which would be occupied by lodgers.

C. W. Johnson, 2936. Power is wanted to forbid the erection of buildings on sites which are unfit and cannot be drained.

Davy, 3105. At Ottery St. Mary the Board has no power of regulating new cottages.

3107. There is a cluster of very dirty cottages a quarter of a mile from the town.

Beaumont, 4953. The building of cottages should be regulated,

Field, 6053. The Local Authority should control the building of cottages in an agricultural district.

6056–7, 6071. Mr. Field would not allow fewer than three sleeping rooms, and would regulate the size of those.

Dyke, 6334–5. Mr. Dyke would not allow houses to be built or land to be laid out anywhere, either in rural districts or in towns, except on approval by some Authority.

6350. At Merthyr Tydvil, in the district of the Local Board, they take care to prevent houses being improperly built; and the houses now built have been very much more healthy.

6329. There is a crying necessity to guard the public against the aggregation of population without reference to the mode in which houses are built, &c. A new colliery is opened in an upland valley; houses spring up without foundation and are inhabited before they are dry; there is no drainage.

6330. The difficulties which they now have to contend with in Merthyr and Dowlais, &c., are being perpetuated in the neighbouring district where there is no Local Board of Health.

Beckett, 6575–9, 6726–7. Cottages are often built without the means of opening the windows. All windows should open. The inmates have a horror of fresh air, and seem to think that warmth is everything. It would be difficult, though desirable, to oblige the inmates to open windows.

6568, 6580*b–c*, 6569, 6570, 6580*a*. No cottage should be built without a license from the magistrates, with stipulations as to the way in which it should be built. The accommodation should be proportioned to the number of inmates. Cottages would then only be built by landowners; they would not be supplied in sufficient numbers unless there was a law to compel landowners to build according to the acreage (say two cottages to 250 acres).

6571, 6577*a*. Such a law was advocated by the tenant farmers before the Commission on the Employment of Agricultural Labourers. The farmers were willing to pay an increased rent for their farms upon such outlay.

572. Landowners should be compelled by some such law to build cottages.

Menzies, 7094–9. Mr. Menzies does not think an Act of Parliament could compel people to build cottages.

7143–5, 7095–6. He thinks an Act might compel a minimum standard in sanitary regulations: *e.g.*, cubic feet of air per room, floor space, &c. There is a law that houses unfit for human habitation may be proceeded against, but it is almost a dead letter.

7086 7141. There should be stipulations as to the soil on which the cottage is built, *i.e.*, as to the depth at which the subsoil water should be underneath the houses; as to keep out damp; the thickness of walls; size of living room and height of ceiling; minimum size of windows; minimum width and "rise and go" of staircase; partition between bedrooms; water supply; spouting; privy.

7097–8. The only objection to the law is the fear of causing a scarcity of cottages, and the minimum should be as low as possible. When that is fixed, the materials, especially woodwork, could be made wholesale, and so cheaper.

7100. The feeling of the better-informed class is so strong, that he thinks Boards of Guardians could enforce such regulations.

Winn, 7490–4, 7528–7540, 7596–8. The Local Authority might lay down rules as to the size of rooms in cottages, and as to ventilation and healthy condition, subject to an appeal to the Home Secretary, but the witness is not in favour of submitting the plan of each building to the Local Authority.

Lord Penrhyn, 7867–9, 7884. Lord Penrhyn would not give the Board of Guardians control over the erection of cottages, &c. There is so much going on in the improvement of cottages that he thinks it may be left to public opinion.

7870. The cottages at the slate quarries are built some by the owner and others by the men; in his own case he insists upon a certain plan, &c.

7571. There are not many built by speculators, the workmen build their own.

7877. Medical officers are the class of persons who should be asked to give a medical certificate that a house is unfit for habitation.

Read 7933. Boards of Guardians (in other words the Rural Authority) might be trusted to make regulations about the dwellings of labourers, as to their size, the number of rooms, the privy accommodation, and similar provisions.

Snowball. 8050–1, 8109. Mr. Snowball does not think that landowners would be willing to conform to building regulations of Boards of Guardians. He thinks local supervision generally open to abuse.

Gairdner, 8303, 8312. The construction of new houses in Glasgow is under the Dean of Guild Court, which has very large powers. A certain amount of window space is insisted upon, and that the windows should open at the top, but no artificial ventilation.

8201. Byelaws regulate cleanliness, &c.

8224–5, The sewage of Glasgow is turned into the

8324–8332. Clyde. It is rolled up and down by the ebb and flow of the tide for a long time without being carried out to sea; it is so bad that it is beyond a question of health.

8294–8. The river is artificially deepened, and accordingly allows the accumulation of sewage matter to a much greater extent. There are also increased difficulties of outfall, all the land below being occupied by villas, &c. &c.

R. Clutton, 8370–1, 8447–8, 8423. It would not be practicable to give Local Boards power of regulating cottages. The Local Authority should lay down regulations to which builders of cottages should conform, but they should not specify the precise mode of doing each particular.

J. Clutton, 8471–2. Owners would object to building under regulations, which would, however, be very desirable.

8473, 8479, 8481. The number of rooms could not be controlled though the size, &c., might. The Dover bye-laws might be taken as a model.

8476–7. Dampness is another great evil in cottage building. They now build with hollow walls and a damp course. This adds 10*l.* to the expense.

8492. You cannot make general legislation as to particulars in building.

Huskinson, 8564. A capricious exercise of authority would have to be guarded against.

8598. Mr. Huskinson would not compel plans to be submitted to the Local Authority in a rural district.

Field, 6120–4. Cottages as described by Mr. Field would cost 300*l.* the pair. A single cottage would cost more than 150*l.*, with privies, &c, and this irrespective of the value of the land. The rent would at most be 3*l.* 18*s.* in the course of the year.

But notwithstanding this inadequate return for the cottages, speculators exist all over the country. Farmers build up cottages and make money by them, because they build wretched places and charge enormous rents for them.

6148–50. If a Board were established controlling these cottages, and such cottages were not allowed to be built, there would still be a supply of cottages. Landed proprietors are building very much everywhere.

Beaumont, 4960. The effect of compulsorily improving the cottages would be to increase the outlay and merely tend to a diminution rather than to an increase in their number.

Milman, 4514. The Local Authority should have power over new buildings, so that if buildings are made so as to be a nuisance they should have the power of removal.

4515. Even in rural places there should be a Local Authority to whom plans of new buildings should be referred for approval.

4517. The owner should be made to conform to certain principles, and if he conforms to them he should be left without further interference; if the interference be as little as possible, a new plan would be much more easy to carry out.

Heron, 2374, 2399. Byelaws as to building, &c., should now be made with the approval of the Secretary of State, and they should have the force of law.

2375, 2402. Sir Jas. Heron neither approves of the building byelaws issued by the Local Government Act Office, nor of the powers given to make such byelaws.

2376, 2465. Building byelaws are as necessary for a comparatively rural district; in the neighbourhood of Manchester, quite recently, some builders refused to carry out a contract they had made, and went elsewhere, where they "were not to be bothered by building byelaws." Byelaws would not be made where there was no need for them.

Carr, 2710–1, 2765, 2807, 2835–7, 2762–3, 2840–4, 2842. A great expense is caused to towns when they have from time to time to take in outlying districts where no building regulations have been in force; and there seems a necessity for provisions applicable to such districts, which should be under the surveillance (not the arbitrary authority) of the adjoining Authority, who should state what they required to be done, and the views of the suburban district should then be ascertained, and a reference had.

2719–21, 2836–8, 2764–6. Building regulations should be defined by the Legislature, the general law should speak out on such questions. The Local Authorities are quite powerless in many of those matters. Bye-laws would vary with different towns, should include regulations as to heights of chimneys, noisy trades, &c. They should be applicable to rural districts.

Bailey Denton, 4867. See App. to First Rep. Mr. Bailey Denton suggests byelaws chiefly as to cottages, of which he offers a draft code.

Ponsonby, 4078. At Oldham the new Local Act has not been popular as regards the supervision exercised by the Corporation over the new buildings. Any interference is looked upon with great jealousy, and they have been compelled to modify more than once the byelaws framed under the Act, especially the building byelaws.

Rayner, 2213. At Bradford the building byelaws had to be relaxed for a time.

Liddle, 12,274. Old buildings, such as warehouses, stables, &c., should not be converted into dwelling houses unless the plans for the proposed alterations have been submitted and approved of.

Inhabited rooms should not be lighted by means of a skylight.

In order that every street should have an adequate supply of sunlight, which is so essential to health, the buildings on either side of the street should not be permitted to exceed in height the width of the street.

Richards, 7406. At Swansea no roads less than 40 feet in width are allowed to be laid out where houses are to be built on both sides, and the houses are not to cover more than half the area from front to back. When owners neglect to complete the sewerage, guttering, &c., it should be sufficient to put a notice at the end of the road, which should be substituted for personal service, as now required.

Trench, 7751. In Liverpool building byelaws have been made under the General Act of 1858, which has been adopted for the purpose.

7752. These byelaws have done a great deal of good.

7754. The byelaws, however, instead of being applied to all buildings in the town, are restricted to those buildings which are occupied for human habitation, and they are held not to apply to additions to old buildings.

10. *Lodging-houses, Overcrowding, &c.*

Lodgers. R. Johnson, 3235. There should be power given to the police, if necessary, to take out summonses against lodging-houses for infringement of byelaws; at present it must be by the party aggrieved, or an officer of the Local Board.

Gairdner. 8302–0. The Glasgow authorities regulate ventilation by byelaws, insisting upon the windows of lodging-houses being kept open a certain time. The whole construction of houses in Glasgow is under a Court called the Dean Court, and this Dean of Guild Court has large powers and might adopt almost any principle of construction that was clearly shown to be for the public interest; but the Court, in fact, only secures what is obviously practicable, and no plan has yet been proposed for ventilating the individual rooms of those tenement houses, no plan of such a character that the Court would think it right to insist upon it. They always insist upon a certain amount of window space, and that the window shall open at the top, but have no elaborate plan of ventilation in construction.

8199, 8200. The new buildings for tenement houses are built more in accordance with the public health.

J. Clutton, 8474, 8475. In country districts it is difficult to prevent the taking of lodgers. Large landowners do in some cases control this by clauses in their leases.

Rumsey, 4431. Agricultural cottages should be subject to the same kind of supervision as that to which lodging-houses are now subject. This is of the utmost importance both as regards health and morals.

4432. The Guardians as now constituted through their medical officer, and with their power to obtain paid sanitary reports, could easily exercise such supervision; but it is doubtful whether as now constituted they ever will.

Winn, 7557. In North Linconshire there is no need for any further authority against overcrowding by registration of lodging-houses, or other places occupied by lodgers. The fact is that almost all the parishes in their part of the country are owned by large proprietors, and on their properties there are practically no lodging-houses, &c.

Field, 6058, 6127. Mr. Field would not allow lodgers in tenements of less than 10*l.* value without license.

6059–6061. He does not anticipate that landowners would object to an inspection of their cottages by a public body like the Vestry, with a view to prevent overcrowding by the taking of lodgers. He thinks that large landowners are the last persons in the world to wish to have their cottages crowded.

See "Suggestions for Rural Authorities." 6137–9. Overcrowding is a nuisance under the Nuisance Removal Act, but he has never known it interfered with as such. He thinks the fault is with the Local Authority. If the Local Authority were constituted as he suggests, it would be carried out.

Overcrowding. Thring, 483–7. With respect to overcrowding the law, Mr. Thring says, is if anything too stringent. He can hardly imagine any case in London in which poor people do not live in a house which is in one sense *prejudicial* to health. As a matter of fact the law cannot be carried into execution in a great many places, and is neglected. The law should be enforced where overcrowding was *dangerous* to health, not otherwise.

Davy, 3132–3, 3134–6. At Ottery St. Mary there was an instance of a cottage built on waste land without any floor, where fever followed; and a case of overcrowding, where the man was dividing the house into small compartments, but the Board could do nothing, the people being all one family.

3143. Mr. Davy does not see how any provision requiring greater ventilation could be applied.

Baker, 9578. In order to prevent overcrowding, the officer of health should have the workshops measured and licensed for so many workers, which number should be posted up in the room.

Batt, 10,505–6. There should be an express law that not more than a certain number of people should sleep in a room of, for instance, a cottage under 8*l.* in a rural district, and 10*l.* in towns. All cottages should be inspected for a time and the offenders punished. Dr. Batt would not go by mere cubical measurement, but would also have regard to ventilation.

Read. 7933. Boards of Guardians might have power to prevent overcrowding, and might make regulations as to general sanitary construction, but they should not have arbitrary powers to compel three bedrooms, &c.

7950–3. Cottage houses are not sufficiently remunerative to induce enterprise. Overcrowding prevails in Norfolk, principally in open parishes. Lodgers should not be allowed except on registration, inspection, &c.

Heron, 2391. In Manchester there is very considerable overcrowding in some districts, that is one of their greatest difficulties. The overcrowding takes place chiefly in those districts which are most unhealthy, where the Irish population reside to a great extent.

2391–2. There is not any necessity for greater power. The Authority formerly had difficulty in interfering where the houses were not common lodging-houses, but recent legislation has removed that defect.

Trench, 7794, 7800. The only evil not recognized in the Sanitary Acts, is the mal-arrangements of families in *self-occupied* houses, that is, overcrowding in houses which are neither common lodging-houses nor sub-let houses, but are what are called in Scotland "self-contained" houses.

7795, 7788–9. The registration and inspection of sub-let houses has been carried out in Liverpool, under section 35 of Sanitary Act, 1866. Dr. Trench has registered between 7,000 and 8,000, and has the particulars recorded in his office.

Gairdner, 8197–8. Overcrowding, &c., at Glasgow is dealt with by the sanitary department of the Board of Police. There are peculiar dangers from the construction of Scotch houses. The Glasgow Local Act gives power to regulate the numbers residing in each house consisting of not more than three apartments, and having not more than 2,000 feet cubical contents. These houses, single apartment houses, or two apartment houses, called "room and kitchen" houses, or in some cases three apartment houses, form in Scotland portions of large blocks of buildings, and require minute and careful regulation, being exceedingly liable to become overcrowded according to the cubical contents.

8198. This power is very arbitrary, and is only partially exercised.

8202, 8213, 8313. The labouring classes in Glasgow are necessarily overcrowded, never more so than at present, owing to demolitions without corresponding reconstructions. More than 30,000 families, *i.e.*, about one-third of the whole population of Glasgow, live in single apartment houses, and many of them take in lodgers. The practical difficulty arises from the absence of sufficient accommodation and from the poverty of the people, and their being either incompetent or unwilling, in consequence of dissipation or otherwise, to pay the rent of a really good house. It requires, as Dr. Gairdner has found from inspecting the valuation books, from 5*l.* to 6*l.* to rent even a good single-room house in the centre of Glasgow. The Commissioners are entitled, under the Act, to buy up very largely properties in the waste parts of the town, and to reconstruct that property or to re-sell it, with conditions as to the constructions that are to be put upon it. They have done little, if anything, in the direction of reconstruction. In the meantime the destruction has been going on in consequence of the operations of the City Union railroad, and other causes, without any corresponding reconstruction.

This overcrowding has a very deleterious effect, both physically and morally, upon the population, creating as it does special diseases, and in the course of two or three generations completely overthrowing the physique of the population.

8204–14. Typhus fever, the great epidemic of Glasgow, ought with proper house accommodation to be almost completely under control.

Druitt, 8997. Overcrowding results in a general lowering of health, a degradation of the whole system and
9098. character. A general deterioration of the human stock is taking place therefrom.

The mortality among children is enormous. Mr. Druitt doubts whether it be possible to prevent it; it arises first from poverty and the desire of warmth, next from utter ignorance
8996–9 or recklessness. Overcrowding is a compound
9014. of those two causes, the moral status of the population and their means.

Typhus and bronchitis are the diseases chiefly produced by overcrowding, and practically it is usually accompanied by want of drainage, because where many human beings are put together on an inadequate space of land they never can get out of the odour of their own breath and their own excretions.

The overcrowding of houses and the overcrowding of people in houses usually go together.
9004. Many old houses at the fag end of leases get into poor hands and become overcrowded.

Cellars. Inhabited cellars are regulated in Liverpool
Trench, by Local Acts of 1842 and 1846. Under the
7730–2. Act of 1842 cellars 7 feet high must have 2 feet above the level of the ground. In 1846 they required 3 feet above the level of the road, but a proviso arranged that, wherever the owner had claimed the cellar as habitable under the Act of 1842, it should be deemed habitable for all time. There are therefore cellars which are legal under the Act of 1842, and others legal under the Act of 1846, which last is almost identical with the general Act of 1848.

7733. Ever since 1846 it has been a great sanitary fight in Liverpool to keep the poor people from occupying cellars in courts and cellars that are illegal.

7734. You may proceed against either the owner or the occupier; the latter are people in the lowest state of wretchedness, and would gladly be sent to prison.

7735–8. On the other hand, if you go against the owner, he tells you he gets no rent, but cannot keep the people out of the cellars.

7739. The only way to close the cellars is to fill them in. Mr. Tom Taylor holds there is no power in the Act of 1866 to authorize that.

7748. The only instance in which a cellar was effectively closed was by filling it up with rubble stones.

7750. The Local Authority should have power to fill up in any way they think proper.

The Local Authority cannot alter the cellars so as to improve them, because they would be breaking the law laid down in the Local Act of 1846 and the statute law of 1848, which forbids an illegal cellar in a court being afterwards made legal. All that can be done is to make a declaration that it is injurious to health, and under order of Justices get it closed.

Buildings. unfit for human habitation. There is a special Act, the "Liverpool Sanitary Amendment Act, 1864," under which the
Rayner, medical officer of health makes a presentment to
2240. the Town Council as to the demolition of certain buildings, and upon that being confirmed by the quarter sessions, the demolitions take place, the owner having the option of either keeping the site or not as he chooses, the Corporation paying full compensation for the house that is demolished. That power has been exercised to a very large extent.

2242. The powers in Liverpool have been applied chiefly to courts. Until Mr. Torrens' Act has been tested, Mr. Rayner doubts whether it would not prove a dead letter, and on this ground, in the Local Sanitary Act, the word "premises," means a "dwelling-house or inhabited building." It is very easy for a medical officer to say, and for the grand jury to find, that a court of houses, taking the court as a whole, is unfit for human habitation without one or two houses being knocked down, and the privies, which are generally at the entrances to the court on both sides, being taken away altogether and waterclosets substituted in a different place; but when you come to deal with Mr. Torrens' Act, it would be a difficult thing to persuade a jury to find that *any one house* is unfit for habitation, because it is not a house in itself regarded as a single house, but it is a cluster of houses, regarded as a court, which constitutes the "premises unfit for habitation." The witness is afraid that Mr. Torrens' Act will not prove of any advantage.

Under the Artizans' and Labourers' Dwellings Heron, 2333.
Act, which will be found practically very useful, and which is being brought into operation in Manchester to a very large extent, the principle of paying extravagant compensations when purchasing for sanitary improvements property unfit for human habitation is got rid of. That Act places the responsibility of making the property fit for human habitation on the proprietor, and defeats the principle that unless the property is in that condition he has no right to be obtaining rent. If, therefore, the Local Authority has to purchase the property they do not purchase it in the ordinary way, but as property actually condemned in consequence of its unsatisfactory condition, and that will reduce to a very large extent the amount to be paid by the Local Authority. That is a perfectly just principle. In addition, the Local Authority have the power, which in many cases it would be necessary to exercise, to close absolutely premises as habitations until the owner has made such alterations as in their opinion are absolutely necessary to fit them for residence.

They have not experienced the difficulty sug- 2517.
gested by the town clerk of Liverpool, on the ground that each individual set of premises might not be dangerous, but that the crowding of a great many might be dangerous, and that therefore there was no ground for procedure against any individual set of premises.

At Merthy-Tydvil there has been much delay Dyke, 6287.
in bringing the provisions of the Artizans, &c., Act here.

The appeal is to the quarter sessions; if it 6290–1.
were to petty sessions a delay of from three to six months would be saved.

The Local Board under that Act may apply to 6293.
quarter sessions for an order charging the costs of works executed by them upon the premises. If such application were made under section 13 of the Nuisances Removal Act of 1855 the delay and costs would be shortened and lessened.

The provisions being very large, more time should be allowed than under the older Acts.

The Liverpool Sanitary Act of 1864 (which is Trench,
the Act on which the Artizans' and Labourers' 7757–8.
Dwellings Act (1868) was framed) has worked extremely smoothly.

11. *Mischiefs which fall within the definition of nuisances, and the procedure for their remedy.*

Definition of "Nuisance."

A "nuisance" is not sufficiently defined. Clegg, 738.

The Nuisance Law should be extended to Simon, 1840.
some cases which have hitherto not been effectually dealt with. Say, for example—

(1.) The pollution of rivers and their obstruction.

(2) A number of things now subjects of special legislation and special prohibition, such as certain exposures of persons under the Sanitary Act.

1841, 2022. An amended list of "nuisances" should be drawn up, and made to cover as large a number as possible of influences dangerous to health.

2021. The necessity of giving a notice before summoning is a blot in the law.

Smoke.

Hayes, 2568. Smoke consumption has not been carried out
Carr, 2718. at all at Wolverhampton.

At Newcastle they have to a considerable extent applied the Act of 1853 as amended by the Act of 1866. The Act of 1853 gave the Corporation power over smoke nuisances, but the great difficulty that they have is with the steam vessels on the river.

Ponsonby, Under some circumstances Mr. Ponsonby
4049. would proceed under the Sanitary Act, 1866, and probably might succeed better in getting convictions for some things under that Act than under the Local Act. For instance, against black smoke, a subject which, he says, ought to be dealt with in a place like Oldham, and many large towns in Lancashire, but virtually the Act does, in that respect, lie a dead letter. It may be that in every important town the Council is more or less directly interested in sending out black smoke, and you find a difficulty in putting the Act in operation.

Public opinion is growing very much in favour of smoke consumption.

Druitt, 8979. Smoke used to be under the control of the police, and under the Sanitary Act, while Mr. Druitt was officer of health (at St. George's, Hanover Square), no action was taken.

9180. The Smoke Act, 16 & 17 Vict., has been put in force in London with regard to furnaces and things of that sort.

Rayner. As to smoke they have at Liverpool a very excellent provision from an early Metropolitan Act, which they think quite sufficient for their purpose, with the exception, perhaps, of seagoing steamers which caused them some little difficulty. There are few manufactures in Liverpool.

The smoke is consumed as far as it can practically be consumed, but they rarely have to take any proceedings except against steamers, and less frequently against sugar refiners and bakers. They have taken proceedings with the exception of one or two cases of iron foundries where they found their power insufficient, because they could not prove that they had not consumed their smoke as far as was reasonably practicable.

2233–7. They find it better to proceed under the Local Act than the Sanitary Act.

Christison, Dr. Christison tells us that he has known for
5324. certain 30 years ago that smoke could be consumed.

Bleckley. The law on smoke is ambiguous and confused. The words of section 19, Sanitary Act, with reference to consumption of smoke "as far as practicable," have no sufficiently definite meaning. There is no standard on which magistrates can adjudicate. The measure of practicability is entirely undefined. The inspector does not attempt to show the practicability; he merely produces the fact that there was a certain amount of smoke at a certain time.

9982. There ought to be an inquiry, not as to what general principles might do, but what under the peculiar circumstances it was possible to do. No such question as that is now raised, because an inspector makes in July observations made in the preceding March, April, or May. The defendant, therefore, had no means of showing what the circumstances were at the particular time.

The complainant should show that the breach of the law could not be avoided at that time, supposing it to be a breach.

The section says, "having regard to the "nature of the manufacture or trade. The "trades should be enumerated."

Next the law is very partial. (1.) Many Local Authorities decline to set it in operation. (2.) There are some principles in local Acts which should be made general, *e.g.*, that of Rotherham and Kimberley. "No conviction for 9993.
"any of the above-mentioned offences can take "place except in the case of furnaces for gene-"rating steam, unless it be proved that it is "practicable by some means in use to consume "the smoke arising from the combustibles used "in the furnace or fireplace, in respect of which "the complaint is made."

The injury to health by black smoke is very much exaggerated.

The provision of the Sanitary Act, which *Suggestions as to amendment of Law.*
requires the giving of a notice before issuing a
summons under the Nuisances Removal Acts, Simon, 2021.
has, Mr. Simon, says, certainly been represented to him as a blot in the law, and as interfering with the promptitude of the proceedings, and therefore he thinks it to be regretted.

Delay is caused by the preliminary notice Dyke.
under the 19th section of the Sanitary Act. The 53d section, which relates to the periodical removal of manure in mews and other premises, contains no such preliminary. The officer should serve a notice on the premises in the form adopted by the Board to remove or remedy the nuisance, and on failure should report to the Board.

When Local Boards meet monthly six weeks 6282–6.
would thus be saved.

Manufactories should be compelled to use all Thring, 363,
practicable means of abating the nuisances they 496, 501.
cause.

The law as to nuisances would, Sir Jos. Heron Heron, 2358.
thinks, be found sufficient if consolidated.

Mr. Tom Taylor states that while under the T. Taylor,
Nuisances Removal Act you have wide defi- 12, 393.
nitions, the Act giving a remedy to meet those cases of a comparatively dilatory sort, there should also be a sharp and prompt remedy for certain specific cases that might come within those definitions, but which are nevertheless special in their character. This would be so, especially in cases where the nuisance is easy of removal, and where, if proceedings are taken, the nuisance is almost sure to be removed before the hearing.

There is a difficulty in the Nuisance Act in Hole, 10,090.
determining whether the occupier is the cause of the nuisance, or whether it is a nuisance arising from a defect which the owner should remedy.

At Ottery St. Mary, Devonshire, nuisances Davy, 3084–
are generally removed upon a friendly (*i.e.* in- 7, 3144–6,
formal) notice being given to the offenders, but 3150–1.
if this fails a legal notice under § 21 of Sanitary Act is given.

Mr. Milman would not order any removal of Milman,
a nuisance unless the order stated what was to 4499. 4532.
be done with the nuisance, *e.g.*, the contents of a cesspool.

The notice required under the Nuisances Re- Clegg, 832.
moval Act to be signed by two householders should no longer be required.

The law should prevent swine being kept within Hole, 10,131.
a certain prescribed distance of a dwelling-house, and certainly altogether within a (say) half a mile radius from the centre of the town.

At Llanelly the only difficulty in removing R. Johnson,
nuisances was as to whether they could remove 3217–8,
a pig. There is power, of course, to remove the 3334.
nuisance, but not the animal which causes the nuisance, unless evidence is produced before Justices to the effect that it is impossible to keep such an animal without being injurious to health. Mr. R. Johnson, speaking from experience as clerk to County Justices, suggests that there should be power given to the Local Board, if they

think fit, to require a pig or any other animal to be removed, or not be kept within a certain distance of a dwelling-house. In many instances they are kept just outside the door.

Stebbing, 5843–4, 5873, 5883–4. At Southampton power to close privies is wanted, the present privies being mere open receptacles; but the Authorities cannot venture to take proceedings unless they can satisfy the Bench that they are "nuisances." They also want more power to deal with pigs.

Beckett, 6620. There is also very great difficulty as to pigsties. They are often built directly at the back of cottages, and the cottager is very unwilling to be deprived of the right of keeping them there; the neighbours will not themselves take steps to get them removed, and the parish officers will not take the trouble of doing so.

Harrison, 6185. The law as to compelling villagers to remove nuisances is insufficient.

6186. The expenses of removal should fall on those causing the nuisance. In many cases it would require a system of sewerage to be carried out, and the expense should rest upon the houses to be benefited by it.

Winkley, 3776. Owners or occupiers on whose property offensive matter is discharged by those above ought to be protected, and the person on whose land the nuisance is found should not suffer unless he himself shares in contributing to the nuisance.

Lord Egerton, 6878. Brooks run through a district, and the general course, when small freehold properties are covered with cottages, is that they are drained into a ditch, and the ditch drains, to some degree, into a brook, and then those whose property happens to be below are called upon to remove the sewage and everything of the kind which may come into it by the laches of those who live above.

Nuisances at Common Law.

Public as distinguished from private nuisances.

Thring, 502. See 1 Russ, by Greaves, 435. 363. A public or common nuisance is one which affects the public, and is a nuisance to all the King's subjects. For example, an obstruction to a highway is a public nuisance. A private nuisance is anything done to the hurt or annoyance of the lands, tenements, or hereditaments of another. For example, obstructing a private watercourse would be a private nuisance. A public nuisance may be actionable as a private nuisance, if a particular person proves he is damaged by such public nuisance to an extent beyond the rest of the community.

The law should be altered as to proof of nuisance when there is an aggregation of offenders. For instance, if I complain of a smell of tallow I must prove that the smell comes from a particular tallow manufactory. If there are 10 manufactories all close together, and if the nuisance be intolerable, I fail because I cannot prove the particular nuisance which annoys me proceeds from factory A. and not from factory B.

Heron. On the question whether the inhabitants as well as the Local Authorities should have more power to apply to the magistrates for the suppression of nuisances, if the power does not exist, it is very desirable that it should be given. Nuisances may be divided into two classes, public nuisances with which the Corporation or the Local Authority alone could deal, and, secondly, private nuisances, which are rather offensive to individuals than to a district or the inhabitants generally. Inhabitants are disposed to believe or imagine that the Local Authority is to do everything for them, and that they have nothing at all to do for themselves. All ground of complaint, as far as inhabitants are concerned, would be removed by giving, in all case of private nuisance, which the Local Authority has power if they think necessary to interfere with, but do not give power to the party aggrieved himself to appeal to the magistrates, of course being subject as he would be to the payment of all the costs if he made an improper and merely vexatious complaint; but that power should be in addition to the power which is generally vested under the Act in the Local Authority.

It would be necessary to be very cautious in wording any clause which would give to the inhabitants the power of dealing with cases where the alleged nuisance existed, on premises belonging to the Authority. Those cases ought to be left rather to the Local Authority, because it might easily be shown how there would occur a vast number of cases where it would be very awkward and very difficult to give individual ratepayers the power of disputing or litigating with the Authorities. Therefore those cases had better be left to the Central Authority to interfere upon complaint, if the Local Authority neglected to do its duty.

12. *Slaughter-houses and Offensive Trades.*

Slaughter-houses.

Rayner, 2251. At Liverpool there is a great deal of complaint that our legislation as to slaughter-houses requires amendment. The Corporation tried some two years ago to get a Bill to abolish altogether slaughtering in the town; and succeeded in the House of Commons, but were defeated in the House of Lords. The Corporation had made admirable arrangements as they thought for one slaughter-house outside the town altogether. They brought a large mass of evidence from Brussels and Paris, Edinburgh, and Glasgow, and after a protracted contest against the butcher and the slaughter-house proprietors and the Local Board of West Derby, got the Bill through the House of Commons. The Corporation had only one opponent in the House of Lords.

Carr, 2745. The power to license knackers' yards and tripe preparers' premises should attach to the same Authority as the licenses of slaughter-houses. The knackers' yards are licensed by the Court of Quarter Sessions under an old Act of George III., called the Horse Stealing Act, and the Corporation has no jurisdiction over them excepting after they are licensed, and as to slaughter-houses there is no power to define in what district the slaughter-houses should be. There is no prohibitory power for the Corporation to say that they shall not be within a certain district of property. The general law provides that slaughter-houses in existence at the time shall be placed on the register. It does not give any power as to subsequent slaughter-houses excepting that they may be licensed. There are no instances at present where slaughter-houses are being placed in the centre of the town, and where it is no doubt a power to license and refuse to license, but it is a question whether a refusal for no other reason but an objection to the locality would be sustained on appeal.

2714–6. The Local Authority should have power to build those slaughter-houses and to define the localities in which alone they should be built.

Milman, 4521. In Monmouth the slaughter-houses are under the new town-hall and market. There is a terrace in front, and all the filth after a slaughtering day is discharged through drains into the river. Poor people take water below the outfall of these drains.

4586. Slaughter-houses should all be together, not scattered over the town. There was an occasional tendency to slaughter in private houses, but that was altogether illegal and was prevented. Proper public slaughter-houses should be provided, and slaughtering elsewhere prohibited. These slaughterings in private slaughter-houses are a nuisance to the town, and taint both the air and the meat.

Hole, 10,094. At Tiverton it would be desirable to keep slaughter-houses outside the town altogether, at a prescribed distance from any dwelling-house. At present they are in the heart of the town, and are frequently the subject of complaint. They are cleansed for the time, but as everyone knows they must be again in a very filthy state in a few days unless care be taken.

Noxious Trades.

Thring, 497, 499. On account of the great interests involved, and the impossibility in many cases of stopping great manufactories, noxious trades must be left to the common law. The law allows a man, after a certain number of years, to acquire a right which is offensive to his neighbour. Probably at first there were no buildings round an offensive manufactory. The population has grown round since, and it has become a nuisance.

Offensive trades must be carried on somewhere.

Notcutt, 1397. Brick burning ought to be included among "offensive trades."

Heron, 2503–5 In 1869 Manchester had a Bill before Parliament which made it absolutely prohibitory to establish an "offensive trade." Under the Public Health Act, section 64, the words are, "or other noxious or offensive trade," which were taken, omitting the words of the General Act enabling the Local Board to consent to the establishment of such a trade.

Christison, 5291. The refuse of bleach works, distilleries, and paper works can be so dealt with as not to be a nuisance.

5324–5334. 5393–5. Dr. Christison does not say there is no difficulty but *none which might not be overcome.*

5353–5, 5359, 5371. He believes it to be possible to put an end to the sulphurous vapours now produced by copper smelting works.

5293–4. He believes that the law is sufficiently stringent, but that the cost of enforcing it is too great.

5539, 5360. 5367–8. The poisonous gases diffuse themselves through the atmosphere and rapidly become diluted, so that they will not produce injury; but black smoke, on the contrary, tends to come down unless there is a strong wind.

5315. Gases from the chimneys of alkali works are a nuisance which is obvious to everyone; but whatever a person may believe, it is very difficult to get positive evidence of injury to health.

5315, 5387, 5348, 5374–6. Dr. Christison believes that smoke must be injurious to health, but does not know any positive facts to prove it.

5284, 5358. Few manufacturers, he says, take any means whatever to abate the nuisance they cause, although they might do so, not only without loss, but actually at a profit.

5286, 5287, 5290, 5315, 5394–6, 5401. This was the case (1) with the refuse from a distillery on the waters of Leith; (2) with the paper makers on the Esk, who polluted the stream by the use of Esparto grass; and (3) with bleaching works in Forfarshire.

13. *Infection.*

Simon, 1920. There should be reasonable restrictions on the frequenting of public places by persons suffering from dangerous infectious diseases.

2048. Every Health Authority ought to be required to have a disinfecting apparatus.

Baker, 9408, 9490–1, 9513. In the case of contagious diseases it should be made compulsory among paupers, and it should be recommended among non-paupers, if the body is to be kept for the arrival of friends, that there should be an interstice of pitch between a shell and the coffin, the lid of the shell being "pitched" on, with a piece of glass over the face. The witness once found a carpenter making this arrangement for the interment of his own wife. It is cheap and secure.

Dyke, 6323. Mr. Dyke has never traced typhus to dirt, &c., without contagion.

6294. There is often a difficulty in obtaining the certificate of medical practitioners, as required by section 26 of the Sanitary Act; and no officer is named whose duty it is to carry out the order of the Justices. The magistrates decided that the Act gave no legal power to any officer of the Local Board of Health to carry out the order of the Justices when obtained, so that any officer removing the sick would do so at his personal peril.

6386. The process is too complex as the law now stands; for example, there may be a lot of fever-infected clothes; the medical officer must give notice to his Local Board, and the Board must give notice to the people not to remove them, but the clothes are gone, and have spread the disease long before that notice comes.

Carr, 2712–3. Powers of disinfecting, &c. under the Sanitary Act should be extended to include the destruction of articles which cannot be disinfected, and to include compensation for articles so destroyed.

Snowball, 8077–8. Mr. Snowball would give power to destroy furniture, &c. likely to cause spread of infection.

Trench, 7780. At Liverpool Dr. Trench orders clothes to be removed to the disinfecting apparatus, chlorine gas is applied to the house, and the health committee are applied to, to order the lime washing or cleansing of the house.

Gairdner, 8175, 8220. At Glasgow there is power under the authority of the Board to order disinfection of clothing and of houses, and to send patients from common lodging-houses, or, in very extreme cases of danger to the public health, to the hospital.

Under the Local Police Act, Glasgow, hospitals for the treatment of epidemic disease, and public wash-houses for the disinfection of clothing, can be constructed and maintained.

8221. The authority is responsible for the clothing taken to disinfect, and sometimes new clothing is supplied in its place. They furnish clean straw, fumigate the house, wash the furniture, &c.

8280, 8318. The expenses of fumigation, disinfection, hospital treatment, cleansing, &c., are paid out of the sanitary rate.

8317. The medical officer, where prompt action is wanted, gives necessary orders for disinfecting, cleansing, &c. In other cases he gives them an order to the hospital, or to the inspector of cleansing.

Druitt, 9050–4, 9184–7. Mr. Druitt would like power to send a case of infectious disease to the hospital, and of cleansing the rooms and clothing. The powers of the Sanitary Act are sufficient if made compulsory.

Budd, 9218–9222, 9368–9373. Dr. Budd states that if the germs of disease were destroyed no circumstance of dirt, crowding, or destitution would generate the disease afresh.

9260, 9354–5. The habit of living amid filth and dirt begets a negligence in regard to higher matters.

9233, 9257, 9282. Fever hospitals should be established in towns, and cottage hospitals in the country, for the separation of the infected; and one or more nurses skilled in the methods of disinfection should be appointed in each union.

9330. A disinfecting apparatus should be attached to each such hospital.

9235, 9366. Children suffering from infectious diseases should not be allowed to mix with others.

9255. Depôts of disinfectants should be established.

9268. Many outbreaks of disease arise from the emanations from hospital sewers. The permanent disinfecting of hospital sewers should be compulsory.

9225–6. In order for Government to prevent the spread

of disease, Government must have instant knowledge of the existence of the disease.

9223–4. The one thing to aim at is to extinguish the
9250–3. infectious poison on its issue from the body.
9261–5. This can be accomplished by simple means. The outbreak of cholera in Bristol, in 1868, was suppressed owing to disinfection by anticipation; the town was kept disinfected.

9383. Ventilation is of great importance, particularly in diseases where the breath becomes tainted with infectious power.

9252. Dr. Budd thinks that the discharges from the body are not at once capable of reproducing the disease, but that the virus requires to be liberated before it can pass into the air and so propagate the disease.

9253. The most fatal diseases are propagated by the excreta.

9235. Dr. Budd drew up some years ago regulations
See App. III. p. 44. for the prevention of typhoid fever.

9237–9. The practice in use in Bristol for the last eight years is a model one. The health officer meets his staff of inspectors every morning, and afterwards proceeds himself to any infected locality.

9344. There is a Local Improvement Act for Bristol, but the health officer acts under the powers in the general Acts.

9240, 9346. The result of the practice at Bristol has been a very remarkable abatement in infectious diseases.

9240. And a very great reduction in the poor rate. The mortality has been reduced from 31 to 22.

9246–9. The infectious fever tax is very heavy; besides the actual deaths caused, many families are reduced to pauperism. The deaths are mainly among the parents.

9325–9. Infected articles are burnt very largely in Bristol.

9331–4. There is a private disinfecting establishment, which is much used.

9359–9361. Carriages are provided for the conveyance of infected persons.

9390–4. People should be punished for travelling on railways, &c., with infectious disorders.

Baker, 9514. The officer of health should also see instantly to the disinfecting of clothes and excreta.

Stokes, 5640, 5671. Dr. Stokes thinks the law against the use of public carriages very harsh, and is sure that it is a nugatory law.

Beckett, 6624. Very severe penalties should be fixed upon any person appearing in public before the disease has really disappeared. In the witness's own parish lately, they had an outbreak of small-pox, which took place in consequence of one young man, in spite of remonstrances, walking through the streets before he was cured.

6623. Small-pox might be more effectually prevented by legal measures of a stringent character.

6627*b*. No person who has been afflicted with an infectious or contagious disease should be permitted to travel without a certificate from a medical man that it was safe, and railway companies should be required to keep carriages for the conveyance of such persons.

Vaccination.
Budd, 9250. Dr. Budd has the highest idea of vaccination, but says it is not perfect security.

Beckett, 6625–6*a*. The Vaccination Act is set at defiance. The magistrates consider it a harsh law. Mr. Beckett would permit re-vaccination at the public expense.

Contagious Diseases Act.
Simon, 1960, 2142, 2158, Mr. Simon would not extend the Contagious Diseases Act to the civil population.

Carr, 2820. An attempt has been made to extend the Contagious Diseases Act to Newcastle.

Druitt, 9024–6, 9193–9. Mr. Druitt would not extend the Contagious Diseases Act to the civil population.

14. *Extraordinary Remedies for Prevention of Epidemic Diseases.*

At Glasgow special arrangements were made for cholera. The whole charge was taken upon the ordinary sanitary administration. Gairdner, 8289.

The Town Council should be the Authority under the Diseases Prevention Act. It would be very inconvenient that there should be any conflict of jurisdiction. Ponsonby, 3987.

There is no power given in section 37 of the Sanitary Act to maintain the sick and attendants. In 1868 the Local Board of Merthyr Tydfil obtained the use of a building as a typhus fever hospital and commenced to build one. Dyke, 6295, 6303.

The epidemic of 1868 could, for that reason, have been better dealt with by the Poor Law Authorities. 6298.

The Poor Law Authorities have their staff of medical and relieving officers, &c., and would be better prepared than a Local Board, who have no such staff, to act when epidemic contagious diseases occur. 6296.

The Diseases Prevention Act, 1855, was put into operation during the cholera epidemic of 1866, and there was no difficulty in working it and suppressing the epidemic. 6297.

By a circular of the Registrar-General of 21st December, 1858, the registrars are directed to communicate with the Registrar-General upon the occurrence of an epidemic. The Registrar-General communicates with the Privy Council, who put the Act of 1855 into operation. The Board of Guardians nominate and pay the registrar, who thus becomes the source of their information. The district medical officers send in weekly to the Board of Guardians their medical relief books, in which the names of all paupers receiving medical relief are entered. As a rule, epidemic contagious diseases affect the poor first. If it were made the duty of the clerk to examine those registers weekly, the earliest information would reach the Guardians, who might then apply direct to the Privy Council. 6299, 6300.

If the Secretary of State could be moved in a less formal way to put the Act into operation, great advantage would result. An official form of requisition from the Local Authority might be substituted for publication in the "Gazette." 6345.

The Diseases Prevention Act should be in force whenever there is a prevalence of certain diseases of great danger to the population, say scarlet fever, small-pox, typhus fever, diphtheria; and if the Act could be in perpetual force with regard to them, there would be a great change for the better in the prevalence of those diseases. The power which it would be very desirable to have is the power of speedy interment. The Act gives a sharper remedy than the Sanitary Act. Druitt, 9044–8–9.

Looking at it from a merely medical point of view, Mr. Simon does not see much use in the separateness and occasionality of the Diseases Prevention Act, nor any advantage in the abrupt line of demarcation. But speaking from a different point of view, the Local Authority should be strictly limited as to the classes to whom it shall give medical relief without pauperizing the recipient. Simon, 2013.

The power to order speedy interment should not be given as an extraordinary power. It is no more wanted in relation to cholera, for example, than small-pox or scarlet fever. 2047.

An Order in Council should not be necessary for putting a special Act in force. The ability to confer special powers should be exercisable by the Central Authority as a transaction of every day life; if necessary a letter should suffice without "Gazette," or any formal order. 2044.

Heron, 2362, 2445–7, 2478, 2480–1, 2477, 2396–8. Power should be given to the Guardians in case of an epidemic of diarrhœa to give medicines gratuitously, without having to apply to the central or any other Board for leave (and without publication in the "Gazette"), because the remedy must be applied at once to be effectual. Receipt of medicine under these circumstances should not pauperise. Unless an order be issued under the Diseases Prevention Act the Guardians are liable to be surcharged.

Stebbing, 5810–3, 5866–8, When cholera broke out at Southampton, in 1866, the powers of the Poor Law Guardians under the Diseases Prevention Act were transferred to the Committee of the Town Council by an Order in Council under 23 & 24 Vict. c. 77, § 11.

5817. As a matter of courtesy six guardians were elected to sit with the Committee, and they assisted in details.

5818. It stands just thus, the Local Board is the preventive body, and the Guardians the remedial body, and have to act when disease comes.

5821, 6861–3, 5840. 5906, 5822. There was an outbreak of cholera in September 1865, and the Corporation elected a new health officer. He went round the town, and reported that the state of the courts, alleys, &c., was such that it, or some other disease, was certain to recur, and the Corporation prepared, and took every means to disinfect the town.

5823–4. Cholera, however, broke out in June 1866. An extensive medical staff was then organized.

5825–9, 5878. All the sick were visited both by the medical men and by the sanitary committee, who, while mixing with the sick and dying, impressed on the people the necessity for sanitary measures.

5830–3. 5878. There were 320 cases and 100 deaths from cholera, and 53 deaths from diarrhœa. In one month 7,887 doses of medicine were supplied to the public, and 472 to poorhouse patients; in all 8,359. In addition, medicine was kept at the council chamber, of which no account was kept, and the public dispensary of the town did the same.

5830–3. At first two out of three that were taken died, but afterwards the proportions were more favourable.

5835, 5878–9, 5838–9. A great number of cases never advanced to cholera.

5822, 5877. None of the men who were employed in opening and cleansing a sewer had the cholera.

Carbolic acid was used freely during that operation.

The health officer died in 1868, but no nurses or inspectors. They were instructed not to drink out of the same vessels, nor to get vomit or ejection on their person, and to put carbolic acid or Condy's fluid in the vessels used; by these precautions we made the poor have some idea of what they were to do.

15. *Ships and Shipping.*

Generally.
Simon, 1921. There is a want of control over the sanitary state of ships coming into relation with populous places. This has been dealt with to some extent, but not very skilfully, and will require to be dealt with again. The principle is well affirmed. The ship is made subject to the nuisance law and the Nuisance Authority, but the thing does not work well.

Johnson, 3319–3324, 3300, 3316–7. At Llanelly these is a Board of Harbour Commissioners, that is the only marine board. They have nothing to do with the sanitary arrangements.

The Local Board has never had to exercise the powers which belong to it in reference to outbreaks of disease. There have been one or two cases of yellow fever, but we have not interfered, except so far as to order the vessel to be moved and disinfected. The Board of Guardians would be the Authority over the port if the Diseases Prevention Act were put into operation.

At Southampton there is this further difficulty, that the ships in harbour are under the control of the nearest Local Authority, and it is a question which is the nearest. The harbour is under the Commissioners of the port and harbour, of whom the Council comprises 40 members; importers and exporters, 9; and the Mayor is Admiral of the port, but his jurisdiction in sanitary matters would be a very questionable thing. There would be great difficulty in dealing with a ship that came up with cholera, (1.) Because the ship is not within the borough, although there is a clause which gives the borough authorities control over it within a certain distance from the town or parish. (2.) Because the people of the place could claim to deal with the ship in a strictly legal form if there were an outbreak of cholera. Again, sometimes as many as 1,000 emigrants come on board foreign ships into the port in a week, and how to deal with them would become a very embarrassing matter. The moment a person with cholera is landed, Southampton is placed in quarantine all over the world, and that seriously affects the packet service. If this duty is to be undertaken, the ports should be specially dealt with, with regard to the arrival within them of vessels in quarantine. Stebbing, 5910–4.

Special legislation is needed as to cholera, &c., on board vessels arriving at seaports, which do not fall under the laws of quarantine, as yellow fever does. Provision should be made for the expense of dealing with cholera, and the law must be made clear. 5918.

Mr. T. Taylor would concentrate as much power as possible in the hands of the Local Authority; and would put the harbour under the adjoining Authority. He would wish the harbour to be dealt with as part and parcel of the town and district, not having a separate Authority. T. Taylor, 8722–3, 8724.

At Bristol they have had difficulties arising from communication with infected ports in the tropics. The laws are not locally sufficient for these. This is one of the weak points. Budd, 9356–8.

At Newcastle seamen are frequently removed inland for isolation from the remainder of the crew. Carr, 2815.

There is no Sanitary Authority in the port of Newcastle as a port. The Conservancy Board have no right to interfere in sanitary arrangements. 2860–7.

The Corporation have authority under the Sanitary Act as to nuisances on vessels lying within their jurisdiction. They should have power so far as the owners are concerned over the comfort of the population in ships, so far as relates to lodging accommodation on board, because they spend their lives there and on shore; because coming from countries infected with epidemic disease they incur the risk of endangering the whole community. At Newcastle there is a house of refuge. 2817. 2845–6.

The shipping is under the jurisdiction of the Authority where the vessel is lying athwart. Whatever shore was nearest to the vessel, the Authority of that place would be the Authority, but it might happen that the vessel was lying midway down the river, and there would be a difficulty in finding any Authority responsible. 2851.

The ports where passengers and seamen come should be regulated by the law more clearly than they are at present, considering the grave issue at stake.

Diver. 11,487. Mr. Diver complains that vessels, after they have got underweigh, finding some seaman on board was suffering under a contagious disease, have at times put the unfortunate man on shore at Great Yarmouth, and left him. Power should be given to Guardians to get a contribution from the owner of the ship. English consuls in foreign places are more likely to assist than English owners, who say, "This man drew "a month's pay in advance, and has only been "at sea a week, and we can do nothing with "him."

T. Taylor, 9924. There are cases where deficiencies of power were felt. For example, cases of men with small-pox on board ships, where it was desired to take them out of the ships in order to put them under proper medical treatment, where the Local Authorities have complained that they lacked such power; and also cases where captains of ships have landed men suffering from small-pox, thereby giving rise, on the part of Local Authorities, to fear for the propagation of that disease, and at the same time subjecting them to the expense of treating those men in hospitals. They complain that they have no power of recovering this expense from captains or owners, and cases where the Local Authorities have complained with regard to imported cattle that have died on board the steamers and have been thrown overboard, where they have been in difficulties about the burying of those cattle, and where they were very much afraid that disease might be propagated by the carcases. Mr. T. Taylor says he does not know whether those things are better regulated under the new Acts with regard to the cattle trade, but he has had a correspondence upon the subject in which he did not know how to advise.

Quarantine. T. Taylor, 9924. Quarantine is a political rather than a sanitary question.

Simon, 1863–5. Our quarantine system has to do essentially with commercial considerations. We do not have quarantine in any hope or expectation of keeping yellow fever out of the country, but because if we did not keep up the show of the quarantine system other countries would quarantine us. Mr. Simon says it is very difficult to say whether he is the responsible officer on the subject of quarantine. There is no other central medical officer. The Board of Trade is habitually consulted by the Foreign Office on all quarantine questions. There is sometimes active correspondence between the Council Office and Southampton, where there is a medical superintendent of local quarantine, and there is active telegraphing when ships arrive, and so forth; but what is done has reference to the exigencies of commerce, and not to the exigencies of the public health of England.

The Board of Trade is habitually consulted by the Council Office on all quarantine questions.

Stebbing, 5854–8. At Southampton they have had yellow fever on board vessels. It has never spread in the town. The Local Authority and the medical officer of quarantine, and, say, the Collector of Customs, should have a power to deal with those vessels without reference to the Privy Council, which causes delay and is very objectionable.

Helps, 9873–8. The clerk of the Council is now the officer specially connected with the execution of the Quarantine Act, and divides the business with Mr. Simon. The office of superintendent general of quarantine was abolished in 1853 by an order which took effect on the last vacancy of the office, and provided that such medical assistance as may from time to time be required should be obtained by the occasional requirement of medical officers when their services are demanded.

9879. Mr. Simon is only called in as adviser. He merely reports on general principles and practice that the Privy Council should adopt. He takes no part in the ordinary business.

It would be undesirable to transfer the execution of the Quarantine Act to a sanitary department, should such be established, because it might be advisable to keep up regulations as regards quarantine which you could not justify medically, but which you can justify commercially and internationally, seeing that our commercial marine would be smitten by most severe regulations if we did not keep quarantine here. If there is the slightest relaxation of quarantine, other countries are immediately informed of it. Inquiries are made, and threats sometimes carried out of putting additional detention upon our vessels in Spain and Portugal and other countries.

9884–5. A sanitary department would probably begin by abolishing quarantine, and the Mediterranean Powers would immediately put all our ships in quarantine.

9888. Government has denuded itself of power to treat cholera as a quarantinable disease. There must be quarantine between Dover and Calais to prevent the cholera coming.

Quarantine is doubtless of use as regards yellow fever. In these latitudes, however, yellow fever cannot live. There have been cases where a man going on board has caught it.

The Privy Council instruct the Customs to carry out their orders under the Quarantine Act, and have never communicated with the local authorities, except in one case of cholera epidemic (A.D. 1866), when passengers landed at Hull and crossed to Liverpool, and a general order was issued prohibiting for three days the landing of passengers from an infected vessel without the permission of the Local Authorities.

The Privy Council relies wholly on the Customs.

They have, however, at Southampton an officer, called the medical superintendent of quarantine, formerly employed under Sir W. Pym, who represents the Privy Council to a great extent there.

16. *Local Improvements.*

Towns Police Clauses Act, 1847. Power should be given to remove obstructions in a street (as projecting sign-boards), although they do not "obstruct" the free passage of the public.

Notcutt, 1421. Greater power should be given as to offences against the Towns Police Clauses Act, 1847. The penalty for the offences should not depend upon proof of the obstruction, danger, or annoyance. 1422.

Hospitals. Lord Penrhyn, 7900. Lord Penrhyn does not think village hospitals desirable. He thinks it better to send the villagers to general hospitals, or treat them separately at home. He thinks they would spread fever, &c.; there is a great indisposition among the lower orders to go into a hospital.

Gairdner, 8196, 8221, 8243. At Glasgow the Board of Police has erected a fever hospital, which was supposed primarily to serve those who are not paupers, with special facilities for disinfecting clothing, and a washhouse for the same purpose. It is only since the city parish has employed out hospitals that it has been a pauper hospital to any great extent. The parish pays for the cost of treatment of those whom it recommends. There were previously four fever hospitals.

8175. The power under which the above things are done has always been interpreted rather narrowly, so as to avoid, as far as possible, encroaching on the domain of the Parochial Boards.

8243–7. In the case of epidemic disease, and in such a town as Glasgow, persons above paupers should frequent hospitals whenever there is not the means of separation in their own houses; from commercial establishments the patients would go to the infirmary, which has fewer wards, and where subscribers have a power of recommendation in accordance with their subscriptions. Dr. Gairdner has taken persons such as servants and nurses from wealthy houses into the hospital, and have intimated that a contribution equal to the cost would be expected.

Clegg, 780–1, 824. A fever hospital (not pauper) should be established in every union.

Beckett, 6615–6. Village hospitals, if they could be established, would be a great advantage. Ladies who would, but cannot, nurse sick persons in their present cottages, from their peculiarly bad system, would do the nursing.

6613, 6702–3. Dispensaries should be placed in different parts of the union, so that the poor should not have to go the long distances for medicine they now have. The medical officer should be required to keep stocks of medicines. There would be no difficulty in finding some one to take charge of the medicines, *e.g.*, the clergyman, clerk, or some respectable parishioner; the medical officer should be required to make up the medicine at the nearest dispensary.

Budd. There should be fever hospitals in towns and cottage hospitals in the country, for the purpose of separating the infected.

Heane, 6750-6, 6865–6. Such a district as East Dean, on account of the numerous injuries received at the pits, &c., ought to have a hospital for the treatment of injuries. The population is 11,000. There is a county hospital at Gloucester. Mr. Heane would not put the hospital upon the rates, but maintain it by local contributions; there is plenty of medical assistance. A medical hospital is not wanted.

Beckett, 6613*a*. The labouring poor should be able to procure medicines at the dispensary. Mr. Beckett keeps a large supply of medicines which he gives away, and the labouring poor apply at once to him, and many serious illnesses are prevented.

Gairdner, 8286–8291. At Glasgow they have an exceptional power of providing medicines; usually poor persons are attended at the cost of the Parochial Board; but there is a difficulty sometimes in the case of a sick child.

Dyke, 6295–6303. There is no power given in section 37 of the Sanitary Act, 1866, to maintain the sick and the attendants. In 1868, the typhus fever being epidemic, the Local Board obtained the use of a building as a hospital, and in May they commenced to erect another hospital for the same purpose. Neither received any sick, because there seems to be no power to maintain the sick and the attendants. They were advised that the maintenance of the sick under such circumstances would be thrown on the Poor Law Guardians.

Power, 11,901, &c. &c. Valuable evidence has been given as to the Irish system of infirmaries and dispensaries by the Chief Commissioner of poor laws in Ireland.

Mortuaries. Trench, 7836. What Mr. Rayner spoke of was not a "mortuary," but a "mortuary chapel." The evil of wakes and of keeping the dead among the living is found to exist almost entirely among the poor Roman Catholics. The Roman Catholic Bishop assured them that if there was a mortuary chapel he would carry it out in the best way he could. Hence the project of the mortuary chapel.

Rayner, 7836.

Baker, 9407–9, 9411, 9485–9. At every cemetery there should be a mortuary (it is optional now) for from 1 to 50 bodies, with separate cells with their locks and keys, and the bodies of the poor should be conveyed thither at the cost of the parish in case of poverty, soon after death, and the key given up to the friends till interment. Such removal should be optional in non-contagious diseases, and compulsory in the case of contagious diseases. Mr. Baker would have them at the cemeteries, not in the towns, because the expense of double removal would be very considerable.

Burial Grounds. Holland, 8136, 8161, 8142. Mr. Holland is now the *sole* inspector of the Burial Department of the Home Office; was employed by the Board of Health from 1853 to 1858, and by the Home Office since 1858.

8137–9, 8141. He inspects burial grounds, and reports on them to the Home Secretary.

8162. There are and will be still from time to time cases for inspection arising.

8145. The Burial Act is a good illustration of the *extent* of general supervision. The Local Board selects a site for the approval of the Secretary of State, and the Secretary of State always approves except on positive objection; he never disapproves merely to improve.

8148–8150, 8151–2. The question of closing a ground is a question of evidence not of predilection; it is otherwise with the choice of a new ground. The witness thinks the same plan might be followed in other sanitary matters, the question *whether* a cause of ill-health ought to be removed is one of evidence; the *manner* of doing so might be left to the Local Authority.

8163–7. The inspector can recommend that a burial ground be entirely closed, or left open, or partly closed, or can recommend its being closed after (say) two or three years,

8168–8170. There are clauses in the Sanitary Act, &c., as to burial grounds which are concurrent with the special Burial Acts.

8153–8. There is a difficulty in getting the best class of ratepayers to serve on Local Boards. They do not choose to subject themselves to the trouble and risk of rejection by offering themselves. The more educated class and the owners of property often have not got their interests represented fairly upon Local Boards.

Baker, 9403–5, 9412, 9515–7, 9547–8. All disused graveyards in cities and towns should be asphalted or flagged over; at present the rain soaks through and pollutes the neighbouring wells, and they may be sources of infection for years.

17.—*Powers of Entry.*

Notcutt, 1394. Express power should be given to the Local Board, or its officer, to enter premises in order to remove a nuisance. Under § 59 of the Public Health Act, the filth which is to be removed is vested in the Local Board, but there is no express power to enter.

Heron, 2497. The Acts in force in Manchester do not give the Authorities absolute power of entry, nor ought they.

Trench, 7830. At Liverpool the Authority only enters where the House is on their register.

Stebbing, 5850–3, 5869–5873, 5880–2. The health officer, who is a gentleman and a scientific man, should have the same power to enter premises, and to see that they are kept in repair, which the landlord has. That power is never abused. He should give notice of his requirements, and afterwards apply for a penalty if they were not complied with. There would be the check of public opinion to prevent abuse.

Liddle, 12,278–81. What medical officers of health want is, that where they have reason to suspect the existence of a nuisance, they should have the power of entry at any reasonable time.

If the sanitary officers believed, either from their own observation or from information derived from others, that a nuisance existed on

certain premises, they should have the power of entry to examine that state of things.

If entry be refused, and they show that they have reasonable cause to demand that entry, the party should be liable to a fine.

A magistrate's order to enter ought to extend for a considerable time, say a fortnight.

There are cases of such urgency that they require to enter and inspect at once without the order of a magistrate. They have found dead bodies in an undertaker's house causing a nuisance, and have also stopped privies and drains.

They wish to have the right to inspect house after house in a street systematically.

T. Taylor, 12,421–6. In order to obtain a magistrate's order to enter, it should not be necessary to show that there is a reasonable ground for believing the nuisance to exist, and the order should be given without restriction in point of time. Some such words as suggested are wanted, viz., that whenever a medical officer or inspector of nuisances, or other officer duly authorised in that behalf by the Local Authority, shall on application be refused admission into any house for the purpose of inspection, it shall be lawful for him to make application to a Justice, and such Justice shall thereupon have the power to authorise such entry and inspection, whensoever in his discretion he shall think proper so to do.

18.—*Byelaws.*

A. Taylor, 1101, 1159, 1194, 1276. Mr. Arnold Taylor suggests that a code of the leading byelaws might be made applicable by general law to all towns, and some few also to villages.

1103. 1106–8. 1192–3. See Wyatt, 10,437–9. 1288. There is, he says, uncertainty in the present byelaws, making them liable to be questioned, and very often local jealousy and jobbery render them a dead letter. If byelaws were part of a Statute, there would be less tendency to question their validity. Some towns have embodied certain of their byelaws in Local Acts. Byelaws must still be made by Local Authorities for minor matters.

See Answers to Circular Questions, Bristol, Vol. III. Part 2. Norris, 1043. Mr. Norris says that many regulations are now equally necessary for all towns, and should be so enacted, but that byelaws are liable to be upset by the Court of Queen's Bench as *ultra vires*. He says, "There are certain provisions of the "Public Health Act which have been found to "work very inconveniently indeed in our large "towns in Yorkshire. For instance, power is "given by the Local Board to make byelaws for "the construction of new buildings, and the "formation of streets and the drainage of them. "There are a great many of those regulations "which have now become absolutely necessary "for every town to adopt; but inasmuch as they "are byelaws and not enactments, every objection possible is raised by parties who do not "wish to expend money or to conform to the "regulations of the authorities, and they take us "to the Court of Queen's Bench at considerable "expense for the purpose of endeavouring to "upset our byelaws on the ground of their being "repugnant to the laws of the land, or unreasonable according to the idea of the parties "who object, and we find the magistrates very "often fall into the same view. They think the "byelaw unreasonable, you have to come to "Parliament and get an Act of Parliament "passed with every clause in it that is desirable "for the requirements of the town, a clause can "be enforced, but a byelaw cannot. Last year "I had a great number of those very byelaws "embodied in a Local Act of Halifax, which are "now the law of the land. I submitted them to "Mr. Taylor at the Local Government Act Office, and he was kind enough to give evidence on that occasion, and to say he thought "they were very desirable to be introduced into "our Acts. They are now law, and we find them "work exceedingly well; we have no trouble "with the owners of property in enforcing "them." They constantly receive suggestions of alterations in byelaws which have been upset. The Secretary of State has no power to interfere. He prepared a Bill in 1864, which he left at the Home Office, to give legal effect to byelaws until they had been declared illegal by the Queen's Bench.

Notcutt, 1413. Mr Notcutt observes: The 34th section of the Local Government Act enables Local Boards to make byelaws on a variety of subjects, and a model list of byelaws was issued by the Home Office. Some Ipswich byelaws, framed on that model, have been held to be invalid as *ultra vires*. 1413–6. He gave us a list of decisions, and suggests that all byelaws which are to be generally applicable should be made part of a Statute, and only those minor matters which apply to a particular locality should be subjects of byelaw by the Local Authority in that place. 1417, 1419, 1432.

Simon, 2064. Mr. Simon thinks that the Central Authority should have power to make byelaws for any place when the Local Authority should refuse or omit to make them.

Rayner, 2285. Mr. Rayner considers that byelaws should be limited to such matters as slaughter-houses, lodging-houses, &c., and objects to their application to buildings or street regulation, because that should be matter of positive enactment. Some concessions might be made by the Local Authority with the sanction of the Secretary of State. He has never seen a set of byelaws which 2287. would stand the test of a Court, nor one which he would have approved. They must be reasonable, certain, definite, and without arbitrary discretion, and when the Court tries them by this rule it invariably finds them bad.

Ponsonby, 3949. Mr. Ponsonby, of Oldham, says, "In my "opinion, when byelaws are sanctioned by the "Home Secretary they ought to have all the "effect of law, and if the Home Secretary at "present has not the means of so far investigating them as to give them that effect, some "plan should be devised by which they should "have that effect when sanctioned. On the "other hand, it is an advantage to be able to "modify them to meet new circumstances. 3960–4, "There might be an appeal to the Queen's 4018. "Bench, but so long as byelaws are in existence "the Local Authority should have perfect im"munity in carrying them out. We have had "no difficulty in enforcing our byelaws." 4079–88.

Pain, 4163. Banbury has adopted the model byelaws of the Home Office, with some alterations, but has never ventured to enforce them against reluctant parties. Mr. Pain desires that a great many of them should be made part of a general Act. 4165.

Heron, 2374. On the other hand, Sir Joseph Heron's experience in Manchester is, that with regard to buildings and streets it is much better that byelaws should, as now, be made locally, with the approval of the Secretary of State (but he thinks that they should, when so approved, have the force of law); he says, so many alterations are required from time to time that it would be exceedingly inconvenient to have them in an Act; nor would he have local byelaws put in General Orders, such as those issued by the Poor Law Board. He says, "My strong opinion is that the 2404. "byelaws are every year being more carefully "considered by the Secretary of State, and I "have no doubt now that the Secretary of State "could without difficulty establish a satisfactory "code of byelaws, but increased powers must be "given for the making of byelaws. The power "ought to include everything which could be "thought to be likely to be required."

Walker, 12,126. Mr. Walker thinks it safer for the Central Authority that the Local Authority should frame rules and regulations.

T. Taylor, 8699. Mr. Taylor would not extend the range of byelaws so as to include what is dealt with now by provisional orders. He says many complaints come to his office from Local Boards of the chances they run of being tripped up on their byelaws by magisterial decisions. They ask for a set of skeleton byelaws which shall have parliamentary sanction, so as to leave blank in the Statute questions of distance, dimensions, and so on, but all essential parts scheduled in the Act, and placed beyond legal dispute. Even the skeleton should not have its blanks filled up without the sanction of the Secretary of State. He agrees that it might be practicable to frame one code of general byelaws applicable to every place, leaving other byelaws of a subordinate character to be issued for individual localities, according to the wants of the district. It would be very desirable, he 8779. thinks, to frame byelaws with parliamentary 8699, 8764, 8739, 8743–6, 8750, 8779. sanction, or to give them validity after laying them on the table of the Houses of Parliament.

Some byelaws under the 34th section of the Act of 1858 have gone into too minute detail, and the sanction of the Secretary of State has 8732. been refused.

Mr. Taylor thinks the Courts have strained the doctrine of *ultra vires* against Local Boards. 8733. He thinks there would be no doubt some disadvantage in scheduling byelaws, by making them too rigid. There is no power now to frame byelaws as to the duties of officers, which would 8751–8. be desirable. Mr. Davy says there are such at Davy, 3115. Ottery.

Carr, 2723. It is a question how far the existing byelaws could be sustained.

C. W. Johnson, 2937–8, 2999–3004. Local Boards should have larger power to prevent the erection of buildings on unwholesome sites.

The power to make byelaws under section 34 of the Act of 1858 is not sufficient to cover this. The Court of Queen's Bench has decided that the term "drainage" refers to the drainage of the house, not to that of the site.

3012. At Croydon they have the usual byelaws sanctioned by the Secretary of State, but it would be much better if the regulations were 3013–4. embodied in a Statute. Formerly certain things were provided for, but since 1858 a power to make byelaws is substituted.

R. Johnson, 3226–30. At Llanelly they have a code of byelaws sanctioned by the Secretary of State. Many matters now regulated by byelaws should be enacted by Act of Parliament. For example, there might be a code of byelaws with regard to sewage.

3231, 3, 8, 3243, 4, 6, 3305–9. They have a byelaw providing for back lanes for the removal of refuse; it is of doubtful validity. Such a provision should be made by Act of Parliament.

3233. Powers should be given to Local Boards to require owners who are laying out property for new streets to show some means of communication to the back of the premises, rather than having to go through the house for the removal of refuse.

3231, 3237. They have had no difficulty in enforcing their byelaws because they never attempt to enforce a doubtful byelaw, and certain byelaws are allowed to be infringed with impunity because felt to be *ultra vires*, though very desirable.

Dyke, 6353–6360. At Merthyr Tydvil, in addition to byelaws, they have special orders that no plans are to be passed that do not comply with certain regulations. These have never received the sanction of the Home Office; they have been published in the newspapers.

Mr. Dyke would prefer to have the minimum 6363–5, width of roads, of cubic contents of a room, and 6403. the mode of construction of cottages, laid down by Statute.

19.—*Compulsory Purchase.*

Rayner, 2245. Exorbitant compensation has to be paid by the Local Authority on taking land compulsorily for improvements.

Liverpool has special Acts for widening streets. Sect. 54 of the Liverpool Act of 1867 is an improved clause in lieu of sect. 34 of the Local Government Act. 2247.

(1.) Under the Local Government Act, you can only give notice to improve the building line when the building is actually down under our Act. We may give him notice on receiving the first intimation, without the building being actually down.

(2.) You have no power to add to the street the ground that you cut off by the improved line. It remains the property of the man, and you probably have to pay him compensation.

(3.) You cannot enforce the Act except by indictment. In our Act, 1867, we have penal clauses, and can pull down if he build in spite of the notice.

There should be some more economical mode 2249, 2276. of assessing compensation in these cases. Some local tribunal might settle compensation.

The Lands Clauses Acts were passed to meet 2275. the case of land taken for commercial profit, and is too harsh in its application to the case of taking land by municipalities for the benefit of a whole town. A distinction should be made for necessary improvements. The law works hardly in this way. Where there are separate interests in the same house, lessee, under-lessee, each takes care to go to a separate tribunal, because if they went to the same tribunal the Corporation would have to pay only the fee simple value, but by going to separate tribunals the sum of all the compensations is greater than the value of the fee simple in possession. The same occurs where a strip is taken; each 2275. property is dealt with before a separate tribunal, and the sum of the individual values exceeds the value of the whole. The whole thing should 2277. be gone into at once and settled by an arbitration.

In street improvements power should be given 2275. to take a sufficient depth to get the benefit of both frontages.

This is advantageous in two ways:

(1.) It enables you to recoup the cost to some extent.

(2.) It ensures new buildings along both sides 2272. of the intended street. You thus get all the old buildings demolished for a considerable depth in the line of the new street, and compel their re-erection in accordance with present regulations. As to building, at present the practice is not uniform; sometimes Parliament cuts down the promoters to the street line, and at other times they allow them to schedule a sufficient depth to get the benefit of the new frontages.

A Local Board should be enabled to compel 2280. streets to be made wider than had been intended, on its paying compensation as assessed.

The Public Health Act, 1848, was based very Heron, 2325. much upon the Manchester Local Act passed in

1844. Another Local Act, also passed in 1844 (an improvement Act), contained lands clauses which were more favourable to us than the general Act, 1845, inasmuch as the compensation to be paid for the whole property and for each of the different interests proposed to be taken were ascertained by a jury (which they could have), or an arbitrator, in a lump sum. This advantage they have now lost, and have come under the general law. Sir Jos. Heron quite concurs in Mr. Rayner's views.

2326–9. The Act of 1869 for the taxation of costs under the Lands Clauses Acts will, however, do away with much of the objection the Corporation had to the general law.

2333. Another Local Act, passed in 1845, had more special reference to sanitary improvements, and gave us powers, by obtaining the consent of the Secretary of State, to take land for that purpose compulsorily. The Corporation have, however, never acted upon them, because of the extravagant compensation they should have had to pay.

Carr, 2743. The obligation to schedule property and deposit books of reference adds considerably to the expense of improvements. If the Corporation could obtain a loan whereby to pay for this property without letting people know that they require the property, it would be more economical.

C. W. Johnson, 2947, 2980. Power should be given to Local Boards to take at a valuation any portion, or the whole, of its district belonging to a water company, paying for pipes, &c., rights over it, &c.

Menzies, 7027–9. Towns must have compulsory powers of purchasing land, for the purpose of drainage and utilization of sewage.

Pember, 4794–5. Local Boards should be allowed to buy, sell, and lease lands without a license in mortmain. There is a clause of that kind in one of the public Acts. Sewer Authorities must also have powers of compulsory purchase for drainage purposes under the Lands Clauses Act, and if necessary with an arbitration under the Lands Clauses Act.

Walpole, 5277, 5256. Section 17 of the Sewage Utilization Act, 1865, has been of no use to Surbiton, owing to the excessive price of land.

20.—*General.*

Nottcutt, 1398, 1402. The restrictive conditions of 11 & 12 Vict. c. 63, s. 85, as to contracts, are too severe, *e.g.*, the previous estimate of the surveyor specifying as to the best mode of doing the work, whether the contract should include not only the execution of the work, but the reparation of it afterwards.

Additonal Powers. desired.

Winkley, 3797. The Local Board should have more power to regulate pleasure fairs.

Vol. III., Part 2. The written answer from Rugby expresses a wish for a power to make byelaws regulating local markets and fairs held in the streets.

Beckett, 6543*b*, 6567*c*, 6578, 6582. The Local Board should examine sites for cottages; recommend them when built for a license; it should enforce the making of wells, removal of nuisances, the forming of public drains, the preventing exposure of infected persons; it should, in fact, control all sanitary measures. It should also provide necessaries for the sick poor.

Huskinson, 8512. Mr. Huskinson would not lay down too minutely technical rules; for example, as to draining, public opinion is not sufficiently agreed to enable Parliament to prescribe any mode. He would leave to each locality the mode in which the necessary measures should be carried out.

8511. A very different tone is now taken generally throughout the country by the farmers about the evil of nuisances, and great improvement is shown by the diminished mortality. Lord Fortescue, 5506–8, 5518.

5509. The Guardians do, in fact, get reports from their medical officers.

R. Clutton, 8369. Farmers are becoming more and more impressed with the importance of having their labourers nearer home, and of a better sort; and they find that improvement in their dwellings does accomplish it.

Day, 7280–2. Consumption and rheumatism are prevalent; they are mainly due to the dampness of the soil, occasioned by the water being dammed up for mill purposes.

Bailey Denton, 4881–2, 4890. Power is wanted to remove mills, &c. without the obligation of creating and maintaining a district with paid officers under the Land Drainage Acts.

Menzies, 7101. The rivers require to be regulated in winter, *i.e.*, flood time.

7207–7216. By lowering the water at that season, the navigation would be improved, the millers and agriculturists would be benefited, and the towns themselves also in a sanitary point of view, because every foot that the river can be lowered in winter places an immense area nearer the river fit for irrigation purposes.

7208. The overflows are being enlarged throughout the course of the Thames. It would be a great injury to the country round if the permanent level of the river were altered in summer.

7102. Mills and weirs might be retained in navigable rivers. Weirs are essential, and the mills might remain. In non-navigable rivers all mills should be abolished.

Read, 7919. Mr. Read complains of the mills which dam the water.

Appeals.

Read, 7946. There was a case where a cottage owner refused to attend to the order of the Board of Guardians and provide privy accomodation. He was summoned before the magistrates. He then appealed to quarter sessions, and was beaten there too; but he beat them at last by closing his cottages. This litigation cost the Board 400*l.* beyond their taxed costs.

7947. There should be some cheaper mode of proceeding.

7946.8. There might also be some appeal intermediate between the Local Authority and the Central Office. Mr. Read would have an Intermediate Court of Appeal, because the circumstances of the various counties are so different.

7948–9. An Intermediate Board or Court of Appeal between the Local Board and the London Board would only multiply expense.

Lord Egerton, 6892. But some power of appeal from such Local Authorities as Boards of Guardians would be wanted.

6896. Lord Penrhyn has not seen any necessity for an appeal against tyrannical action of Local Authority, but, if necessary, it might be to quarter sessions as in Torrens' Act, or to the Home Secretary. The appeal should be to a distinct department from that which puts the matter in motion, by calling on the Local Authority to execute works where a nuisance exists. The latter department might be the Poor Law Board.

Lord Penrhyn, 7887–7906.

Huskinson, 8510. Any person aggrieved should have power to apply to the Central Authority, who should make inquiry by their inspectors. The Local Authority should be called upon to give an explanation.

Expenses and Rates.

With respect to the rates raised for sanitary purposes, the several Acts under which those rates are raised, together with the evidence taken by us on the subject, suggest the following points for consideration:—

1. The different kinds of rates, and the waste in collection occasioned by such variety.
2. The incidence of the rates.
3. The exemptions of certain property from rating.

As all these points formed an essential part of the inquiry referred to the Select Committee appointed by the House of Commons during the last session, relating to the charges imposed upon the occupiers of rateable property, it appeared to us unnecessary to investigate this branch of the subject so minutely as we should otherwise have done, preferring to supplement from the evidence of that committee such additional information as may be necessary for the purposes of our Report.

a. The different kinds of rates and the waste in collection.

See Mr. Tom Taylor's evidence before the Committee; Report (No. 355, 1870), 394. 1. The principal rates leviable under the Public Health Act, 1848, were the general district rate and the special district rate. The special district rate was levied for special permanent works, and the general district rate was intended to defray current expenditure.

Id. 396. By the Local Government Act of 1858 the provision enabling Local Boards to levy a special district rate was repealed, except where the rate had been mortgaged as a security for loans, and now the only rate levied by the Local Boards for general purposes is the general district rate.

Id. 398–9. This rate may be applied for sewage, road repair, street improvements, scavenging and cleansing, providing markets, paving and lighting, and generally for all the purposes of the Act, except for current water supply and private improvement expenses.

Id. 408, 410. It is not incumbent upon the Local Board to levy the rate for all purposes over the whole of this district; but they may subdivide their district into several areas, and rate each area separately for all or any of the objects contemplated by the Act.

Id. 437. Another rate which may be levied by the Local Board is the private improvements rate, which is imposed for improvements which conduce to the benefit of a particular class of premises, such as the drain which leads from a house to the sewer or the pipe and tap which convey the water from the main to the house.

Id. 479. The waterworks provided by a Local Board, and the water supplied by them for public purposes, such as flushing sewers and supplying public fountains, are paid for out of the general district rate. The Local Board may also levy a private water supply rate, in respect of water supplied to private properties.

Id. 406. In certain instances also Local Boards, who are constituted Surveyors of Highways under the Public Health Act of 1848, do not defray the cost of the repairs of the highways out of the general district rate, but by a highway rate levied separately for that purpose.

It will be seen by the reference to section 37 of the Local Government Act of 1858 that doubts had arisen as to the rate out of which the repairs of highways were to be provided for in districts under the Public Health Act of 1848, and by that section it is provided:—

(1.) That where the whole district of the Local Board is rated to public works of paving, water supply, or sewerage, or, in other words, where the whole district is under a general district rate, the repairs of the highways shall be defrayed from that rate.

(2.) That where the entire district is subdivided and parts of it are not rated for paving, water supply, or sewerage, the repairs of the highways in those parts shall be provided for by a separate highway rate.

(3.) And that where no public works of paving, water supply, and sewerage are established in the district the highways shall be repaired by means of a highway rate levied over the whole district. Id. 405.

In the case of the highway rate the assessment is made upon all descriptions of rateable property in the same proportion, except where the owners are rated under the small Tenements Act, whereas the general district rate is levied upon one fourth only of the assessable value of certain classes of property, such as agricultural lands, market gardens, docks, railways, and tithe rent-charges. 13 & 14 Vict. c. 99.

When the Sewer Authority of a district is a Vestry, they may, subject to appeal to the Secretary of State, form only part of their district into a special drainage district, and Mr. Tom Taylor, in his evidence before us, states that in some parts of England there is a disposition to cut up districts unfairly and mischievously, and that special drainage districts ought not to be allowed without the sanction of the Central Authority. 29 & 30 Vict. c. 90. sect. 5. T. Taylor, 238.

Mr. Pember, referring to the heart-burnings which took place at Hatfield with respect to the formation of a special drainage district, expresses an opinion that it should not be left to the people to determine what the size of the district should be in the first instance. Pember, 4764.

Where the Guardians are the Nuisance Authority, and find it necessary to lay down a sewer, or do some other structural work for the purpose of abating a nuisance, they are empowered by the Nuisance Removal Act of 1855 to levy a rate for the purpose of defraying the requisite expenditure; but they are not empowered to levy the rate until after the work has been done, and they are not justified in paying the money from any other fund at their disposal, so that if the works are to be done at all they must be done upon credit. The Guardians are therefore discouraged from undertaking these works, in consequence of the difficulty of recovering payment. 18 & 19 Vict. c. 121. sect. 22. Lambert, 4643.

The Vestry, as the Sewer Authority for a parish, may require the Overseers to pay out of the poor rate the cost of any sewer constructed by them, whereas in the case of a rate made by the Guardians, as the Nuisance Authority, for a similar work the rate would be made only upon the premises which happened to drain into the sewer. Lambert, 4646.

With regard to the rates levied by Rural Authorities for sanitary purposes, Mr. Thring is of opinion that the parish must be the unit for rating purposes. Thring, 374–404.

But another witness says that Joint Boards should have direct powers of rating, and not have to go to each Vestry. Pember, 4769.

Mr. Winn would make each parish pay its own expenses of improvements; and if the improvement applied to a particular owner he would make the cost rest specially on him. If an improvement affected two districts, he would average the charge between them. Winn, 7500.

Lord Devon would rate by unions. He says that it is of great importance that the sanitary condition of a district should be good, and look- Lord Devon 10,180.

ing to the incidence of the Poor Law Board at present, which is to a considerable extent a union charge, it might be desirable to make the whole a union matter.

Lord Fortescue, 5488. Lord Fortescue states that the charges should be on the property benefited, and recovered from occupiers in small sums.

Mantle, 11,148. In many Local Acts there is a too narrow limit to the amount of improvement rates. In Lincoln the rate is limited to 8*d.*, which is stated to be insufficient even to get rid of nuisances.

Hayes, 2557. In Birmingham the general rate is limited to 2*s.*, and that for street improvements to 6*d.*

Wilson, 1722. The district rates levied by Local Boards under the Public Health and Local Government Acts are assessed upon the same basis as the poor rate, except that in the case of certain property already referred to, such as agricultural land, railways, &c., the assessment is only upon one-fourth of the value.

All these rates are made separately, and they have to be levied by separate collectors instead of being raised, as in the metropolitan district, by making a contribution order upon the Poor Law Authorities and Overseers.

Wilson, 1702. In those districts the Overseers raise the amount at the same time as the poor rate, and the effect is that one class of collectors collect it all, and all this enormous trouble, which, as to a great part of it, is merely copying, is avoided.

Wilson, 1705. There would be a difficulty in taking the general district rate, to which some kinds of property are assessed only at one-fourth, only out of the poor rate to which property generally is assessed at its full rateable value. It is said, however, that this difficulty might be met by the parish officials putting an extra column in the rate book.

Notcutt, 1410. It would be a great improvement if, instead of having a general district rate assessed upon each property throughout the district, the rate might be made as the county rate is made and as the borough rate is made; that is to say, to assess each parish in a lump sum, leaving the parish officers to raise it as they do the county rate and the borough rate, and pay it out of the poor rate. By that means we should get rid of the large expense of collectors.

Heron, 2509. The suggestion that one officer only should be appointed to collect the different rates emanated from Mr. Ayrton's Committee last year. The practice is now with the Overseers of Manchester to state on the back of their notices how much of the rate is required for the purposes of the City, how much is required for the purposes

Heron, 2509. of the Guardians, and how much is required for general purposes, and they would add that to what was required for the highway rate and what for the township rate.

Winkley, 3768–70. Mr. Winkley, in describing the mixed areas and rates of Harrow says,—Referring to the small rates made to cover the expenses of a Nuisance Removal Committee or a Sewer Authority, that he thinks the multiplicity of rates a great trouble to collect, they are never thoroughly collected, because the amounts are so small that many would not pay the expense of recovery. He is of opinion that where a rate is already in existence, which every ratepayer is liable to, the whole of such expenses as those referred to should be paid out of that rate rather than a very small separate rate should be levied.

Pain, 4194. The Local Board of Banbury have divided their district into two portions. They make separate rates for each portion, and keep separate accounts of the receipt and expenditure for each.

Report (No. 353, 1870), sects. 5 and 6 p. iv. The Select Committee on Local Taxation already referred to report "that the great variety "of rates levied by different Authorities, even "in the same area on different assessments, with "different deductions, and by different collec- "tors, has produced great confusion and expense, "and that in any change of the law as regards "local taxation, uniformity and simplicity of "assessment and collection, as well as of "economy of management, ought to be secured "as far as possible, and that the consolidation "into one rate of all local rates collected "within the same area is a matter of great "importance."

b. The incidence of the rate.

The Local Government Act of 1858 provides that the general district rates shall be made and levied upon the occupier of all such kinds of property as are assessable to the relief of the poor upon the full net annual value as ascertained by the last poor rate, subject to the following exceptions. 21 & 22 Vict. c. 98. sect. 55.

The owner may at the option of the Local Board be rated instead of the occupier:—

Where the rateable value of the premises does not exceed 10*l.*

Where the premises are let to weekly or monthly tenants, or are let in separate apartments, or the rents become payable at a shorter period than quarterly.

In the case of private improvement rates (Public Health Act, 1848), the occupier may deduct from his rent three-fourths of the rate paid by him. 11 & 12 Vict. c. 63. sect. 91.

With those exceptions the rates under the several Public Sanitary Acts are, as a general rule, assessed upon and paid by the occupier exclusively.

The same remark applies to rates raised under the several Local Acts for sanitary and towns improvement purposes.

At Newcastle, however, the owner pays one-fourth of the rate for public improvements. Carr, 2468.

It appears also that in Liverpool the sewage rate is divided between the landlord and tenant, and the water rate in that borough is also divided in like manner. Report of Select Committee on Local Taxation, 2799–2807.

The Act of 1855, authorising the Guardians as the Nuisance Authority to construct sewers, does not state whether the rate is to be levied upon the owner or the occupier, or who is to collect it. Lambert, 4644.

It merely provides that the rate shall be assessed upon the premises which have the benefit of the sewer, and be recoverable as highway rates are. 18 & 19 Vict. c. 121. sect. 22.

Mr. Harrison, one of the witnesses examined by us, considers that all improvement rates should fall upon the owners, and Mr. Huskinson would have power to make separate rates, and, in some cases, to levy them on owners as distinct from tenants. Harrison, 6187. Huskinson, 8618.

Several witnessess were examined upon this point by the Select Committee on Local Taxation, whose report has been already referred to.

Mr. Grant, one of these witnesses, who is clerk to the Guardians of Lancaster, and has given much attention to local rating generally, considers that such items of expenditure as sewerage, waterworks, and general works of improvement that are supposed to extend advantages over a large number of years ought to be a charge upon the owner absolutely and entirely. Report (No. 353, 1870), 4800, 4801.

Sir John Thwaites, the late chairman of the Metropolitan Board of Works, thinks that proprietors should pay according to the interest which they have. Id. 4019.

"You cannot improve the sanitary condition of any town, improve its roads, and embellish that town without increasing the value of property proportionably, and it is a hard case to cast the whole burden upon the occupier, which seems to be the tendency of recent litigation, and also the tendency of private agreements between landlord and tenant." Id. 4027.

The committee, in their report referring to this part of the subject, state that they are of opinion that the existing system of local taxation under which the exclusive charge of almost all rates leviable upon rateable property for current expenditure, *as well as for new objects and permanent works*, is placed by law upon the occupiers, while the owners are generally exempt from any direct or immediate contributions in respect of such rates, is contrary to sound policy. Report (No. 353, 1870), sect. 1 (a), p. iii.

c. The exemptions from rating.

It should be observed that Crown property is not expressly exempted under the Sanitary Acts, but it is subject to the general exemption in favour of this kind of property from local taxation, and in some cases the exemption is stated to work particular hardship and injustice.

A. Taylor, 1135. The Forest of Dean is Crown demesne, except such portions as have from time to time been alienated. Mr. A. Taylor, in his evidence before us, states that he has seen no place in the course of his experience in a worse sanitary condition, and that this exemption of the Crown property brings things to a dead lock, there being so little property to rate. The

1189, 1191. property of the Crown being exempt from rating, the Local Board at Cinderford in this district have too small a basis upon which to borrow money—"I have seen no place in "England in a worse condition than Cinderford. "and I have also seen many villages in South "Africa, but none so bad as Cinderford."

Bayley, 5975–5989. At Aldershott till lately the Government have contributed nothing towards the expenses of the Local Board, and that payment amounted to only a very small sum, being based only upon the assessment of the land when it was heath land, before any buildings were erected.

The properties which are partially exempted, being rated at one fourth of the rateable value only, are:—

Land used as arable, meadow, or pasture ground only, or as wood lands, market gardens, or nursery grounds;

Land covered with water, or used only as a canal or towing-path for the same;

Railways;

Tithe rentcharges.

Evidence before Select Committee on Local Taxation, 430, 431. Similar exemptions would appear to exist in a great many Local Acts. There is hardly a Local Act but has some kind of exemption, the idea being that certain classes of property did not benefit so much by the expenditure as other classes.

The sewers rate in the metropolis is, as regards land, assessed in the proportion of one fourth only of the net annual value; all the other rates raised for sanitary purposes in the metropolis are assessed upon the several kinds of rateable property according to their full rateable value.

Notcutt, 1412. Mr. Notcutt, of Ipswich, would abolish the partial exemption in favour of agricultural land; and, referring to the difference in the assessment of the general district rate upon land and upon houses, Mr. Pain, clerk to the Local Board of Health at Banbury, says—"The low charge "upon land is a fair one, as regards sanitary

Pain, 4203. "matters; but when you come to the highways "it is unfair, and it was found to be unfair, as "I have before stated, inasmuch as the house "property had to bear about one half the "burden of the highways, which the land "ought to have borne."

T. Taylor, 431. Mr. Tom Taylor, in his evidence before the committee already referred to, says that he has always contended against the view that one class of property did not benefit so much by the expenditure defrayed out of the general district rate as other clasess.

In alluding to the partial exemption of railways, Mr. Rogers, clerk to the Local Board at Reading, says, in his evidence before the same committee, that railways, being assessed to the general district rate, get the benefit of the exemption as regards highways, and he thinks it an unfair one. "It might probably have been a "reasonable one as respects general sanitary "arrangements, which I suppose is the ground "of the exemption, but it has always seemed to "me an unfair thing that they should not pay "their full proportion for the highways, because "they use them more than anyone." Report (No. 353, 1870) 2677.

"The tithes of the town are subject to exemption, as far as sanitary purposes are concerned." Id. 2789.

Other part exemptions arise where the owner is rated instead of the occupier in respect of small tenements of a rateable value of less than 10*l.*, in which cases the owner may be assessed upon a reduced estimate; but the evidence before us has not been directed to this point.

d. Means for enforcing payment.

We have also had evidence before us that the existing remedies for enforcing payment of rates and private improvement charges require amendment, *e.g.*, by extending the time within which summary proceedings before Justices must be taken; by extending the jurisdiction of the county courts; by making private improvement charges more easily recoverable against owners and properties; by making successive owners liable in the above particulars, and by making private improvement charges take precedence of all other charges on the property, and recoverable by distress. See Gorton Memorial, Vol. III., Part 2. Answers from Brighton, West Derby Memorial, Vol. III., Part 2.

Borrowing Powers.

The Board of Public Works Loan Commissioners was formed by an Act of the year 1817. 57 Geo. III.

By the Public Health Act of 1848 they were empowered to make advances to Local Boards for the purposes of that Act, repayable in 30 years (which term Act of 1853 reduced to 20), by annual instalments, interest at 5 per cent., under sanction of the Secretary of State. But the Treasury has unlimited power to reduce the rate of interest after the loan is issued; a power which, according to the evidence, is rarely exercised. The Sewage Utilization Act, 1863, enabled the Commissioners to lend money to "Sewer Authorities." 11 & 12 Vict. c. 63. sect. 108. 16 & 17 Vict. c. 40. sect. 1. Willink, 1610.

Advances are also made by the Commissioners under other Acts which have come under review in the historical preface. Mr. Willink, the secretary to the Commission, stated in May 1869, that they had advanced under the Public Health and Local Government Acts, 690,129*l.*; under the Sewage Utilization Acts, 19,550*l.*; Winkill, 1599.

under the Public Works (Manufacturing Districts) Acts, 1860 and 1864, the whole sum, 1,850,000*l.*, authorised to be advanced, with the exception of 80,000*l.* or 90,000*l.*; under the 1632.

Labouring Classes Lodging and Dwelling Houses Acts, 1851, 1866, and 1867, 48,500*l.*; and 1642.

under the Baths and Wash-houses Act, 81,546*l.*; 1644.

and Burials Act, 765,446*l.* No advances had 1646.

been made under the Artizans and Labouring Classes Dwellings Acts, 1868, nor under the 22 Vict. and

Recreation Grounds Acts of 1859 and 1860. 23 & 24 Vict.

The Acts of 1848, 1858, and 1861 contain the borrowing powers of Local Boards and of Boards of Commissioners exercising the borrowing powers of the Act of 1848. By the Act of 1868 they may, with the sanction of Secretary of State, borrow for permanent works an amount not exceeding one year's assessable value, to be

21 & 22 Vict. c. 90. sect. 57. 21 & 22 Vict. c. 90. sect. 78. 24 & 25 Vict. c. 61. sect. 19.

repaid within a period not exceeding 30 years. By another section of the Local Government Act, 1858, and a section of the Amendment Act, 1861, they may, on provisional order of the Home Secretary issued on petition and confirmed by Parliament, borrow for permanent works an amount not exceeding two years assessable value; the period for repayment not to exceed 50 years.

Rawlinson, 524. 702. 1613. 573. A. Taylor, 1118, 1286.

Mr. Rawlinson, praising the Public Works Manufacturing Districts Acts of 1863–4, says, that they were based on the Local Government Acts, but gave greater power to undertake works, and the incentive of Government loans at low interest, repayable in 30 years, and remarks that the prejudice against the Local Government Act as centralising was thus done away in Lancashire. Money was advanced at 3½ per cent. If some such facilities for raising money were given generally it would greatly promote sanitary improvement. Mr. A. Taylor recommends that the period of repayment of money borrowed for many objects should be extended without consent of Secretary of State from 30 to 50 years.

Richards, 7407–8.

Mr. E. M. Richards, M.P., one of our colleagues, remarks in his evidence that the difficulty of borrowing money has been a very great obstacle to sanitary improvements, and if provision could be made whereby Local Boards could borrow on somewhat the same terms as were enforced in the distressed districts of Lancashire, sanitary works would be undertaken throughout the country to a very much greater extent.

At Swansea the money (100,000*l.* at 5 per cent.) was obtained from the Public Works Loan Commissioners; the period of repayment has been extended from 20 to 30 years; the authorities have memorialized the Treasury for 50 years, but in vain.

7383–5, 7420–9.

This hardship is still more striking when the 49th section of Sanitary Acts is put in force; repayment is provided for partly by a sinking fund and partly by instalments.

7430. Heron, 2378, 2474. 2384, 2472. 2381.

Sir J. Heron says nothing would so much lead to the carrying out of sanitary works as increased facilities for borrowing. The difficulties now are very great. The Public Works Loan Commissioners should be allowed to lend to Local Authorities at a rate not exceeding 4 per cent., the debt being ordinarily repayable by equal annual instalments within 20 or 30 years. That their practice in the conduct of business has been in some respects unnecessary was proved by what took place at the time of the cotton famine. It is not only a low rate of interest that is wanted but increased time for repayment, which should for some works be extended to 100 years. Sir J. Heron did not, however, here propose that any given loan should be so long outstanding, but that there should be power to re-borrow, provided that the whole debt was liquidated within the time named. The difficulty of borrowing money to carry out necessary works ordered by the Secretary of State would be a strong ground of application to Government to lend through the Loan Commissioners.

2475–6. 2473. Rawlinson, 573. 699.

Mr. Rawlinson expresses an opinion that if Government would lend money at low rates they would very much facilitate sanitary operations; and he points out that advances were made under the Lancashire Act by instalments, and that when the Local Authority made application for a further instalment the district was visited, works in progress were inspected, the accounts were audited, and short report made. If this was satisfactory the further instalment was granted.

A. Taylor, 1286.

Mr. A. Taylor thinks that sanitary works would be very much facilitated by Government lending money at low rates.

Rayner, 2309. 2311.

Mr. Rayner, speaking of the repayment of money borrowed for sanitary works, says that with regard to gravitation water schemes there should be no sinking fund at all, but a sort of contingency fund to provide against any serious accident. With regard to improvement schemes, *i.e.*, street improvements, or main sewerage works, or the purchase of land for utilization purposes, he would say 50 years. For paving 20 years would suffice. The exemption of Local Boards under the Public Health from stamp duty should extend to all Authorities administering Local Acts.

Hayes, 255. 2573–8.

Mr. Hayes, speaking of the Wolverhampton Local Bill, then before Parliament, says, "The "Sanitary Act of 1866, and some other Acts, "will still apply. One object of the present "Bill is to obtain additional borrowing powers. "We have bought an estate for sewage irri- "gation, and we ask for powers to borrow the "purchase money on the security of the land "itself, *i.e.*, land as the primary security, and the "rates as a collateral security. The rate of in- "terest should therefore be low. The mortgagee "will not, however, have the ordinary powers "of sale, but powers of leasing instead. By this "plan, instead of having to pay off $\frac{1}{30}$th of the "principal and the interest each year, the town "will not have to pay any principal so long as "they can keep up the mortgage. This will "make a difference to the ratepayers of 1,000*l.* "per annum, upwards of 1½*d.* in the pound;" 2551. and remarks that borrowing powers generally are insufficient, adding that the Public 2552. Works Loan Commissioners should have power to lend for a longer period at a lower rate of interest. It would be a great saving to ratepayers and a great inducement to sanitary improvement. 2553–4.

Carr, 2750–3. 2755.

Mr. R. R. Carr (of Newcastle, where the Public Health, &c., Acts have not been adopted) says that the Corporation has no power to borrow for sewerage, paving, &c., and reports that the debt of the Corporation under Local Acts is 330,000*l.*

Ponsonby, 3967, 4093–6. 3968, 3970, 4002, 4094–6.

Mr. Ponsonby, of Oldham, says that if greater facilities were given for borrowing for works of a permanent character, sanitary works would be more easily and better carried out. They could not have spent the money they did but for the Public Works Loan Act. He thinks that repayment should extend over a longer period, varying according to the nature of the works: drainage 50 years; waterworks 100 years, &c.

Bailey Denton, 4839–4841.

Mr. Bailey Denton, Principal Engineer to the Land Drainage Company, gives the following evidence: "It is a great object to facilitate "as much as possible the acquiring of money "for sanitary purposes, and that the improve- "ment of land by sewage should be facilitated "by borrowing money to be expended in suit- "able farm buildings. It is a question whether "the Inclosure Commissioners could under their "Acts charge the lands for that purpose. We "would propose that the rates of a town should "be made a collateral security for the period "for which the land itself would be charged."

4843–5.

The Public Works Loan Commissioners lend at 5 per cent. for 20 years, *i.e.*, at instalments of 8 per cent. Other capitalists or companies charge the same. Unless towns are of considerable importance they cannot get money.

4842–3.

Companies which lend money for landed improvements find great difficulty when the amount borrowed is small. That objection might be overcome if a central office would collect the instalments, and if the instalments of principal were invested, so that the whole loan could be repaid at the end of a given time.

Harrison, 6208.

Mr. Harrison, C.E., thinks that where works are shown to be absolutely necessary it is very desirable that Local Authorities should have power to borrow for the execution of the works; that the rate might be fairly levied through the tenants, and might come in the ordinary way out of the rent paid to the landlord, with a view to a more equitable payment of rates, Mr. Harrison recommends that in the case of works of an extensive character being carried out the Local Authority should have the power of borrowing money and spreading the repayment over a number of years, and besides that, in villages where sewerage or other sanitary works were carried out for the benefit of the village, that the land should not be charged pro ratâ for these improvements.

6268. 6244. T. Taylor, 298. 304.

The Home Office should have power to inspect proposed works where money was to be borrowed; to sanction and assist in raising the loan; and should inspect and see that works were properly executed.

Mr. T. Taylor says that there is no inspection of works done with borrowed money by the Central Authority, which sanctions a loan, to see that the work authorized has been properly done. He thinks there should be power to make such inquiry by an inspector.

C. W. Johnson, 2897.

The Authorities at Croydon have borrowed on mortgage of rates from an insurance company at 5 per cent., repayable in 30 years, and ask for greater facilities, which would be a great advantage. If Government would guarantee the borrowing of money upon the mortgage of their rates they could get money at 3½ instead of 5 per cent.

Davy, 3049, &c. 3092.

Ottery St. Mary has borrowed from an insurance company, at 4½ per cent., and wants power to borrow on limited areas.

Audit.

Lambert, 4591–4592.

Our colleague Mr. Lambert is inspector of Poor Law auditors, and prepared the scheme for the Public Works (Manufacturing Districts) Act, and superintended its execution.

4595.

The Poor Law auditors are appointed by the Poor Law Board. They are civil servants.

They are enabled to make surcharges and disallowances in the accounts, to require the production before them of the accounts and vouchers. They can require the accounting parties who come before them to sign declarations, subject to penalties if they are untrue.

The audits are conducted as follows:—

4593–6. 21 & 22 Vict. c. 90. sect. 60. Lambert, 4593.

(*a.*) When the Local Board is a Town Council the accounts are audited by their own auditors, who are elected by the burgesses. In other cases the accounts of Local Boards are audited by the Poor Law auditor.

4594.

(*b.*) Where the Guardians are the Local Authority and pay any monies out of the common fund of the union for sanitary purposes, the amounts would be entered in the accounts of the Guardians and would be submitted to the Poor Law auditor; but it is doubtful whether, when the Guardians make a separate rate under the Nuisances Removal Act, they are bound to submit that account to audit at all.

4620–1. 1 & 2 Vict. c. 60.

(*c.*) Where the Vestry is the Local Authority, except in cases where the Act, known as Hobhouse's Act, has been adopted, he is not aware that there is any audit required. Some Local Acts, however, provide for the appointment of auditors, or, rather, for the election of auditors by the Vestry. 4594.

The Poor Law auditors report to the Poor Law Board. They are required to report to the Poor Law Board upon the accounts of every union and parish officer after each audit in a form provided by that Board, which may prescribe the forms in which the several accounts of the unions and parishes shall be kept. The auditor has to report upon any defects or irregularities. 4608.

Under the Acts relating to sanitary matters they are only required to report to the Local Board. Some few report in cases of surcharges and disallowances to the Home Office, but with these exceptions the reports are confined to the Local Board itself.

There is a great want of uniformity with respect to the manner in which the accounts of Local Boards are kept. In many instances Local Authorities have been anxious to have forms for accounts prescribed for them; but there is no power to prescribe any forms of accounts, or indeed to require that the accounts shall be kept in books. Instances have been mentioned to me where the Local Authorities have presented their accounts on scraps of paper. 4609–10.

The Secretary of State has no power over the auditors under the Local Government and Public Health Acts; and it is very questionable whether the Poor Law Board has any jurisdiction with regard to their duties under those Acts or the Sanitary Acts. The auditors are not required to report to the Home Secretary or any other Central Authority. 4610. 4609.

Mr. Lambert adds that he is not aware of any difficulty in the Poor Law Board having authority over their auditors when performing duties other than those of Poor Law auditors. 4715.

The anomaly is so great that some change must be made. 4716.

The appeals from disallowances and surcharges under the Poor Law Acts are to the Poor Law Board or to the Court of Queen's Bench. The appeals against them under Acts relating to public health are to the Home Secretary instead of the Poor Law Board. The Poor Law Board have power to summon the parties and examine upon oath. 4612.

The Home Secretary has no such power. He may, however, remit a surcharge. He has no control over the salary of an auditor. The Local Government Act prescribes that an auditor shall be entitled to receive 2*l.* 2*s.* a day, and a reasonable sum for travelling expenses. The Poor Law Board prescribes the salary for auditing poor law accounts, but they have no power to regulate the remuneration or expenses of the auditors under the Sanitary Acts, and questions of importance have arisen as to the expenses the auditors are entitled to charge. 4614. 4613. 21 & 22 Vict. c. 90. sect. Lambert, 4615.

The Poor Law auditor need not reside in his district, and questions of some importance have arisen as to the right of such an auditor to charge travelling expenses. In 1865 the two audit districts of Cheshire and Derbyshire were placed under one auditor, who lived at St. Asaph, and he claimed separate travelling expenses from thence to each of six small Local Boards, who remonstrated with Government. It is doubtful whether there be any power to prevent this. To illustrate the want of any scale of remuneration; in another case, the clerks of five Local Boards met an auditor on one day, and in the course of three or four hours he disposed of the whole of the accounts and got paid for all of them. Government can now, under a general Act of Parliament, demand from Town Councils 4617.

and Sanitary Bodies a statement of accounts. Mr. Arnold Taylor suggests that after every audit by a district auditor of a Local Board's accounts, a report should be forwarded to the Central Authority as a matter of course: this is not the case now. This would be an annual report accompanied by any remarks upon it that the auditor might think fit. "Sewer Authorities" should be placed under the same audit. Mr. Davy, clerk to the Board of Health of Ottery St. Mary, and the Rev. R. W. Hippisley speak of circumstances within their own observation. The former says, the accounts of his Local Board are audited by the Poor Law auditor, who lives 40 miles off, and receives two guineas, or four if he comes specially for the purpose; while Mr. Hippisley states that the Vestry accounts are not audited. The Committee of Vestry have raised 500*l.* by precept, and the auditor disputes his liability to audit the items of that account, while the Vestry refuse to allow the accounts to be audited, on the ground that no provision is made for auditing them. Upon this statement, Mr. Francis, of the same place, and Clerk to the Guardians, states that there was a question between the Committee and Mr. Hippisley as to the accounts which the Committee thought ought to be decided by a court of law, and not by the Poor Law auditor, and he remarks that there is no unwillingness to submit the accounts to an audit similar to that which obtains in poor law matters.

A. Taylor, 1112. 1266. Davy, 3120–1. 3122. Hippisley, 3384. 3440. 3384. 9670.

Number and Confusion of Local Acts.

There are 22 Local Acts in force in Manchester, one being a Local Improvement Act of 1844, containing "Lands Clauses" more favourable than the general Lands Clauses Consolidation Act of 1845. When the Corporation find the provisions of the public Acts superior to those of the Local Acts, they use the former, *e.g.*, with respect to smoke. Wolverhampton has just obtained local codification, having found powers under the Municipal Acts, under a Local Act of 1832, six Waterworks Acts, and under the Public Health Acts, very difficult to carry out put together. Oldham having obtained a Local Act in 1826, which became antiquated, and finding extreme difficulty in making it work with the General Acts, decided that trouble and confusion necessitated the obtaining one to comprehend them all. Lord Egerton suggests a model Bill, such as has been adopted with respect to railway, gas, water, and other Bills, on which all Local Acts should be framed, and except under peculiar circumstances not departed from. The fewer private Bills the better, and expense will probably check their increase.

Heron, 2325–35. Hayes, 2548. Ponsonby, 3934. Hayes, 2548. Lord Egerton, 6922–3.

Very large towns, it is thought, will always prefer having their own Local Acts. Mr. Thring thinks it would be impossible to do away wholly with local legislation.

Thring, 471–3; Cf. Carr, 2733–9; Stebbing, 5846–9, 5899, 5900; Rawlinson, 627; Norris, 902; Heron, 2342.

But it is suggested that Local Acts might, except in very large boroughs and cities, be gradually led to merge in a general public Act; and Mr. Taylor proposes that places which have once adopted the Local Government Act should not be able to apply for a Local Act without leave from the Secretary of State. He thinks the legislation by provisional orders of the Secretary of State, confirmed by Parliament, tends to fuse Local Acts with the general Acts, by suppressing those parts of them which are inconsistent. Whilst, however, we are making our inquiry, West Hartlepool, Yeovil, and other places are getting Bills through Parliament, being unwilling to wait for a general simplification of the law.

Thring, 371. Farr, 4530. T. Taylor, 255. 98, 131, 249.

Local legislation will continue to be necessary, and the cases must be tried somewhere; if not before a parliamentary committee, then before some other tribunal. The different cases have to be dealt with in different ways. Denison, Q.C., 5919, 5920, 5921–4, 5901–2, 5937.

The compensation to be given to millers could not be arrived at by clauses in a general Act. 5925.

There is often a great deal of fighting about gathering grounds. You cannot prevent towns coming for them. A great deal of mischief is done sometimes in excluding people on *locus standi*. 5928.

The Cray Valley Bill was a question which ought to have been legislated on specially. It is immaterial whether a parliamentary committee or other authority hear the case argued. 5936.

Parliamentary inquiries were tried for a few years, a great deal of money was wasted on them, and committees did their business just as if there had not been such inquiries. 5941.

The expense of unopposed Bills might be got rid of by an extension of provisional orders. 5945.

It is not safe for any gas company, or even a corporation, to undertake a gas scheme without an Act of Parliament. 5946.

Question of distinct Urban and Rural Codes.

Mr. Thring says it need not be kept permanently in view in consolidating the law. The real difficulty in the sanitary law is one of principle, namely, how to distinguish the laws you ought to apply to any large places, from the laws you ought to apply to country places. In large towns, where people are crowded together, you require stringent laws as to things which may be innocuous in country districts. At present the main sanitary provisions are obligatory everywhere. Whether you should extend further obligatory provisions is a question. Thring, 354. 471. 494.

Mr. Chambers proposes a limit of 5,000 for demarcation between urban and rural districts, but only for the nature of the Authority, not for any distinction of powers. Chambers, 10, 371–10,384.

Confusion and Necessity of consolidating the Sanitary Laws.

Mr. Thring says, "It appears to me that the "Commission will be of the greatest possible "use if they can point out the best mode of "consolidating the law, and still more if they "can discover the best mode in which the "bodies interested in the administration of "that law are to be constituted." He sketches the plan on which he would proceed:—"I "should begin by laying down provisions for "removal of human excreta. I should then go "to the supply of water and removal of nui-"sances. In dealing with the remainder of the "law I should arrange it in the best manner I "could, placing probably in a separate Act the "powers of local government, as contra-dis-"tinguished from sanitary powers properly so "called." A consolidating Act, containing all requisite powers, and providing that every place should have authority to carry out such as it wanted, he agrees to be the proper way of removing the present complication. Thring, 351. 362. 368.

Mr. Rawlinson says, "There should be a "consolidation of the Sanitary Acts, leaving "out the compulsory clause requiring the Home "Secretary to devise works, find the money, "execute the said works, and levy rates to repay "the same." Rawlinson, 530.

Mr. Norris thinks that all the provisions of the Public Health Acts, taking also into consideration the provisions of the Towns Improvement Clauses Act, should be codified so as to make them applicable to large towns and populous districts. The population line should, he thinks, be at 10,000 or 12,000. Several towns have, he says, been compelled to codify for themselves; the time has arrived for a general review in order that there might be a Towns Improvement Clauses Act in advance of the one of 1847. For rural districts he suggests something in the nature of a Nuisance Removal Act.

Norris, 898. 910. 908. 924. 911.

Mr. Notcutt thinks it would be a great improvement to consolidate the Local Government Act and the Public Health Act with the other Acts which are already incorporated, such as the Towns and Police Clauses Acts and Nuisance Removal Acts. They contain similar provisions, and it is sometimes difficult to determine under which Act you will proceed. There is both repetition and confusion, for though similar they are not precisely alike.

Notcutt, 1392–3.

Mr. Rayner thinks the time has arrived when it would be very easy to frame a sanitary law applicable to the whole kingdom, to be supplemented in towns by provisional orders, or by byelaws with reference to such matters as come within the province of byelaws, and that from the simplification and consolidation both of the laws and authorities economy would arise in local government, which has got into such a state of confusion that nobody can make head or tail of it.

Rayner, 2282. 2312–3.

Sir Joseph Heron says, "It would be of the "greatest possible advantage to codify and "simplify the Public Acts affecting Local "Authorities, whether large or small; and "that large cities might very likely get rid, in "subsequent legislation, of a certain portion of "Local Acts, and adopt that which had been "determined for the whole country." If such a consolidation took place the Manchester Local Acts would be found to a very large extent unnecessary. We should have to show the necessity of retaining any special provisions not contained in the public Act, and the effect would be to do away with the difficulties of ascertaining what the general law was.

Heron, 1344. 2348–9.

Mr. Carr says, "If the law could be consoli-"dated it would be much more cheaply and "efficiently carried out. There is great confusion "as to the Acts and the application of certain "Acts to the Authorities." He takes much the same view as Sir J. Heron as to a general consolidated Act doing away with the necessity of special local enactments.

Carr, 2730. 2733–9.

Mr. C. W. Johnson says, "If all were in one "Act it would make it more easy for those who "are not lawyers."

C. W. Johnson, 2948.

Mr. Ponsonby thinks there should be one general Act which would be capable of being divided and applied to different places, or that there should be several Acts applicable to different places. Practically, he does not think there would be much difficulty in framing one general measure, the whole of which should be applicable to large towns; and if the Act were divided into parts the inhabitants of any defined area might apply given parts of it; but there should be one part with reference strictly to sanitary matters which should apply to all, great and small.

Ponsonby, 3950.

Mr. Pain says, "There are so many Acts that "it is a great labour to look into the law upon "any sanitary question." A consolidation would be very desirable indeed.

Pain, 4166. 4167.

Mr. Milman says, "I think it is almost a "truism to say that they (*i.e.*, the sanitary laws) "should be consolidated, but certainly at present, "having had something to do with the adminis-"tration of them, I find very great inconvenience "from their not being so. I have an index to "the Statutes, which I always keep up to the "present time, and in order to ascertain the "state of the sanitary laws at once, I not only "have to refer to several Acts, but to five or six "heads of sets of Acts. There are the Public "Health, the Local Government, the Nuisances "Removal, the Sewage Utilization, and the "Sanitary Acts, and under each of these heads "there are a great many, and they touch upon "each other, and successive Acts and sets of "Acts repeal those previous, and the conse-"quence is that the whole of the legislation is "in such a state that it is very difficult to ascer-"tain what the law is, independent of the "imperfections which would exist even if in its "present state it was consolidated."

Milman, 4532.

He adds, there are general points applicable to all systems which should be laid down imperatively by a general law. He thinks— 4491.

(1.) The first principle is the prevention of the discharge of sewage into water in any shape, whether running or still.

(2.) Another should be the carrying of the sewage in such a manner and to such points that it should not soak into the soil of any town or inhabited place.

(3.) Then arises the question, What becomes of the sewage? It should be conveyed to a place where it would not soak into the ground, and should by means adapted to the place and to the circumstances of the district town or surrounding country be removed from that place, such removal being either done, or enforced, or managed by the public authorities. Sewage should be kept separate from the water drainage.

The law should lay down certain main principles; the chief of all is pure water and pure air. 4489, 4490, 4543–4.

Mr. Pember, after mentioning practical difficulties which had arisen in his experience in working the existing Statutes, says, "A very "good Statute might be made out of them; they "would form together a very useful code." Pember, 4765, 4772.

Mr. Beaumont, who had been one of a Committee of the Vestry in his parish, says, "I have "been at a great trouble to try and understand "the sanitary laws, and have quite failed." Beaumont, 4942.

Mr. Alderman Stebbing says, "We are under "a very great difficulty in consequence of the "number of Acts of Parliament, and the various "clauses, some apparently inconsistent with each "other, and we should be very glad to surrender "our Local Act and also our byelaws if the "Government would pass a general consolidated "Act which would embrace all the good points "of those various powers." Stebbing, 5901.

Mr. Harrison, C.E., agrees with the opinion that by simplifying both the law and the machinery of sanitary administration, the same amount of work could be got for much less money and be decidedly better executed. Harrison, 6178.

Lord Penrhyn says, "My opinion is that there "is at this moment plenty of power in the differ-"ent Acts. They require simplification and "consolidation, because it is very difficult for "Boards of Guardians, or even for Local Boards, "in the country to understand the various Acts "over which these powers are now spread. It "would be an immense advantage if they were "consolidated and simplified." Lord Penrhyn, 7839.

Mr. Huskinson thinks "that nothing further "is required as regards the substance (of the "general Sanitary Acts), but it would be a very Huskinson, 8503.

"great advantage if those 10 Acts could be "consolidated."

Francis, 9678–9. Mr. Francis, Clerk to the Guardians of Stow-in-the-Wold, says, "I think that the Sanitary "Acts themselves are most defective, not so "much in reference to omissions but because of "this fact: I am speaking now more especially "with regard to small country parishes where "the Vestry is the Authority. We have here "already five Acts of Parliament in connection "with the Sewer Authority. These Acts em-"body expressly, and frequently by implication, "sections from half a dozen or more other Acts, "and in no small country parish would you find "persons capable of tracing and following these "Acts through the several intricacies that are "involved in them, and getting at anything like "the fair state of the law. . . . I think "there should be a Consolidation Act to embrace "everything, and to expressly enact, and not "merely by reference, all those clauses that are "necessary for the working of the system."

Wyatt, 10,420. Mr. Wyatt, the parliamentary agent, having in charge the "extension and improvement" Bill of West Hartlepool, says that local circumstances having necessitated an application to Parliament, it was resolved to adopt the course which had been pursued by other large towns, of having one general Act to embrace all the requisite powers for the good government of the place, instead of remaining under a great number of public Acts, the provisions of which to a certain extent are conflicting, and which cause great confusion in the administration of justice, as well as in the management of the affairs of the town. The Bill was a consolidation of the public Acts with further provisions. Several towns have done this. He asserts that he finds, on inquiry, that all the large towns in America have adopted the same course. A book is presented to every member of all the governing bodies on his election, that he may understand and know the law which is in force. At present in England it was impossible for any ratepayer to know what is his remedy, or under what Acts he is taxed.

10,428. 10,431. 10,440.

Batt, 10,638. Dr. Batt says the Sanitary Authorities are so various and the laws so complex that no country person can understand them without the aid of his lawyer.

Dyke, 6318, 6321. Mr. Dyke, of Merthyr Tyvil, says, The present enactments include almost all the sanitary evils which exist; what is wanted is to devise enactments which shall be effective rather than to ascertain the evil.

Richards, 7400. In addition to the above medical testimony, we have received evidence from one of our colleagues, Mr. E. M. Richards, M.P., who states that the existing Sanitary Acts contain most of the provisions necessary in the government of Local Board districts; they want codifying and arranging.

Rawlinson, 571. The further provisions wanted are: (1) as to back drainage (on which point I concur with Mr. Rawlinson's remark); (2) as to penalties for interfering with a sewer; (3) or with water conduits; (4) I would give power to oblige an owner to convert a privy into a watercloset where the water supply is abundant; (5) I would give further provisions as to byelaws which should extend to old buildings; (6) where owners of houses construct drains on to outside lands, and cause a nuisance by accumulation, it is not clear at present which owner should be proceeded against; (7) it is a doubt at present whether in case of bankruptcy a claim for district rates is on the same footing as a claim for poor rates; (8) there are difficulties as to working the Workshops Regulation Act, 1867, and the Artizans' and Labourers' Dwellings Act, 1868.

Richards, 7401–5.

Druitt, 8969. Mr. Druitt states that the Sanitary Acts are deficient—

–8971, 9166, 9207–8.

1st. In the difficulty of getting information. If cholera, &c., could be immediately detected it might always be prevented from spreading. 8972.

2nd. In the delays which are interposed in putting the law into motion. 8973, 9006. 9174.

3rd. There is a difficulty in getting the Vestries to adopt the permissive Acts.

Hewlett, 5740. Mr. G. T. Hewlett, health officer at Bombay, says that a proper sanitary code should provide for (1) water supply; (2) drainage; (3) general conservancy; (4) compulsory improvement; (5) regulation of lodging-houses, &c.; (6) inspection of food and markets; (7) regulation of bakehouses and cowsheds; (8) regulation of factories; (9) compulsory vaccination; (10) prevention of disease; (11) hospitals and drugs; (12) registration of births, marriages, and deaths, and particularly sickness; (13) burial grounds; (14) regulation of stables, trades, &c.; (15) regulation of streets, buildings, &c.; (16) bathing places; (17) contagious diseases; (18) analysis of food, water, air, gas; (19) taking the census.

Registration.

Generally. 7 Will. IV. & 1 Vict. c. 22. Graham, 6463, 6515. The registration system, as has be enstated to us by Major Graham, the Registrar-General, was instituted by an Act of 1837. The Registrar-General is under the orders and patronage of the Home Office, but acts very much by himself. The Registrar-General's principal dealings with the Home Secretary are where coroners and others make complaints against him. His official knowledge relates to *deaths* only; and he therefore thinks that the reports of Mr. Simon, relating as they do to *disease* also, are a great advantage. 6458, 6508.

6461. He is in continual communication with the medical officers of the Privy Council, and informs them of all outbreaks of disease, assisting them likewise very much in reference to vaccination.

30 & 31 Vict. c. 84. sect. 14. By an Act of 1867 it is provided that "The "Registrar-General for England and Wales "shall, when he shall deem it necessary, from "time to time as occasion shall require, after "the passing of this Act, frame and provide "appropriate books, forms, and regulations for "the use and guidance of the registrars in the "exercise of their duties therein prescribed, "and also such forms shall be required for "the use of the public vaccinators, and the "signature of the medical practitioners under "the provisions of this Act, and shall transmit "the same to all registrars of births and deaths, "who shall retain such as relate to themselves, "and distribute among the vaccinators within "the respective districts such as relate to them "without any fee or reward."

And in a circular of the Registrar-General (Nov. 1867) to his registrars he says:—"3. In "presenting your quarterly accounts for pay-"ment, you will have to produce your register "of successful vaccinations, with the certificates "to show that the entries have been correctly "made. And the *Registrar-General* will "direct his inspectors from time to time to "examine these books and see that they are "properly and correctly kept."

Registration of death and causes of death. Graham, 6428. Major Graham considers the registration of deaths very nearly complete, almost entirely so, though it is impossible to make it quite complete. Registration of deaths is much more complete than that of births, because burial must follow death, and a certificate of his previous civil registration of death must be given to the

officiating minister, and if that certificate of civil registration is not given to the minister, he is bound under a penalty of 10*l.* within two days to give notice to the registrar of the death of the party whom he has buried, and that being so we get almost all the deaths. He adds, there are some deaths of infants who are buried as still-born in the hope of saving expense, and I have no doubt that they do escape us.

6434.

6440. The column in register in which "cause of death" should be entered is often not filled up, from jealousy of the registrar felt by the medical practitioner.

6441, 6501. See Stokes, 5637. There is a dislike to report some causes of death. Major Graham has no great faith in any certificate of the cause of death given by any person who has not *before death* seen the deceased, and states that often there is no medical attendant, or none legally qualified.

Graham, 6443. There are cases of fictitious entries.

6445. The aggregate registers are elaborately indexed, and many copies of entries are sold, which are wanted for evidence.

6447–8.

6454, 6478. He would object to the registration of still-births, as indelicate and useless. In Paris the minutest reports are made, including miscarriages. The old ecclesiastical registers had become utterly worthless.

6467.

6471. Valuable tables have been drawn up from the records of the office. The registration system has been improved in Ireland and Scotland.

6429. Farr, 4463. Dr. Farr, superintendent of the Statistical Department, states that England is divided into 11 divisions for registration purposes, being groups of counties, and that there are 640 districts (generally coincident with poor law unions) under superintendent registrars, often solicitors, usually the Clerks to Guardians, who supervise 2,202 sub-districts, made up of 16,160 parishes and townships, each sub-district having a registrar, appointed by the Boards of Guardians, generally a medical man.

4436–8.

4439. For census purposes the country was in 1861 further subdivided into 30,862 enumeration districts, arranged so that they could be visited by one man in one day.

5172, Cf. 6510–1. The Registrar-General fixes the qualification, approves the appointments, and can dismiss the registrars.

6 & 7 Will. IV. c. 86. Under the Registration Act, 1836, all deaths in England, which are the subject of registration with which our inquiry is chiefly concerned, are registered on information given by parties defined in sect. 25, as persons present at the death or in attendance in last illness.

See section given in *extenso* 4455. Dr. Farr says, "Under the Act the cause "of death is returned; it is specified in the "Schedule, but there is no example given. I "believe that heading was inserted in the "House of Lords, but it has led to a great "amount of valuable information being supplied "which has furnished the basis of the returns "of the Registrar-General, as far as regards "the causes of death. I would just mention "that the Registrar-General, seeing that the Act "was left in that state and that medical men "were not compelled under it to furnish a cer-"tificate of the cause of death, appealed to "the College of Physicians immediately he "came into office, and they very readily co-"operated with him in getting the medical men "to furnish these returns voluntarily. But "this plan of allowing medical men to give "written statements in their own way was "found not to work well, and a certificate "book was devised which the Registrar-General "distributed all through the country, giving "instructions to medical men as to how they "were to proceed in furnishing those certifi-"cates." (The actual form of the certificate is given in Dr. Farr's answer, 4475, and in Appendix to First Report, p. xxv. The example of the cause of death given in the form is *typhus* 19 days, *pneumonia* 3 days.)

4458. Dr. Farr proceeds to state the Registrar-General instructs the registrars not to receive certificates from unqualified practitioners, and as far as he has influence, certificates are supplied only by qualified practitioners. In London a very great proportion are thus certified, 4457. viz., 93 per cent. by medical attendants and 5 per cent. by the coroners, and a very great proportion also in the country practically. But the system is by no means perfect or satisfactory, so 4459. far as regards the registration of the causes of deaths; and of these the first defect arises from the imperfection of medical science, the second from the imperfect practical application of existing science. England is the only country that publishes any returns of the causes of death in that form. Our registration of deaths 4462. is comparatively very complete, but in order to 4463. enforce registration more effectually a medical man might be sent to every house where death has occurred to examine the body and give a certificate, under which the burial would take place. This is done on the continent. In France the police see that such a visit is made, or otherwise the parties themselves living in the house would have to apply.

The best thing would be to insist on a medical 4464. certificate from the medical attendant in every case. The parties who employ him would pay. Where there is no medical attendant, and where the medical man has not seen the patient recently, or has not seen the body, then the registration medical officer should be called in. The registration medical officer in large towns might either be the health officer or some one acting under the health officer. In Manchester or Liverpool it would be impossible for the health officer to visit and certify all the cases, and he would naturally employ other persons to discharge that duty. The persons who would do that with most economy would probably be the poor law medical officers, but they should not be necessarily in the employ of the Poor Law. The registration medical officer should give notice to the coroner where he saw anything requiring a public inquiry. Dr. Farr does not think the cases numerous where concealment of the true cause of death is desired. 5059. Burial registers and death registers ought to 5208–11. be compared for verification, as is done in Australia.

No inducement is given for information. 5201–3. Registration should be free from payment if done within a certain time, and a fee charged of 1*s.* if not done within that time.

Few deaths remain unregistered, even in- 4460. cluding those of infants, there being a penalty on burying unregistered corpses without giving information thereof. It does not appear that the penalty would go to the informer or has ever been enforced. 5207.

In London, 93 per cent. are certified by medical men.
5 per cent. are certified by coroners.
2 remain uncertified. 4457.

Certificates of death should be made more 4464, 6496. certain; they are not taken as evidence now by the Court of Chancery or the Bank of England.

More inquiry into the causes of death is 5034. wanted, which would be to extend a very ancient principle. The Registration Medical Officer should conduct a supplemental inquiry into all "uncertified" deaths which have not been investigated by the coroner. He might

inquire into causes of deaths which are now inquired into by the coroner, at great expense and trouble, such as deaths in prisons, lunatic asylums, and workhouses. Those inquiries would be better conducted by a man of independent and high position, and at less expense to the country.

5035. Registration Medical Officers should be appointed for police and scientific purposes.

5043. *Medical registration* should supplement the duties of the coroner. The officers would inquire into the causes of death, and this would bring them to know causes of disease, and give full knowledge of the health of any district, guiding them in its sanitary administration.

5044. Their proposed duties are enumerated.

5045. Still-born children are not registered here, as they are in every other country. It is important that they should be, because children born alive are now registered as still-born, and in these cases there is great suspicion. They should be reported (though not entered in the general register) whenever the fœtus has attained the age of six months. This would afford great security against crimes, and secure a complete registration of children born alive.

5036. It is a question whether the Registration Medical Officer should be paid by the visited family, or by rates.

Christison, 5295. Professor Christison, after much attention to the subject of death registration, says, there is no occasion for any fresh law to make the register of causes of death more complete. The main object is to discover causes of disease.

5297. Frequently causes of death are stated to an insurance company differently from the entry of same cases in the register.

5319. Still more frequently the cause is stated in the register so vaguely that it could not be put under any head, while precise answers could always be got by writing to the medical man in the name of the company. By some such arrangement with the Medical Registration Officer the registrars could get returns with accuracy.

5296, 5361. He agrees with Dr. Farr as to the loose returns of causes of deaths received from registrars, and as to the interest of science and the public in greater accuracy.

5298. Registration, says Dr. Rumsey, is at present very defective.

Rumsey, 4271. Some of the most important facts recorded on the present system are not verified; they are, he thinks, erroneously reported, and there is no legal security against fraud and concealment of crime, nor are the returns brought home to the authorities and people of each district in a serviceable form. Many important facts are not retained at all, or even ascertained. Local sanitary measures based on such returns are questionable and insufficient.

4272. He mentions the following as the defects on registration of causes of death:—(1.) That many are still uncertified. In the year 1867 it appears that 4,630 causes were not even specified. (2.) Many are certified by medical men who have not seen the deceased either shortly before or after death. (3.) Many causes are entered by unqualified practitioners acting as assistants to registered practitioners who sign the certificate. (4.) The great uncertainty attaching to the meaning of the word "cause." Some certifiers think it right to state the earliest link in the train of causes which end in death. Some that in which they have felt the greatest professional interest; some take the last symptom or phenomenon. Dr.

4281. Rumsey would record the last cause.

He also says that the death-rate is a fallacious test of the vital force and sanitary condition of a

4277. town population.

If registration districts were the same as sanitary districts, Mr. Taylor observes, you would gain one material advantage, namely, that you would connect the statistics of death and disease which now have no relation to areas of town government. Registration areas as now constituted are practically useless, and in many cases mischievous, and should be altered to suit sanitary purposes. T. Taylor, 282. 664.

Although there are deficiencies, says Mr. Simon, there is an admirable organization for returns of death under the Registrar-General, but we have no returns of sickness. The returns of death are necessarily imperfect. The law does not provide that they shall be medically certified. Simon, 1832.

Dr. Stokes says, that in Ireland the registration forms are complained of as requiring medical attendants to make many statements merely on hearsay. Stokes, 5636.

All he would require of the medical attendant is only to state his opinion as to the *cause* of death; the *facts* should be taken from other parties. There are many temptations to falsify returns; there is nothing more difficult than to ascertain the cause of death, and even post-mortem examination is insufficient. 5637–8.

There is no remedy but the existence of a superior officer, who in doubtful cases would make special inquiries. 5672.

There are certain conditions which we know to be incompatible with life, and where such conditions are found, the explanation of the cause of death is not difficult; but those conditions are quite exceptional, and in the great majority of cases, even where you find local disease, it does not follow that the patient died of that disease. He died with it, but not necessarily of it; and that is a condition of uncertainty in relation to all returns of death which the Commission should clearly understand.

Dr. Burke, Head of the General Register Office at Dublin, explains that the form of certificate of death required from medical practitioners under the Irish Births and Deaths Registration Act, is distasteful to the practitioners of Ireland, on the ground that the medical man has to fix the date on which he saw the deceased last, and to assert that he is dead, although he may never have seen the person dead. So, in fact, medical men complain that they are made informants of the death, and may certify to the death of a person who may be alive. He would confine the medical signature merely to the opinion of the medical man as to the cause of death, and leave out other matters, *e.g.*, the date of death. The insertion of other matters gives a strong temptation to make loose statements. Burke, 8820. 26 Vict. c. 11, sect. 46. Burke, 8822. 8823. 8925. 8824.

When a patient dies from a disease which supervened upon the first disease it is desirable for sanitary purposes that the former disease be recorded. There is no penalty attached to neglect or refusal to fill up the medical certificate, and refusal very often occurs. 8851–2.

Dr. Budd, of Bristol, makes three suggestions, viz.: (1.) That in every great town the records should be kept in one central office; whereas those for Bristol, which is one town, are now kept in three different places, one more than five miles distant. (2.) That they be made up once a week. (3.) That the exact house where the death occurs, and not the street only, be registered. The medical officer should keep a mortuary record in the form of a map. Dr. Budd expresses a confident opinion that a large collection of maps so constructed would disclose many new relations, at present quite unsuspected, and of quite inestimable value alike for the promotion of science and the prevention of disease. Budd, 9269.

This is done at Bristol, and the map is reduced by photography. By this means the records of a great city for a whole century might be kept in a box a foot square.

Heslop, 11,630. Dr. Heslop, physician to the Queen's Hospital and the Children's Hospital, Birmingham, states that inaccuracy on the part of the medical man in filling up death certificates arises partly from ignorance and partly from neglect of an important duty. In reference to public charities Dr. Heslop thinks that the medical officers to public charities ought not to give certificates of death, especially in the case of children, without exacting very decided guarantees both that the child is dead and in reference to the precise manner of the death of the patient. He rather agrees with Dr. Farr that a medical officer connected with a public charity should, as a rule, refuse to give a certificate of death, and should only grant it under exceptional conditions. He adds that if no private medical man had been in attendance, the medical officer of health should be bound to inspect the body and to make inquiries, and if needful to institute a post-mortem examination, but that the last should, as a rule, be only done under such suspicious circumstances as would fairly command an investigation by the coroner into the cause of death.

11,631.

Beckett, 6631–2. Mr. Beckett says that the registration of the causes of death in his part of the country (Norfolk) is very inaccurate; that it would be very difficult to make it more correct in consequence of the number of persons who die without medical attendance. He thinks in such case the relieving officer or registrar should visit the house and ascertain the cause so far as he can from the inmates. He mentions a case of the death of a woman from hæmorrhage, when he believes the woman died from cruelty on the part of her husband. At the end of a week the coroner sent the union medical officer, who reported death from natural causes.

6633.

6707.

Registration of disease. Simon, 1830. We have received valuable evidence on the subject of registration of disease. "The chief minister," says Mr. Simon, "whoever he is, "should be in possession of knowledge scien- "tifically and properly interpreted as to the "facts of health and disease throughout the "country. We want an improvement in the "system of registration and returns of deaths, "and we want a properly-established registra- "tion of sickness. I am strongly of opinion that "all sickness which is treated at the public ex- "pense ought to be made known, and that we "ought to know how much of each sort of sickness "is so treated. At present we cannot know that, "because there are no returns made. Institutions "purporting to be charitable institutions for the "relief of sickness or infirmity should be required "to give an account of what they do; to keep "records and make returns. There are now no "returns of a systematic kind. In some of the "larger London hospitals of late years they "have taken to publishing annual reports, but "those annual reports are done by each hospital "as it likes; there is no concert. Other hos- "pitals than those in London very rarely "publish a record of what they do." As an illustration of the mischief arising from absence of information, Mr. Simon cites the case of Winterton, which had been for seven years almost always suffering more or less from typhoid fever, and where for the last two or three years the disease had been of great local importance before the facts were known to the Department. Of the Terling epidemic they heard nothing till it had reached its height. There was no public knowledge of the existence of diptheria in England until it had been an epidemic two years. As a way of securing the early detection and extinction of these formidable diseases, Mr. Simon recommends:—First. The sickness treated at the public expense ought to be reported quarterly to the Health Office. Secondly. All medical charities ought to keep records to some extent on an uniform plan, prescribed by the Central Authority, and to report summarily every year. Thirdly. As regards deaths, the quarterly returns of the Registrar-General ought to be improved, so as to give the same information for the whole country once a quarter as is now given for the three millions of the metropolis every week. As to the poor law officers, they make their returns to the Boards of Guardians, and the Guardians ought to be required to have certain broad results of these returns put in a tabular form every three months for the information of the Central Office and the public. 1848. 1910. 1912.

Dr. Rumsey says that records are made by surgeons of workhouses and districts, and also in hospitals and dispensaries; what the country wants is a machinery for improving these records, and arranging and publishing the facts for local use. The benefit to the community and to sanitary administration would be very great, and would well repay the cost. Rumsey, 4277.

Mortality returns for short periods do not indicate the rise of epidemic storms or the primary results of unhealthy conditions, and they give no adequate sanitary warnings.

Sickness returns give those warnings promptly and unmistakeably. The registration medical officer proposed by Dr. Farr would receive these returns from the medical officers and verify them as he would the mortality returns. The country would then secure a complete local and timely record of both sickness and mortality. Dr. Farr expresses a similar opinion as to the advantage of a registry of sickness, and says it is of far greater consequence in order to trace out the cause that you should have the date of the sickness than that of the death; there is more immediate connection between the origin of illness and the cause than there is between death and the cause, particularly where it is atmospheric. Such information would lead to means being taken for the arrestment of epidemics as they begin to extend widely. In cholera, for example, it is quite necessary not to wait till the disease is near its termination. You take it at a very early stage and treat it, and then treat it successfully. In fact it was found necessary in the cholera epidemic to establish a system of house to house visitation which had the special object of discovering cases of illness and not causes of death. He thinks that information of great practical use might be obtained from hospitals, dispensaries, and from poor law unions. Farr, 4284. 5087–5091. Medical men in private practice would probably supply information confidentially to some public officer whom they could trust. In the army a return of sickness is submitted to the Commander-in-Chief every week. Where one disease supervenes upon the first we state both cases where the diseases are really distinct. Dr. Christison, who had heard the evidence of Dr. Farr, expressed his concurrence, and added that we should get a fair representation of the sickness in that part of the community who are principally concerned in sanitary regulations, viz., the working classes. 5178. Christison, 5320.

Dr. Day, of Stafford, expresses the same opinion, that the registration of disease is more useful for the prevention of disease than registration of death. The poor law medical officers and the club doctors afford a machinery for a most efficient registration of the diseases of the working classes. Day, 7313–7321.

Mr. Carr (of Newcastle) says, that at present the Town Council, as the sanitary authority, is greatly indebted to the machinery of the poor Carr, 2778 and 2787–8, cf. Appendix

1909.

to First Report, pp. xiv.–xvi.

law authorities for information as to the condition of disease throughout their area. As to the register of deaths and their causes, and as to prevalence of fever, the medical officer keeps the Council advised from time to time, and there is access to the books of the Guardians. The medical society keeps a register of disease, of which a form is published in the Appendix to our First Report. At Liverpool the parochial authorities send to Dr. Trench weekly or oftener (even daily in case of cholera) returns mentioning every case of fever or contagious disease attended by them.

French, 7775–6.

Druitt, 9027–9039.

Mr. Druitt, president of an association of medical officers of health in the metropolis, is now engaged with a voluntary association in endeavouring to urge registration of disease upon public bodies, such as the Poor Law Board. You might, he thinks, get it from public institutions, but not from private practitioners. The Registrar-General should collect these returns and publish them weekly. This would have a great effect in detecting the sanitary wants of the country, and would give the best chance of stamping out imported diseases spread by contagion.

Burke, 8837.

Dr. Burke says that in Ireland there is ample means for affording sufficient information as to the status of disease generally through public institutions, the hospitals, dispensaries, lunatic asylums, gaols, and poor law dispensary districts. In the case of an epidemic, for instance, in the epidemic of cholera, he would say that three-fourths of those attacked resorted to these institutions. Returns from them would give a 8863.
complete general notion of the general course of sickness throughout the country. 8940.

Dyke, 6300.

Mr. Dyke, the medical officer of health for Merthyr Tydvil, says if the clerks to the Guardians examined the registers of cases attended by the union medical officers weekly, the earliest information of disease would come to the Guardians. He thinks the medical officer of health should be the registrar. He gives 6317.
his duties. 6091.

Graham, 6453–9.

Major Graham would object to the registration of all diseases not ending in death as endless; with regard to returns from medical practitioners connected with public institutions, he thinks it would be a very good arrangement; there would be no difficulty whatever in registrar receiving carefully-prepared registers of such diseases, which would not cause much expense.

6458, 6475–9.

Much information is now obtained from hospitals, workhouses, infirmaries, reformatories, asylums, and gaols; and as to private practice, from medical journals.

III.—PRÉCIS OF EVIDENCE TAKEN ORALLY BEFORE THE COMMISSION.

(1.) TOM TAYLOR, Esq.—(Q. 1–345, 8669–8807; 9922–9926; and 12,346–12,436.)

1. Is secretary of the Local Government Act Office in connexion with the Home Office, and has been acting in the same work, first with the Board of Health, and on its dissolution with the Home
5, 6, 8. Office, since 1850.

6. The General Board of Health originally consisted of the head of the Office (Woods and) Works, one unpaid member, and two paid members. In 1854 it was reconstituted, and then consisted of a president and *ex officio* members, viz., the President and Vice-President of the Board of Trade, and the Principal Secretaries of State.

11. In 1858 part of its functions were transferred to the Home Office, and sanitary inspection proper to the medical department of the Privy Council which was then created.

15. All sanitary matters, including the medical department, should be under one government office.

64. This would tend to economy.

17. The Home Office and the Privy Council Office are constantly corresponding, and act ocasionally at cross purposes.

70–82. Local authorities.

249, 131, 98, 86. Local Acts are gradually being done away with.

87, 120. The great difficulty is to find a *local rural authority*.

88, 94. 184. Greater powers are wanted for combining districts, especially for sewerage and water supply.

238. Special drainage districts ought not to be formed without Government sanction.

89. The Local Government Act has been widely adopted—

103 districts formed between 1848 and 1858;
568 since 1858;

671 altogether.

92, 127. There is no power to compel the formation of a local board, or its continuance after formation.

128. Such a power should be provided.

125. In one instance a parish forced the Act upon a small corporate borough comprised therein—consequent difficulties.

153. In rural districts the farmers, who are most interested in the district and the roads, are generally the most opposed to sanitary improvements, hence the difficulty of putting the highways and sanitary matters under a parish board.

206, 207. 279–87. 291. A power of *inspection* by the Secretary of State is wanted, similar to the poor law and lunacy inspection, the power of examining into the working of the Act systematically and regularly, and of seeing that the Act is carried out, and how it is working; of seeing that the local authorities are doing their duty, and what is the effect of their execution of their duty on the health, or comfort, or improvement of the district.

215. The great want under the Local Government Act is a power of inspection.

216, 217, 244, 258. The power given to the Secretary of State by sec. 49 of the Act of 1866 should be transferred to some intermediate local body—

218, 223. 231. —such as a county board, or a river conservancy board. The board should be constantly in action, and therefore quarter sessions would not do.

261. Would leave the power of *direction* in the Secretary of State and put the *execution* of works ordered under the new board.

255. A place which has once adopted the Local Government Act should not have the power to apply for a local Act without leave of the Secretary of State.

275. There is no provision under the Sewerage and Sanitary Acts for regularly recurring elections of the committee of the vestry. Moreover the vestry can when they please upset the committee.

282. Registration districts would be convenient districts for sanitary purposes, as giving the statistics of death and disease, which now have no relation to areas of town government or local improvement.

313. When a large parish contains a town which is under the Local Government Act the rest of the parish is now made a parish for sanitary purposes.

320. Districts might combine for conservancy purposes, continuing their local functions for all other objects.

335. Amendments to the Local Government Act have been submitted to the Home Office.

8670. What is the best constitution of local authority in rural districts is the most difficult question to solve. Boards of guardians and Vestries have been tried, and have equally failed.

8670–4, 8717. 8765, 8780–1. I think upon the whole the Board of guardians, or rather a new board of the same nature elected for both purposes (*i.e.* health and destitution), would, as Mr. Simon thinks, be the best.

8677, 8804. The Board of guardians has already an organization.

8676, 8735–7. The board would be under the Poor Law Board *qua* destitution, and under the Home Secretary *qua* local improvement.

8773–8. One body should have the supreme control over the medical officers.

8678, 8680. The board should be elected on a new constitution, because now the Guardians resent sanitary matters as an imposition.

8681–3. A superior set of candidates might be induced to come forward, but I doubt this.

8782–5. There need be but little alteration of the Central Authority to enable local authorities to communicate directly on all subjects with the Home Office.

8679, 8766. I would not object to the Guardians acting for local improvement by committees.

8769–8772,–6. I do not think there need be a double set of officers.

8717–9. The Corporation is the sanitary authority in towns; where there is a local board I would not disturb it.

8684. It is very difficult to get efficient inspection of nuisances by the parishes, in consequence of local prejudices, &c., and in several cases the Secretary of State has appointed the inspector of police.

8684–6, 8710–3. It would be desirable to make general use of the rural police.

8744–5. I do not think there would be any prejudice against them in rural districts.

8711. In towns there is more complete organization and less local influence.

8687–9. Registration would be very much improved if the districts were made to correspond with local board districts; this would give some extra trouble.

8690. It would be very desirable that there should be power to extend (say by provisional order) borough boundaries from time to time. The districts outside towns most require improvement, and it is difficult to find machinery for the purpose.

8691. The outside population enjoys the benefits and will not contribute to the rates.

8720. Some towns desire, and others object to, the Local Government Act.

8721,–9. Practically nearly all the powers of the Local Government Act are now operative throughout the country.

8730. I do not think I should recommend one statute for the whole kingdom.

8693–4, 8759. Some simple machinery is wanted for the determination of parish boundaries. This might be given to the Tithe Commissioners.

8695–6. No drainage district should be allowed to be formed without the sanction of the Secretary of State.

8698, 8725,–8. There is the power of combining, but no power of compelling combination. I would give that power.

8699-8764-8732-4, 8739–8743, 8746–8750, 8779. We have great complaints from the local boards of the invalidity of their byelaws. It would be very desirable to frame byelaws with parliamentary sanction, or to give them validity after laying them on the table of the Houses of Parliament. Some local boards have gone to an extreme length in passing byelaws.

8751–8. There is no power now to frame byelaws as to the duties of officers, which would be desirable.

8705–6. Local boards should have power to supply gas; this is usually conceded to towns by local Acts.

8706, 8762–4. And of supplying water, taking land compulsorily outside their district for the purpose; there are difficulties in the way of supplying an outside population.

8707, 8708–9. An Act was framed last session to enable the Home Secretary to raise money to put in force section 49 of the Sanitary Act, 1866. It has not been put in force yet further than by appointing a clerk to make preparations for levying a rate.

8722–3, 8724. I would concentrate as much power as possible in the hands of the local authority; and would put the harbours under the adjoining authority.

8786. I would not give the local authorities the control of hospitals, &c.

8787–8. The Lunacy Commissioners, &c., might have a *nexus* with the Home Office.

8790. I now have questions as to the sanitary arrangements of schools referred to me by the Education Department, &c.

8791. The factory inspectors have certain sanitary functions.

8802–7. I doubt whether you could consolidate inspectorships.

8793–5. I should not like to be obliged to employ the union medical officer as the sanitary officer.

8796. I suppose there to be an inspector of nuisances quite distinct from the sanitary officer.

8798–8801. Some central inspectors would be necessary, who might take large districts.

8804. The great bulk of the parishes are entirely ignorant of the law, which is the mischief we have to struggle with.

9922. I should have thought cattle plague regulations to be a matter of local police, not one for a central department.

9924. Quarantine is a political rather than a sanitary question. I have known cases where local authorities have complained of lack of power over vessels in port, *e.g.*—

(1.) In cases of small-pox; and
(2.) Of the carcases of cattle that had died on shipboard.

9925–6. Mr. Simon has lately prepared a "concordat" as to inquiries which have hitherto been made by us, and which he considered belonged to him, and which he will for the future undertake, reporting direct to the Home Secretary.

12,346–7. I should think section 19, Sanitary Act, 1866, is enrolled by section 44, Nuisance Removal Act, 1855. Provisions shall not extend to mines, smelting, &c., section 14, Sanitary Act.

12,348. In a general consolidated Act you would, I presume, include section 19, Sanitary Act, 1866, in the sanitary provisions; and if you intend to preserve the exemption, as in section 44, Nuisance Removal Act, it would have to be a general exemption, after all the nuisance provisions.

12,349–50. I presume in section 5, Sewage Utilization Act, 1867, taking power to deal with land, &c., subject to the restriction that provision be made for *all the sewage*, it means all that the local board has provided lands and works for, and may include all the sewage of a particular quarter of a town or of a particular district, *i.e.*, that the Local Board shall not carry away the sewage which they have contracted to take for the purposes of irrigation, and then discharge it by the way. Whatever they take they must dispose of it on the land appropriated for the purpose.

11,351. Such a clause as that in the Wolverhampton Improvement Act, 1869, prohibiting noxious matters from manufactories entering the sewers would be very risky in a general Act. We have lately had

12,381–9. a case before us at *Nuneaton*, where there is a good deal of skin dressing, and a company having applied to the local board at Nuneaton, when they set up their works, to allow their drainage to go in, were made to construct a sewer for the purpose. Proceedings were afterwards taken against the Local Board for fouling the river; and the local board, thinking it was from the chemicals used in the skin dressing, passed a byelaw prohibiting the discharge of lime or chemicals into their sewer, The company and others in the trade appealed to us from this byelaw, and our inspector reported that there was no reason to suppose that the prevention of chemicals would relieve the local board from the Chancery proceedings, and that it would destroy the main industry of the town; the Secretary of State disallowed the byelaw, telling the local board of Nuneaton, "It is your duty to provide "means of dealing with your sewage, and you ought to take the results of this process as part of "the sewage of your town."

12,352–4. I see this objection, that, if the manufacturing refuse is injurious to agriculture, you prevent sewage utilization.

12,354–5. The utmost caution would be necessary in framing a prohibition; the words "destructive or injurious to agriculture" might do.

12,356. Such a clause as section 193, Police and Improvement Act (Scotland), 1862, might meet the difficulty.

12,357–8. I presume everything that purifies is useful in promoting the growth of vegetables, and it is only things which do not purify which are injurious to vegetation, but that is a point of chemistry.

12,360. I do not see how the consent to the establishment of a noxious trade can be revoked, unless on a breach of stipulated conditions.

12,361. Section 9, Sanitary Act, 1866, by which any outside owner may drain into the sewers "upon such terms and conditions as may be agreed," refers, I conceive, to more than mere payment would.

12,362. "Conditions" would include modes of communication, and it might be used to prohibit a particular class of matters.

12,418; 12,423. The sections as to powers of entry seems to me to stand on a proper footing at present. The requisite power is given to the Local Authority; and proper protection is afforded to the individual.

12,424–6. I do not see any objection to a right of entry on producing the medical officer's written authority; and in that case, a person resisting might be liable to fine.

12,419–20. Special machinery might be provided for temporary use during epidemics.

12,431. The magistrate should have the fullest discretion in giving his order. In case of processes carried on at night, I would give a right of entry during all the time the work is carried on.

12,363–4. A clause for closing wells is very much wanted.

12,365. I do not see how a well could be closed for drinking purposes, and allowed to remain open for any other purpose.

12,366. I would allow the Local Authority to appeal from an adverse order of the magistrates, just as their

12,308;–13;–14. opponents may; and either side to appeal to the Central Authority against the decision of a local board for or against a noxious trade.

12,409–10. I think some security should be provided that third parties should be heard before a local board against the establishment of a noxious trade.

12,415. If you allow appeals upon the establishment of noxious trades, the Central Authority would require the means for doing its work; it would have to employ experts in respect of each noxious trade.

12,367–9. I do not think local boards are litigious; they are generally afraid of law.

12,370–1. The clerk to the local board is usually a solicitor; his salary does not include costs on law proceedings.

12,411. The proceedings of local boards are not public: reporters are admitted.

12,372–3. As to byelaws, it would be very desirable if they could be either (1) scheduled in an Act; (2) passed in provisional order; or (3) laid on the table of the House and so obtain force.

12,374–5. In certain things byelaws of universal application might be made and might be scheduled.

12,376–7. It would be analogous to the consolidated Acts.

12,378. The four sub-sections of section 14, Local Government Act, are not sufficient; there is no power to make regulations for the use of museums or recreation grounds.

12,379. They should have the power to become the executive, which council have advised (and I fear) they cannot.

12,416. Section 32, Local Government Act, enabling local boards to contract for the cleansing and watering of streets, was substituted for sections 55 and 56, Public Health Act, which only gave them power to make byelaws.

12,417. As to section 34, Local Government Act, the exemption of old buildings is clearly wrong; the houses most unfit for human habitation are generally the oldest houses.

12,379-82; 12,390. Local Boards should have power to take water compulsorily beyond their district; you do not want it beyond the watershed.

12,382. They may now take lands outside their district for sewage purposes.

12,383. I see no natural limitation of the right to water to a district.

12,384–5; 12,389. You may clog the power with conditions, as a favourable report by an inspector, the control of the Central Authority, or Watershed Authority.

12,386–8. I was thinking of wells, not of flowing water. In all cases the local boards would have to go to Parliament by provisional order.

12,391. By section 31, Local Government Act (as to a foul watercourse between the two authorities), the cost of removing the nuisance is made a charge upon the poor rates; it should be made a charge on the rates out of which nuisance expenses are payable.

12,392–7; 12,401–2. I think the summary power of section 59, Public Health Act, 1848, would still be necessary, notwithstanding the amendment of the Nuisance Removal Acts; you ought not to require an inspector to go before a magistrate to remove a heap of dung, &c.

12,404. An appeal is fatal to summary powers.

12,405. In the case of the setting up of a noxious trade, I would allow an appeal; delay in that case would be perfectly reasonable.

12,406–7. Uniformity of practice would be better insured by the appeal being to the Central Authority rather than to the law courts.

12,403. As a rule local boards exercise direct authority; on the other hand, the Nuisance Removal Act contemplates recourse to a magistrate.

12,398. I would not extend the enumeration of matters which might be dealt with summarily, unless you meant to introduce manufacturing refuse. In framing statutes the more you can avoid enumerating particulars the better.

12,399. I think the pig *eo nomine* might disappear. I think he has simply been brought in because he is the most common nuisance.

12,428. The General Board of Health was not abolished because it was weak; it was very active.

12,429. (1) It had long suffered from internal disagreements between its *ex-officio* head and its working members; (2) it had excited antagonism on the part of the engineering profession; and (3) incurred some local unpopularity.

12,432. In all probability the fear of expense, on the part of the owners of low-class property, was at the bottom of most of the opposition to the introduction of the Public Health Act.

12,433. The only important functions under the Public Health Act which were relinquished, were—(1) that of compulsorily applying the Act; and (2) that of sanctioning the appointment and dismissal of local officers.

12,434. The Home Office was selected as the office to which the work naturally belonged.

12,435–6. The medical officer was transferred to the Privy Council, with a view to keeping the medical part of the work distinct, that office being chosen, partly because the Diseases Prevention Act was put in force by Orders in Council, and partly because the Privy Council had already a connexion with hygiène, through its quarantine and vaccination officers.

(2.) HENRY THRING, Esq.—(Q. 346–511.)

351. The objects of the Commission are to discover—

(1.) The best mode of consolidating the law;

(2.) What bodies and how constituted should administer it.

414. The Commission might usefully lay down rules as to the duties to be performed by local bodies and their officers.

345. The distinction between town and country need not be continued in consolidating the law; but

471, 494. part of the Act must be *obligatory*, and part permissive.

356, 419. The law *as it is* is sufficient for very large towns, which have their private Acts,

417, 451. and sufficient generally if authorities would do their duty.

362. In consolidating Acts of Parliament I lay down the law first, and I end by stating the bodies who are to administer the law, using in my statement of the law more general terms whenever there may be occasion to refer to the bodies intended to administer the law.

363, 483–7. With respect to overcrowding the law is if anything too stringent.

I can hardly imagine any case in London in which poor people do not live in a house which is, in one sense, *prejudicial* to health. I would enforce the law where overcrowding was dangerous to health; not otherwise.

365, 388, 408, 475, 390. 433, 390. In this instance I would begin by laying down provisions for removing human excreta. I should then go to the supply of water, and the removal of nuisances. In dealing with the remainder of the law I should arrange it in the best manner I could, placing, probably, in a separate Act the powers of local government as contradistinguished from the sanitary powers properly so called.

When I had got through the law I should proceed to deal with the local authorities.

428, 432. Selecting first the existing town authorities, such as Town Councils and Improvement Commissioners, I should vest in them within their jurisdiction the powers to execute the laws. In towns where no such authority existed it would be necessary to create elective bodies, as for example

374, 450. local boards, under the Local Government Acts. In villages vestries which could easily be made a permanent body would be the local authority.

363. I think an optional power should be given to adopt earthclosets instead of waterclosets, and to compel a small minority which insists on using water to drain themselves.

363. The law should be altered as to proof of nuisance when there is an aggregation of offenders. For instance, if I complain of a smell of tallow, I must prove that the smell comes from a particular tallow manufactory. If there are 10 manufactories all close together, and if the nuisance be intolerable, I fail, because I cannot prove the particular nuisance which annoys me proceeds from factory A, and not from factory B.

363, 496, 501. Manufacturers should be compelled to use all practicable means of abating the nuisances they cause.

371, 473. Local Acts should be gradually done away with.

374, 404. The parish or place which supports its own poor and is governed by a Vestry must be the *unit*, at least for rating purposes.

376. For many purposes, drainage, water supply, &c., districts might combine. Assuming that you

377. took any area whatever and combined all the local authorities in that area, you would then make a

377. joint governing body who would execute the joint works, and levy from the subordinate local authorities a contributory rate. That rate might be defined either according to the rateable value of the property or according to the interest of each party in the improvement. There would be little difficulty in adjusting it fairly enough.

434–5. When a town extends beyond a municipal area the district would have to be enlarged.

378, 417. The power now vested in the Secretary of State to compel a local authority to drain its district should be transferred to a County Board, who should have jurisdiction over the smaller boroughs within its area.

399. The large counties could be subdivided or the county board broken up into committees.

395. The County Board would have some permanent officers who could be applied to at any time. It

380. would be a *County* Council, and analogous to a Town Council.

460, 407. It should be an administrative, appellate, but not a judicial, body.

387. The large towns would not submit to be under the county board, and should be left as now.

I would place the small towns under the county board.

437. No system of sanitary legislation can be efficiently carried out without a re-adjustment of the boundaries of towns.

447. Power should be given to close a pump where water is unfit for use.

496. All manufactories set up after the passing of the new Act should be summarily punished if they pollute a stream, but all existing manufactories should be compelled, in all cases, to do merely what they are compelled to do by the Salmon Act, 1861—in the case of salmon rivers—viz., to use the best practicable means at a reasonable cost to render their liquid refuse harmless.

497. On account of the great interests involved, and the impossibility of stopping great manufactories,

499. they must be left to the common law. Offensive trades must be carried on somewhere.

502. Difference between a public and private nuisance. A public nuisance may be actionable as a private nuisance if a particular person proves that he is damaged by such public nuisance to an extent beyond the rest of the community.

(3.) ROBERT RAWLINSON, Esq., C.B., C.E.—(Q. 512–723.)

513. Is chief inspector in the Local Government Act Office. Objects to the compulsory clause

521. (sect. 49 of the Sanitary Act of 1866), and would, he thinks, decline to put it in force. This power,

580, 707. if retained, should be transferred to some local appellate body.

524. The advantages given by the Public Works, Manufacturing Districts, Acts, 1863, 1864, were, increased facilities for executing works, and larger, and easier, borrowing powers.

530. The Sanitary Acts should be consolidated.

531. River conservancy boards should be established.

533, 536. Local government, for sanitary purposes, should remain as at present. Conservancy boards should be established for conservancy purposes, but, where there can be mutual assistance, there should be

565. the combining legal authority. Conservancy boards should have separate and special powers, distinct from those of local boards of health.

536, 537. Would not disturb local board districts. Several of these might constitute a conservancy district,

555. and be represented on that board.

539. 543. The Conservancy Board might also enforce smoke prevention and make the arterial drains.

543. Local boards should submit their plans to the conservancy board before making sewers, &c.

560. County police would be good sanitary and smoke inspectors.

561. Smoke prevention is a fireman's question.

571. There are not sufficient powers for combined back drainage.

573. If Government would lend money at low rates they would very much facilitate sanitary operations.

574. Facilities should be given enabling local authorities to acquire waterworks, &c.

541, 608, 722. Earthclosets are a failure, but earth latrines may be used with advantage.

627. The very large towns prefer private Acts.

655–8, 704–9. Would prefer the Guardians to the Vestry as the local authority. An elective body would be better than a vestry.

664–5. Registration areas, as at present constituted, are mischievous, and should be altered to suit sanitary districts.

669. Suggestions as to sewerage and water supply are issued by the Local Government Act Office.

671. A sergeant of police would be the best inspector of nuisances. An officer of health must be a medical man. Districts of 15,000 should be obliged to have a medical officer.

676–7. There would be great economy in putting all inspection under one office, with different inspectors.

686. Would think a County Board as a supervising board very mischievous.

702. The prejudice against the Local Government Act has been less strong in Lancashire since the operation there of the Public Works Acts.

716. Any local authority that has power to make sewers should have jurisdiction over the roads.

717, 721. As to pollution of rivers, you should prohibit—
(1.) The casting in of solids from any source.
(2.) The passing in of any unclarified liquids.
—and leave the finding of a remedy in the hands of the persons so tied up.
This would not be an unreasonable requirement.

718. Water is so scarce in Lancashire and Yorkshire that sewage tainted water must be left for use in steam engine boilers, &c.

719. Manufacturers, if compelled to clarify their waste water, would obtain valuable products therefrom. The woollen manufacturers, tinplate makers, and gas manufacturers can all carry on their trade without polluting the streams if they choose.

720. So can alkali manufacturers.

(4.) JOS. CLEGG, Esq., M.R.C.S.—(Q. 724–853.)

724. Is medical officer of Epping union (17 parishes).

736. Epping is the case of a district that would do nothing.

749, 753, 788. 750, 801. The Sanitary Acts should be made compulsory for drainage and water supply; a penalty should be levied to enforce them.

755, 793, 816. A committee of guardians would be a better authority than the Vestry.

738. A "nuisance" is not sufficiently defined.

777. The law should define who should be responsible.

762, 790–1. 765. Local inspectors should be appointed, and a London inspector should go a circuit.

827, 833. Would have local administration and Government inspection.

768–9. 770. No building should be erected without the approval of the authority; a surveyor to the union should be appointed for this in country villages.

831, 773–6. 848. Police officers would be the best inspectors of nuisances, better than relieving officers.

779. Drainage districts and registration districts should be conterminous.

780–1, 824. A town hospital (not pauper) should be established in every union.

812, 825. Would retain the existing divisions into unions.

820. Would give the jurisdiction over the roads to the sanitary authorities.

832. The notice required under the Nuisance Removal Acts to be signed by two householders should no longer be required.

(5.) ARNOLD TAYLOR, Esq.—(Q. 854–892 and 1086–1377.)

877, 878. 881, 1154–6. Inquiries held by the Local Government Act Office inspectors are held in public, and tend to remove prejudice, &c.

1222, 1345–6. 881, 1247. Would give facilities for a compulsory union of districts for purposes of sewage and water supply; as also for highway maintenance.

1213. Would put the roads under a different authority from that which had charge of sanitary measures.

881. Would give the local boards the same power to acquire lands for water supply which they have for sewerage outfall.

1255. Would put land drainage under the local board.

884, 1218. Permanent inspection is required, but not such as would take away from the local authorities the responsibility for the execution of the works.

1373. Medical inspection is also wanted.

890, 1096. 1101, 1194, 1275, Local boards before applying to Parliament should obtain leave to do so from the Home Secretary.

1159. A code of leading byelaws should be enacted for towns, and some also for villages.

1103, 1109. 1192–3. 1288. 1112. Byelaws enacted by the local boards have little respect paid them. The same byelaws are frequently enacted as part of a local Act. Byelaws should still be made by the local authority for minor matters. Every audit of local board accounts should be forwarded to the central authority.

1160, 1266. And the same supervision should be extended to districts under the Sanitary Acts.

1118. Powers of borrowing might extend to 50 years.

1126–9, 1330. The Local Government Act Office might be made self-supporting.

1163–6. The office should make the same charges under the Sanitary and Sewage Acts as under the Local Government Act.

1135, 1189. 1335–8. Crown property should be rated, and generally should be brought under the same laws as other property. Difficulties in the Forest of Dean through the exemption of Crown property.

1136. 1138, 1167. 1265. 1266. Sanitary and Sewage Acts are too indefinite, and should be assimilated to the Local Government Act. The same power of enforcing water supply should be given, and the audit of accounts should be compulsory.

1139, 1198. 1232, 1303–4. The Vestry should be abolished as a Local Authority, and the Board of Guardians also as a Nuisance Authority.

1235, 1291, 1145. No special drainage district should be formed without the sanction of the Secretary of State.

1237. Would continue the parish as the unit for rural districts.

1151. A great many villages have only polluted water.

1161, 1309. A complaint under sect. 49 of the Act of 1866 should be required to be signed by a *quantum* of ratepayers.

1168. There is a conflict of duties between the Local and the Nuisance Authorities; this should be got rid of by putting all powers upon the local board.

1171. A Bill is now before Parliament which will increase this conflict.

1172, 1320. Would recommend an intermediate authority between the Home Secretary and the local board.

A body to be appointed by Government.

1173, 1281, 1216. Area controlled by this body when one or more counties or a division of a county.

1178, 1184, 1313. It should be a small *paid* body with a medical member.

1182. 1180. It should be paid by local taxation and should have authority in all places over all questions.

1278, 1283, 1315. 1187, 1317. It should compel the execution of works in a united district and an appeal from its decisions should lie to the Home Secretary.

1199, 1274. 1201–4, 1267. Would make the Sanitary Acts general, but some action must necessarily be taken in a district to set it in motion. Would have two codes, (*a*) town, (*b*) rural. Would not make the Act compulsory in very large towns which have their local Acts.

1205, 1269. There is difficulty in taking the number of population as a basis.

1207. Case of Ulverstone.

1243. Four requisites for a village are—
1. Supply of water.
2. Sewerage and drainage for house slops, &c.
3. Privy accommodation.
4. Removal of refuse.

1286. Sanitary works would be very much facilitated by Government lending money at low rates.

1294. Case of Chichester; collision between Local Government Act Office and the local authorities.

1308. Power should be given to the local authority to close a supply of water which is unfit for use.

1377. Case of Terling.

(6.) JAMES E. NORRIS, Esq.—(Q. 893–1085.)

893–4. Is town clerk of Halifax and clerk of the Local Board.

898, 917. There should be a consolidation. It should not be possible to adopt the Public Health Act alone.

927. Sketch of a consolidated Act.

902. 1002. If boroughs abandoned their local Acts they would lose power of water supply and gas and lighting, as also powers of extended borrowing.

905, 916, 1081. Thinks that after a consolidated Statute were passed local Acts might be done away with.

924. Local Acts are so voluminous as to be codified.

907, 960, 1042. Byelaws made under the Public Health Act are disputed, and their provisions were consequently enacted by the Halifax Local Act.

938, 959, 1013. Byelaws should now be enacted in the Public Act.

909, 917, 950. 910, 970. The Public Health Act should not be applied to rural districts, *i.e.*, below 20,000 or 12,000 inhabitants.

911, 975, 1019. Would have a Nuisance Removal Act for rural districts.

914, 973. Rural districts near Halifax get the town water.

956, 1049. The Highway Board should be the drainage authority.

918, 919. The local board and the board of guardians have conflicting power under the Nuisance Removal Acts.

920–2, 1036. All large towns, say of 30,000 inhabitants, should have a paid medical officer.

928–9. Would have one local authority for all purposes, which would lead to economy.

931–2. Every large town should have a survey on a large scale, that would be economical.

927, 934, 1023. 1073–7. Owners of property should not have any power to claim wayleave for the passage of a sewer through their property unless they could show special damage.

936, 967, 985. A stream polluted by dyewater, &c., and so unfit for drinking, should be used as a sewer.

940. Powers with relation to buildings should be extended so as to include houses already built,

943, 982. Overseers of the poor, or surveyors of highways, would be a good local authority.

953. An elective board would be a better.

945. 954. The board of guardians would not do in Yorkshire; the districts are too large, and the *ex officio* guardians do not interfere.

950. As to rural districts, *the law* and not the machinery is at fault.
984. Halifax is a very large district.
951. Would make the Act compulsory in large towns.
957. Would prefer a local overriding authority to the Home Secretary.
971. Would not group districts in order to reach the limit of 12,000 inhabitants.
974, 1050. Would leave the parish as the unit.
994. Towns should have power to supply gas and water.
1046. There is great difficulty in the way of combining large towns and districts for sewerage works.

(7.) STEPHEN A. NOTCUTT, Esq.—(Q. 1378–1468.)

1378. Is town clerk of Ipswich and clerk of the Local Board.
1382–3, 1466. There should now be a consolidation.
1389–91. The cost of sanitary and other works should be estimated, and the amount recovered by the local authority *before* commencing its operations, following the provisions of the Highway Act, 5 & 6 Will. IV. c. 50, § 94.
1394. Express power should be given to the local board, *or its officer*, to enter premises in order to remove a nuisance.
1397. Brick burning ought to be included among "offensive trades."
1398, 1402. The conditions of 11 & 12 Vict. c. 63. s. 85, as to contracts, is too severe.
1404. The rate should be levied at the same meeting by which the estimate is approved.
1406. And should be published by affixing it on the door of the town hall or office of the Local Authority, and it should not be required to be fixed on every church door.
1408. Too many particulars are required to be given in the estimate.
1410. A general district rate should be apportioned in lump sums to each parish, and each parish should collect its *quota* with the poor rate. A great deal of expense would be saved thereby.
1412. Would abolish the exemptions on agricultural land.
1413–8, 1432. Byelaws should be enacted by Act of Parliament, power being given to the local authority
1419. to make the byelaws as to minor matters.
1421. Power should be given to remove obstructions in a street (as sign-boards), which do not prevent people passing.
1422. Greater power should be given as to offences against the Towns Police Clauses Act, 1847.
1450. Waterclosets are not generally used at Ipswich.

(8.) RICHD. B. GRANTHAM, Esq., C.E.—(Q. 1469–1591.)

1470. Is an inspector under the Inclosure Commissioners.
1474. History of the Land Drainage Act, 1861.
1485. Its object was arterial drainage.
1496. Case of conflict of jurisdiction between Sewers Commissioners and a local board.
1497. Would repeal 23 Hen. 8. c. 5, and enact a law for agricultural drainage.
1559, 1508. Is favourable to the union of all districts within a river basin under one government.
1518, 1543. Act of 1861 does not give power to store water.
1551. Lord Lincoln's Act, 10 & 11 Vict. c. 38, is more useful than the Act of 1861.
1556. The district board has no power to interfere with the rights of mill-owners.
1572. It is very desirable that there should be provisions for irrigation, &c.

(9.) WM. W. WILLINK, Esq.—(Q. 1592–1687.)

1592. Is the secretary to the Public Works Loan Commissioners, appointed originally by 57 Geo. 3. c. 34. (cf. 16 & 17 Vict. c. 40).
1596, 1603. The Commissioners require repayment of loans in 20 years.
1600–2. The Commissioners have no difficulty in getting repayment of the advances. The security for them is ample.
1606. On application being made for a loan a circular list of questions is issued.
1655. There is a discretion in the Commissioners as to whether they will lend.

(10.) CHAS. WILSON, Esq.—(Q. 1688–1788.)

1688–9. Is clerk to the local board of West Ham, the district is under the Public Health Act, 1848, Local Government Act, 1858, and the amending Acts.
1691. Has a local Act for the building of a town hall.
1692, 1703. 1719. Under sect. 69 of the Public Health Act the board has to require the owners to sewer before taking action, which is practically absurd.
1692–3 A sewer made by them would be a piece of patchwork.
1694, 1704. The Board should be required to give notice of their intention to do such and such work, and time should be given for an appeal.
1716. The inhabitants should be left to make their own connexions.
1698. Ill effects arise from constantly amending and adding to the Acts. In many cases the Nuisance Authority and the Sewer Authority are different.

1702. 1710. 1705. Boards of health should be put upon the same footing as burial boards and boards of works in the metropolitan district, *i.e.*, instead of making and collecting its rate it should *issue a "precept."* This would be a great saving of time, trouble, and expense.
1722–3. Rates made by the local boards follow the poor rate assessment.
Railways, docks, &c., are rated at one-fourth.
1726. Difficulty where there has to be apportionment.
1740. Difficulty with the old Commissioners of Sewers where buildings spring up.
1763, 1787. Difficulty as to the 2*d.* a week water clause.
1765, 6. We have under a byelaw inspection and licensing of houses before habitation.
1774. Difficulty in which the West Ham district is placed through being on the border of the metropolitan district.

(11.) JOHN SIMON, Esq., F.R.S.—(Q. 1789–2180; 9695–9784; and 9927–9979.)

1789, 2099. Is the medical officer of the Privy Council.
1794. States the changes which have taken place in his office.
1800. Is in communication with the Local Government Act Office.
1807. Concurrent action is rarely required.
1962. The state of the law is *fairly* sufficient where the Local Government Acts are applied.
1809. In relation to local authorities the state of the law is *chaotic.*
1814. There are great objections to a Vestry being the Local Authority (case of Watlington *v.* Henley Union).
1824. Parish authorities are useless.
1825, 2113, 2121, 2131. The board of guardians have an office, a clerk, &c.
2006–8. The fact that the board of guardians cover a larger area than a vestry would be to their disadvantage as a sanitary authority.
1825, 2006. This difficulty would be obviated by the appointment of committees.
1826, 1868, 1880. If the guardians are to be made the sanitary authority they should be elected to fulfil that office.
1964–6. Would accept the poor law union as *an existing* division.
1828, 1971–2, 2014, 1830. There should be no intermediate authority, at least as far as nuisances are concerned.
Some Minister should know the state of health throughout the country.
1832, 1848, 1908, 1932, 1979. There are no returns of sickness. and the returns of death are imperfect.
1924. A medical certificate of death should be required.
1836. Improvement powers relative to health should be vested in the nuisance authority.
1836. It would be well, if possible, that it should also be the destitution authority.
1836, 1860–2, 1948, 2108, 2112, 2133. One Minister should have all the divisions of sanitary authority under him.
2064. He should have power to make byelaws if none be made by the local authority.
1840. The Nuisance Law should be extended.
1841, 2022, 2050. A list of "nuisances" should be drawn up.
1842. Local authorities must have power to combine.
1844, 1906, 1976. Water companies should be punishable if they give bad water.
1848, 1905, 1960. Hospitals, &c., &c., should be compelled to make returns.
1854, 1874. The Medical Department could not be united to the Local Government Department.
1867. Orders in Council as to quarantine issued through the Clerk of the Council.
1870, 1984, 2000. 2059. Local bodies should be compelled to do their duty, not, however, by the Minister, but by *mandamus* at law. The Court of Queen's Bench should have power to authorise a public officer to execute works.
1886, 1918. The necessary organization and authorities for the execution of the health laws *are non-existent.*
1888–1901. As to knowledge of "State medicine" and the duties of an Officer of Health.
1902. A very great saving in the art of sickness would follow improved health administration.
2080. Different sort of inspectors would still be necessary.
1930, 1933, 1947, 1980, 2031, 2165. Would have itinerant inspectors in communication with the local authority.
1919. Conditions of building should be regulated.
1920. There should be reasonable restrictions on the frequenting of public places by infected persons.
1921. There is a want of control over the sanitary state of ships.
1967. It is important that local health administration should go along with medical relief.
1924, 2129. In country districts the poor law officer and the health officer *must be one.*
1924. It is otherwise in towns. It is there the health officer must have access to the books, or of the poor law medical officers.
2117, 2173. Qualifications for officers of health.
2119, 2164. As to jurisdiction of Central Authority over local medical officers.
1949, 1955. The Privy Council Office analyse water.
1957, 2091. Government health officers should be able to obtain analyses of food and drink.

2048. Every health authority ought to be required to have a disinfecting apparatus.

1960, 2142, 2158. Would not extend the Contagious Diseases Act to the civil population.

1992, 2052, 2071. Buildings are frequently unfit for habitation. New buildings should be licensed. I would require that the floor under the cottage be dry, and that the cottage be efficiently floored.

1994. The local authority should enfore a supply of water, &c.

1995. There should be further legislation as to existing tenements.

2066, 2072. Is not afraid of stopping the building of houses.

2154. Would have houses and cottages inspected, especially those which would be occupied by lodgers.

2015. There is no power to close a private polluted water supply.

2018. Public wells are under the local authority, and can be closed.

1971. Would have a second (superior) set of local authorities with wider jurisdiction.

2019. As for instance over cottages.

2021. The provision in the Act of 1866 (§ 21) requiring notice to be given by the local board before taking proceedings has operated badly.

2045, 2155. The discretion as to the Diseases Prevention Act should be exercised by the Minister, but need not be published.

2084. Government is not concerned with the manner in which drainage is done; it is concerned only that it *should be done somehow*.

2139. Qu. Could medical relief be separated from destitution relief?

2178. There is still a great deal of mere inquiry to be done for the improvement of sanitary science.

9695. The Registrar-General will in his next quarterly report begin a system of exact returns as to the principal causes of death in each sub-district of the country. This will give a test of the efficient administration of the Nuisance Removal Law, and lead to systematic inspection on sanitary purposes. My department has frequent and intimate communications with the Poor Law Board, very much more so than with the Local Government Act Office, (1) as to the Vaccination Law, and (2) as to the Diseases Prevention Act.

9939. 9696. 9702–4, 9725. 9697–9, 9700–3.

9697. The Diseases Prevention Act has not been put into operation this past year, not because the mischief it was designed to meet was not present, but because of the aggravated confusion which in the present state of the law would have resulted if it had been put in force.

9705. There are nine heads of subjects to which I shall have to refer in my forthcoming report :—

9705, 9778. 1. Relapsing Fever and Scarlatina (prevalence of).

9705. 2. Administration of the Nuisance Removal Laws.

9705, 9778. 3. Vaccination Act.

9705. 4. Acts relating to the Medical Profession.

5. Proceedings under Pharmacy Act.

9705, 9750. 6. Metropolitan Water Supply.

9705, 9753–3. 7. Milk Supply.

9705. 8. Question of Explosives.

9705–6. 9. The purely Scientific Work of the Office.

9705–7, 9777–8. As to some of these heads I have relations with the Home Office; as to others with the Poor Law Board, or with the Board of Trade; as to some I have no relation to any other office.

9708–9, 9713. My office could be worked as a branch of the Home or any other office.

9710. In 1858 I was attached to the Privy Council, because the Home Office was overworked.

9712, 9767. What I require is the attention of a Minister.

9780–2. The Home Office, if it were relieved of police and justice, would be the best central authority for health and destitution.

9717–24. If I am transferred to the Home Office the Home Office would require the same facilities of passing orders analogous to Orders in Council.

9726–9, 9731–2. 9766, 9781–4. 9732–4, 9781. It would never do to make sanitary matters a branch of the Poor Law Board, but a destitution branch and a health branch might be under one Minister, who should also take in the General Registrar's Office and the Local Government Act Office, &c.

9773–4. Preventable sickness entails pauperism, but then so does ignorance.

9779. Destitution must be the work of a separate department, but not necessarily of a separate chief Minister, but the out-door medical charge of the sick poor might (as has been proposed) be separated therefrom.

9734–7. Quarantine in England is a commercial not a health matter.

9763, 9788–9. I am in communication with the Poor Law Board as to the possibility of getting returns as to the condition of public health in the different unions.

9943–5, 9954–5. These returns would be tabulated by the Poor Law Board, and need not be connected with the Registrar-General's department. We should be glad to get returns of sickness treated by charitable institutions, but an alteration in the law would be necessary for this; the furnishing accounts of its work in a prescribed form should be made a condition of a charity being allowed to beg from the public.

9764–5. Relapsing fever results in a very small mortality, say 2 per cent.

9740–3. We do not get and do not require information as to the sanitary condition of the army and navy.

9744–8. 9760–2. The Diseases Prevention Act allows the extension of medical relief to classes that are not paupers, and without making them paupers.

9747. When typhus is spreading it is of vital importance that all new cases should be treated in hospital, and this should not make the recipient a pauper.

9745–6. The destitution authority which provides a hospital under the Sanitary Act [§ 37] should have power to provide all things necessary for its use as such.

9754. As to adulteration of food, &c., I think the protection of the Public Health Act in relation to commercial misdeeds should be brought under quarter sessions authorities.

9758. It would be impossible for Government to act if local authorities fell frequently into default. It is safer not to supersede the local authorities, but to coerce them by legal process.

9756. The Central Authority should have power to combine local authorities.

9768–9. There should be officers of local appointment universally throughout the country. Where there is a special health district a special health officer, and in other districts the poor law medical officer.

9958–9, 9978. I would not allow any man not a legal qualified medical practitioner to be appointed an officer of health. I doubt if a man would often get the proper familiarity with disease that is requisite for prevention quite as much as for cure, unless he studied it with a view to cure.

9769–70. In addition to these officers there should be a few (say eight) superintending inspectors, each resident in his district like the four vaccination inspectors.

9771–2. And my office must be filled by a man of weight with the medical profession.

9775–6. I see no difficulty in another central office having control over the poor law medical officers, as health officers.

9927. Two different sets of questions arise under the Contagious Diseases (Animals) Act—

9932, 9972–5. (1.) Questions of cattle police; which could not in the present state of affairs be managed from a central office.

9976–7. There might be the same local inspector for both human and cattle diseases.

9931–3. (2.) Questions of the principles on which the cattle police should be administered. It would be desirable that the officer charged with the latter should be in relation with the medical department.

9927, 9931, 9646–51. 9956–7, 9969–71. The laws of contagion are substantially the same for man and beast, and my department has made experiments upon animals, &c.

9966–7. It was my lot to convey the first announcement of the cattle plague to the Council Office.

9935–7. I think the police should be worked by fixed regulations, not by Orders in Council.

9952–6, 9960–77. The country doctor would be found in some places the best knower of cattle diseases. When the cattle plague came the veterinary practitioners were as ignorant of it as human practitioners, but you could not at all universally expect that the doctors would know cattle diseases.

9961–3. There must, I should think, have been great difficulty in getting persons with competent veterinary knowledge as inspectors. Veterinary colleges are of comparatively late date, and represent considerable improvement on the previous state of things.

9964–5. Any man may practice veterinary (or human) surgery that chooses to do so.

9969. I should think there was the greatest possible ignorance as to the diseases of animals in many parts of the country, and I wish the doctors would study the subject more.

9939, 9695. The Privy Council have systematic inspectors for vaccination purposes only. Other inspections are at present determined by circumstances.

9979. Some rules have lately been issued by the Home Office, carrying out some suggestions of mine as to the arrangements between my Office and the Local Government Act Office. My memorandum states,—

a. 1. That serious inconveniences of administration have arisen from a confusion of the jurisdiction of the Home Secretary and the Lords of the Council by sections 16 and 49 of the Sanitary Act, 1866.

2. The new medical inspectors can hardly be set to work until an arrangement is come to.

3. The Lords of the Council are by law the *investigating* authority in *all* matters concerning the public health. In *some* such matters the Home Secretary is the *coercing* authority.

4. Every question should, therefore, in the first instance, be dealt with in my office, and not referred to the Local Government Act Office unless a case for coercion is made out by my office.

b. That the enforcement of the Nuisance Removal Acts is substantially a concern for the public health. At present complaints come indifferently to my office and the Local Government Act Office; they should in future all be brought to my office.

c. As to the use by Government of civil engineers, this is two-fold—(1) in fixing boundaries, &c., and approving works for which money is to be borrowed; (2) when the Home Secretary orders, and perhaps executes, specific works. Government, however, should avoid giving an opinion as to the means to be employed, and leave local authorities to get their own advisers, and only say to them, there must not exist any nuisance.

d. Lastly, there are occasions when the two departments should borrow assistance from one another.

(12.) JOS. RAYNER, Esq.—(Q. 2181–2318.)

2181–2. Is town clerk of Liverpool; was town clerk of Bradford, 1861–1866; was previously in practice as a solicitor at Huddersfield, and has visited Sheffield.

2186. Huddersfield was only incorporated in 1868; it had previously been governed by 21 commissioners, under a Local Act of 1848.

2200. Sheffield is governed by the Town Council, and is singularly free from local legislation.

2205. Bradford was incorporated in 1847, and is conterminous with the poor law union; it comprises four townships :—Remarkable increase in population—1801, 13,262; 1841, 66,715; 1861, 106,218.

2212. Bradford Waterworks Acts give a power to take *easements*.

2213. Bradford building byelaws had to be relaxed for a time.

2219. Liverpool is under its Town Council.

2228. Privies there have been extensively turned into waterclosets.

2230. The medical officer of health is very strongly in favour of this, but then Liverpool has a tidal river with a great scour.

2232, 2256, 2318. It is, however, just commencing a sewage utilization scheme.

2240. Under the Liverpool Sanitary Act of 1864 the health officer condemns buildings by presentment, and on that being confirmed by quarter sessions demolition takes place.

2242. This power is largely exercised, especially in *courts*.

2245. Exorbitant compensation has to be paid.

2247. Liverpool has special Acts for widening streets. Sect. 54 of the Liverpool Act of 1867 is an improved clause in lieu of sect. 34 of the Local Government Act.

2249, 2276. Would suggest that some local tribunal should settle compensation.

2275. The Lands Clauses Acts were passed to meet the case of land taken for commercial profit, and is too harsh in its application to the case of taking land by municipalities for the benefit of the whole town.

2250–1. Liverpool has special provisions as to cattle. The town tried to abolish slaughtering in the town, but the Bill was lost in the House of Lords.

2263. The death-rate at Liverpool is high; this is partly owing to emigration, and Irish population.

2266. Facilities should be given for *spreading* the population.

2272. In street improvements power should be given to take enough line for buildings on either side.

2280. Would allow a local board to compel streets to be made wider than had been intended, paying compensation as assessed.

2282. A sanitary law applicable to the whole kingdom, making regulations as to streets and houses, could now be passed.

2283. But large towns must always have supplemented legislation, either by provisional orders or by Local Acts.

2285–7. Byelaws should be limited to minor matters. They will not bear the test of a lawsuit.

2290. The best Central Authority would be the Home Secretary.

2291–8. Would make the highway Board the local authority, with an addition of *ex officio* members.

2292. Would not disturb existing areas.

2295, 2300. Has no objection to section 49 of the Act of 1866; would object to a County Board or to inspectors.

2296. The alterations required are as to country districts.

2298. The Board of Guardians would be ineffective as a nuisance authority.

2302. Watershed boards should be established,—
(1.) To prevent flooding by storing waters at the heads of valleys;
(2.) To preserve the beds of streams free from obstruction; and
(3.) To provide water power to mills, &c.

2309. Suggestions as to repayment of money borrowed for sanitary works.

2310. Exemption on stamp duty.

2311. Would free local boards from stamp duty.

2312. The simplification and consolidation of the sanitary laws and authorities would effect a great saving.

(13.) Sir JOS. HERON.—(Q. 2319–2535.)

2319, 2324. Has been town clerk of Manchester from its incorporation in 1838.

2320, 2322. Manchester comprises five townships, and a small extra-parochial place. Practically the town council is the only authority, as the guardians do not exercise that given them by some of the Nuisance Acts.

2323. The possibility, however, of any conflict of authority should be done away with.

2448–9. We have not exercised our powers under the Sewers and Sanitary Acts.

2325, 2335. About 22 local Acts are in force in Manchester; the first was passed in 1843. We have never attempted to codify.

2331. The Public Health Act, 1848, was based very much upon one passed in 1844. Another local Act, also passed in 1844 (an Improvement Act), contained land clauses which were more favourable to us than the general Act, 1845, inasmuch as the compensation to be paid for all interests in land to be taken was ascertained by a jury (which we could have), or an arbitrator in a lump sum.

2326–9. The Act of this session (1869) for the taxation of costs under the Lands Clauses Acts will, however, do away with much of the objection we had to the general law.

2333. Another local Act, passed in 1845, had more special reference to sanitary improvements, and gave us powers, by obtaining the consent of the Secretary of State, to take land for that purpose compulsorily. We have, however, never acted upon them, because of the extravagant compensation we should have had to pay.

2333, 2427. We are largely using the Artizans' and Labourers Dwellings' Act, 1868, which puts the responsibility of making the property fit for human habitation on the owners.

2517–9. We have hitherto found no difficulty in working the Act.

2339. Whenever we find the provisions of the public Acts superior to our own, we use them; *e.g.*, with regard to smoke, we use section 19 of the Sanitary Act, 1866. Power, however, should be added enabling the Justices to fine the stoker in charge.

2340. The circumstances under which Section 49 of the Act of 1866 was passed.

2467. It was not then contemplated that the Secretary of State should execute works.

2407, 2456. Would object to an intermediate authority (for country as well as town) between the local authority and the Secretary of State.

2458, 2351-2. Additions and alterations should be made in the power given to the Secretary of State.

2352, 2408–9, 2466. 2457–9. Power should be given to him to make an order for the execution of works approved by him, which should be final; and there should be power to apply to the Justices to impose continuing penalties for the breach of such order.

2353, 2405, 2535. 2406. Increased inspection is desirable *for information*. I would not give increased *power* to the inspectors, nor make them itinerant.

2507–9, 2368. A very great saving might be made in the collection of the rates.

2343. It would be of the greatest possible advantage to codify and simplify the public Acts affecting local authorities, whether large or small.

2358. The law as to nuisances would, I think, be found sufficient.

2342–7. It would be impossible to do away with local legislation.

2403. That, however, is a great expense which would not be incurred unnecessarily.

2344–6. The large towns would, if a codification were made, get rid of a great deal of their local Acts.

2349. Pressure would be put upon the town to compel this.

2487–9. A private nuisance may safely be left to the party aggrieved. Where there is an aggregation of offenders, a private nuisance may become a public one.

2355. A distinction should be drawn between private and public nuisances. As to the former, power should be given to the party aggrieved to apply to the magistrates if the local authority will not interfere.

2356. The latter cases should be left to the central authority.

2529. 2530–1. Would have in any case only two authorities, one local, another central; with the magistrates as an executive body to carry out the law.

2359–2361. The death-rate in Manchester is high.

2385–2390. 2362. This is due to the large infant mortality. The smoke nuisance no doubt causes an increase. It is due also to the fact that there is no surburban district within the limits of the city. If statistics of sickness were added, Manchester would compare favourably with other places.

2394. The excess is not attributable to the rivers.

2362, 2445–7. 2478, 2480–1. 2477. 2396–8. Power should be given to the guardians in case of an epidemic of diarrhœa to give medicines gratuitously, without having to apply to the central board for leave (and without publication in the "Gazette"), because the remedy must be applied at once to be effectual.

2363, 2470. Rates in Manchester are from 4*s.* to 7*s.*, and per head from 2*s.* 6*d.* to 6*s.* 4*d.* in the townships, and 10*s.* 8*d.* in Beswick.

2369. The rivers, when they reach the town, are so largely polluted that it is a question whether they leave Manchester much worse than they enter it. If the sewage of towns is to be interfered with, such interference must necessarily extend to the sewage along the whole course of the rivers. Unless a main sewer (as in London) is constructed with an outfall into the sea, it is difficult to see how the streams can be protected.

2369, 2511–2, 2516. Somebody must be appointed to represent the whole area that drains into each river, and that area will have to bear the expense in such proportions as they are found to be interested in the expense to be incurred.

2369. 2513–4. 2371–2, 2427. 2469. 2425. 2452 5. 2373. Sewage irrigation is impossible in the neighbourhood of Manchester. In Manchester we discourage water closets; we have 36,000 ashpits to 10,000 waterclosets. If the privies and ashpits were turned into waterclosets the rivers would become abominable. We are perhaps more strongly in favour of our system as the best for us under the circumstances (and this apart from the question of river pollution) than we were 10 years ago. We have not enough water for waterclosets. We have had no experience of earth closets properly so called. It is necessary that the local authority should inspect and empty the ashpits. We recover back by sale about one half of the expense of removing the nightsoil. Not in any case we should have the ashes to remove.

2441, 2451. Salford, on the other side of the river, and the Lancashire towns generally, are managed as Manchester.

2468. 2515. Manchester has a complete system of sewerage throughout the town. The disposal of the sewage of our district is a very difficult question. An outfall to the sea would cost 1,000,000*l.* sterling.

2374, 2399. Byelaws as to building, &c., should as now be made with the approval of the Secretary of State, and should have the force of law.

2375, 2402. I neither approve of the code issued by the Local Government Act Office, nor of the powers given to make that code.

2376. Building byelaws are as necessary for a comparatively rural district; in the neighbourhood of Manchester quite recently some builders refused to carry out a contract they had made, and went

2465. elsewhere where they "were not to be bothered by building byelaws." Byelaws would not be made where there was no need for them.

2451. Owing to the provisions of an Act of 1844 we have had no "back to back" houses built since that date.

2391–2. Overcrowding is one of the great difficulties with which we have to contend; the powers which already exist with respect to that evil are very great.

2404. Byelaws should not be extended beyond giving powers to carry out in practice the Acts of Parliament. The power to make provisional orders is limited to the compulsory purchase of property.

2376. As to rural districts, some local authority should have the responsibility of carrying out the general sanitary Acts. Where there is a considerable population there should be a local representative authority. It would be very desirable to have *ex officio* members. In strictly rural districts the guardians would probably be the best authority.

2457. There ought to be vested in some authority the right to interfere wherever boards of guardians or local authorities are neglecting their duty.

2464. Sanitary arrangements are as necessary for a single house as for a street of houses.

2410, 2460–2, 2456, 2412–6. If the general sanitary laws are codified they should be universally applicable. There ought to be a local authority everywhere, and but one for all purposes.

2377, 2471. Gas and waterworks should, if possible, belong to the authorities, and additional facilities should be given for their acquisition.

2492. We prefer to lay water on in the small houses to having stand-pipes in courts.

2378, 2474. Nothing would so much lead to the carrying out of sanitary works as increased facilities for
2384, 2472, 2381. borrowing. The difficulties now are very great. The Public Works Loan Commissioners should be allowed to lend to local authorities at a rate not exceeding 4 per cent. That their practice is
2382. unnecessary was proved by what took place at the time of the cotton famine. It is not only a low
2475–6. rate of interest that is wanted but increased time for repayment, which should for some works be extended to 100 years.

2473. The difficulty of borrowing money to carry out necessary works ordered by the Secretary of State would be a strong ground of application to Government to lend through the Loan Commissioners.

2417–9, 2495. The authorities of Manchester have always opposed an extension of the municipal area, and there have been no decided steps taken by the outside populations to get themselves included.

2496. The objection on the part of the outside district would be the fear of increased rates. Where nothing is done no expense is incurred.

2420. Local inspection is fully carried out in Manchester.

2422. We make use of the police so far as we can without interfering with their proper duties.

2424. We inspect new buildings before they are occupied.

2426–7, 2520–1. We have a health officer. He is left very much to do what he may think desirable. His duties
2428. are to inspect and advise. He is a medical man. I do not think it necessary that the appointment should always be held by a medical man.

2525. It would be inconvenient to place a large number of officers of the Corporation under the control of the health (or any other single) officer. I do not think it would be desirable to alter our mode of action.

2432. The health officer makes returns of death every fortnight to the health committee, but not returns of sickness; he is, however, in constant communication with the poor law medical officers.

2439. The town is divided in many ways; there are wards for municipal purposes, townships, &c. The registration divisions do not correspond with either.

2440. The township of Manchester is a union of itself; Cheetham is in the union of Prestwich; Chorlton, Hulme, and Ardwick are (part of) the union of Chorlton-upon-Medlock; Beswick qu.

2442–3. The Chorlton Hospital, which is under the Poor Law Board and three or four miles out of
2444. Manchester, is used as a fever hospital. The Town Council have no communication with the Poor Law Board.

2497. The Acts in force in Manchester do not give the authorities absolute power of entry, nor ought they.

2501–2. The Acts in force in Manchester give us increased powers in matters of detail; as regards matters of broad principle they are the same as the general Acts.

2503–5. We have, however, a Bill now before Parliament which makes it absolutely prohibitory to establish a trade which would be a nuisance within the city, the general Act having the words "without the consent of the local board."

(14.) EDWIN JOHN HAYES, Esq.—(Q. 2536–2580.)

2536–7. Has been town clerk of Birmingham three months; was previously town clerk of Wolverhampton for 12 years.

2540. The Town Council of Wolverhampton is a municipal corporation under the Municipal Acts, and a local board under the Public Health Act, 1848, and the Local Government Act, 1858. They have also powers under the Wolverhampton Improvement Act, 1852.

2542. The Public Health Act was adopted on its passing.

2543. It has been found extremely difficult to carry out the provisions of the two Acts, and other
2546. numerous general Acts on the same subjects. There was a difficulty caused by sec. 2 (part since repealed) of the Sewage Utilization Act, 1865, and by sec. 34 of the Act of 1858.

2548–2550. Wolverhampton is now applying to Parliament for a private Act in consequence of the confusion of the law as it exists. We propose to repeal, so far as Wolverhampton is concerned, the existing general and local Acts, and to codify them, adding such other powers as may be necessary.

2551. The Sanitary Act of 1866, and some other Acts, will still apply. One object of the present Bill is to obtain additional borrowing powers. We have bought an estate for sewage irrigation, and we ask for powers to borrow the purchase money on the security of the land itself, *i.e.*, land

2573–8. as the primary security, and the rates as a collateral security. The mortgagee will not, however, have the ordinary power of sale, but powers of leasing instead. By this plan instead of having to pay off $\frac{1}{40}$th of the principal and the interest each year, the town will not have to pay any principal so long as they can keep up the mortgage. This will make a difference to the ratepayers of 1,000*l.* per annum, upwards of $1\frac{1}{2}$*d.* in the pound.

2552. Borrowing powers generally are insufficient.

2553–4. The Public Works Loan Commissioners should have power to lend for a longer period at a lower rate of interest. It would be a great saving to ratepayers and a great inducement to sanitary improvement.

2555–6. Birmingham is governed under the Municipal Corporations Act, and two Improvements Acts, 1851 and 1861.

2557. The Birmingham improvement rates are limited to 2*s.* 6*d.* in the pound.

2558, 2562. The Wolverhampton improvement rates used to be at most 2*s.* 4*d.* or 2*s.* 6*d.*, and with poor and other rates from 4*s.* to 6*s.* 8*d.*, the average about 5*s.*

2563–5. The population of Wolverhampton is 68,000, and the death-rate 1 in 37.

2567. The high rate owing to the absence of main drainage, open ditches, &c.

2570. The death-rate of Birmingham is very low, owing to the favourable situation of the town and the admirable system of inspection.

2568. Smoke consumption has not been carried out at all at Wolverhampton.

2572. I wrote a letter to Sir George Grey, then Home Secretary, in September 1865, as follows:—

(P. 49.) The Public Health Acts should be swept away and replaced by one Statute.

(P. 50.) The power contained in the Nuisance Removal Acts, 1860, is insufficient.

(P. 50.) A greater evil is the want of comprehensive and compulsory powers for main drainage. At Wolverhampton a plan for such works was prepared by direction of the Town Council. The details were checked by eminent civil engineers, approved by the Government inspector and by the Secretary of State, who sanctioned a loan for them, as also by the inhabitants; but the works were not proceeded with on account of the inefficient state of the law. The authorities would have been embroiled in litigation, and their operations probably stopped by injunction.

(P. 51.) The circumstances of the case were laid before counsel, who advised that the powers were defective, and that further legislation was absolutely requisite. Wolverhampton, in an engineering point of view, is not, I am told, difficult to sewer. The evidence given before the Select Committee in 1864 demonstrates the soundness of counsel's opinion. The compulsory powers easily obtained by private commercial companies are withheld from those charged with the administration of the laws affecting public health.

(P. 52.) I also sent to the Home Secretary in 1864 a list of suggestions for provisions to be inserted in a new general Act. and recommended by counsel; the purport of the provisions being that the objections to a scheme for sewerage should be heard and determined before the works were commenced.

(15.) WILLIAM STEPHEN DAGLISH, Esq.—(Q. 2581–2602.)

2581–2. Is clerk to four local boards near Newcastle-upon-Tyne: (1) Walker Township district (2) Wallsend; (3) Willington Quay district, on the north side; and (4) Jarrow district, on the south side of the river.

2585–6. The population is about 50,000; the rateable value about 80,000*l.*

2584. Jarrow has sprung up to 20,000 inhabitants from a very small number within 15 years.

2582. Section 69 of the Public Health Act, 1848, contains a provision that the first cost of sewering, &c., shall be paid in cases where the street is a highway out of the general district rates. In the neighbourhood of Newcastle-upon-Tyne the county is cut up with roads, and this provision is very obnoxious; accordingly the municipal borough have obtained clauses which enable them to put upon owners the first cost of doing the necessary improvements of highways for building purposes.

2595–6. Any right of footpath merely would give an exemption.

2588–9. It would be very desirable that the powers of altering and diverting public highways, now possessed by quarter sessions, should be vested in local boards.

(16.) ROBERT ROBINSON CARR, Esq.—(Q. 2603–2888.)

2603. Is clerk to the Sanitary Committee of the Town Council of Newcastle-upon-Tyne.

2604, 2774. The Corporation is the authority for all sanitary purposes.

2605–9, 2771. Newcastle is governed under local Acts; the first passed in 1837, just after the Municipal Corporations Act had remodelled the corporation.

2744, 2628. The town consists of the old town proper and five outlying townships. These with two outlying townships constitute a poor law union, which is also the parliamentary borough.

2625–7. There have been no separate jurisdictions since 1853.

2639. There has been no conflict of authorities.

2611. The population of Newcastle in 1861 was 109,000, and now is (estimated) 130,000.

2619. The rates for municipal purposes are General Rate, 2*s.*, Improvement Rate, 7*d.*

2648, 2746–7. Since 1865 the owner is bound to repay one-fourth of the levy. This facilitates the collection of the rates.

2621. Peculiar difficulties arise in the Old Town from the "chares" or lanes leading to the waterside.
2849. It is proposed now to make a deep water quay, which scheme would open out the waterside property.

2623, 2709. The difficulties in the New Town arise from unfinished streets.

2860–2867. There is no sanitary authority in the port as a port.

2853, 2640. The port of Tyne is under the Corporation, Board of Guardians, and her Majesty's Customs.

2850–5. There is a Conservancy Commission for river objects.

2853–7. There is also the Trinity House, and the Privy Council, for quarantine matters.

2865. And we have a local marine board.

2641. From the mouth of the Tyne to Newcastle there are the authorities for four boroughs, four local boards, two counties, and two boards of guardians.

2851. If cholera broke out on a vessel, she would be under the authority of the place where she was lying athwart.

2642, 2861. The different authorities have, however, always acted in harmony.

2665. In 1853 there was a very severe attack of cholera.

2815. Seamen are frequently moved inland for isolation.

2868. The sanitary powers exercised by the local marine board and the nuisance authority are sufficient for the vessels which lie within their jurisdiction.

2649. The death-rate in 1868 was 25·5.

2688. There has been a marked improvement since 1866.

2698. The parochial churchyards are all closed, and cemeteries established.

2832, 2654–5. 2679, 2885, 2848. The town is now well sewered, but waterclosets are but little used; the discharge is into the Tyne, and the same at Gateshead.

2660. There is a talk of a scheme for utilization.

2750–3. The Corporation has no power to borrow for sewerage, paving, &c.

2755. The debt of the corporation is 330,000*l.*

2667, 2754, 2828–2831. Water is supplied to Newcastle by a private company.

2825–6. The supply of water to tenement houses has been enforced under the Sanitary Act of 1866.

2827. Small tenements are all supplied in some cases by a public grant in the middle of a property.

2697, 2754. Gas also is supplied by a private company, who have recently obtained an Act.

2672–5. An Act was passed in 1865, giving extensive powers for street improvement. The Town Council have power to fix the work to be done in new streets, &c., and to recover from the owners the estimated expense before commencing the work.

2677, 2687. 2768–9. The principal expenditure for sanitary purposes is for the daily cleansing of ashpits and privies, street cleansing, and watering.

2725–6, 2833–4. The Corporation have no power to acquire land, outside the borough, to form a deposit of purely town refuse; they should have such power.

2678–2680, 2823. 2684. There is an extensive system of ashpits. The corporation have difficulty in disposing of the contents.

2767, 2847. With a little additional power, the ashpits would be no nuisance.

2770 Earth closets have, I believe, been lately tried in the suburbs.

2822–4, 2707, 2884. The number of waterclosets prior to 1865 was 4,039; there are now 6,251.

2826. 2886. The powers given by the Sanitary Act, 1866, are sufficient for the purpose of correcting the absence of waterclosets. It is intended that they should increase.

2685–6. The Corporation have lately been advised through their engineer to take the cleansing of the streets into their own hands.

2708. The town is divided into sub-districts, over which are foremen or gangers, responsible for scavenging and cleansing ashpits, and those men are in daily communication with the Inspector of Nuisances.

2692. The Common Lodging Houses Act is expressly carried out.

2694–6, 2811. There is extensive market accomodation, and a complete staff of inspectors, who are assisted by the police, so far as their observation in the execution of their duties enables them.

2775, 2812. There is no health officer, properly so called, and no public analyst; there is an analyst who is occasionally employed.

2776–9. We look to the Poor Law Authorities, who are in constant communication with us.

2780–9, 2839. We have a register of disease, from private and voluntary sources.

2866. The local marine board have a surgeon, who examines seamen.

2699, 2790. 2700. The Corporation provided temporary hospital accommodation in consequence of the Sanitary Act of 1866. The Guardians are now building a large hospital, and there is a private fever hospital.

2794. 2703. The corporation subscribe to the hospitals. There is a system of nurses in connection with the fever hospital.

2795. There has been a question raised as to the relation of the subscription fever hospital to the general administration of the town.

2705–7, 2793. The Sanitary Act of 1866 enabled the authorities to deal with over-crowded properties, and has been largely acted upon.

2710–1, 2765, 2807 2835–7. 2762–3, 2840–4. 2842. A great expense is caused to towns when they have from time to time to take in outlying districts where no building regulations have been in force; and there seems a necessity for provisions applicable to such districts, which should be under the surveillance (not the arbitrary authority) of the adjoining authority, who should state what they required to be done, and the views of the suburban district should then be ascertained, and a reference had.

2719–20, 2836–8. 2764–6. Building regulations should be defined by the Legislature, and should include regulations as to heights of chimneys, noisy trades, &c. They should be applicable to rural districts.

2816, 2845. Ports where there is passenger traffic should be regulated more clearly than at present.

2723. It is a question how far the existing byelaws could be sustained.

2712–3. Powers of disinfecting, &c., should be extended, to include the destruction of articles which cannot be disinfected, and to include compensation for such articles.

2714–6, 2745, 2877–2881. Power to license knackers' yards and tripe preparers' premises should attach to the same authority as licenses of slaughter-houses.

2718. The Smoke Acts are put in force: the great difficulty is with steam vessels.

2725–6. 2833–4. It would be desirable that the corporation should have power to acquire land outside the borough as a refuse deposit.

2727. The general laws applicable to towns are now very voluminous: 16 Acts relating to health, 12 consolidating towns' provisions, 49 public and Local Government Acts, and 296 public general statutes are treated of in a recent work.

2728, 2870–6. The course of proceedings to stay any nuisance is complicated and cumbersome.

2730. There is now great confusion.

2733. If the general law were consolidated and simplified, the Local Acts might to a great extent be got rid of.

2740. The question of storage of explosive products has been thrown upon the corporation by the Petroleum Act and the Gunpowder Act. This should be regulated by a distinct enactment of Parliament.

2741–2. The establishment of a local court of arbitration would be a great boon.

2743. The obligation to schedule property and deposit books of reference adds considerably to the expense of improvements.

2820. An attempt has been made to extend the Contagious Diseases Act to Newcastle.

(17). C. W. JOHNSON, Esq.—(Q. 2889–3017.)

2889. Is the chairman of the Croydon Board of Health.

2890. Croydon was the first place to which the Public Health Act, 1848, was applied.

2896, 2902, 2979. It has spent 20,000*l.*, chiefly for sewage utilization and part (about 70,000*l.*) on water supply.

2899. The district rates are about 3*s.* 6*d.*, and poor rates 3*s.*

2892, 2969. 2898. 2893–4. The district is the parish, and has been so from the first; it contains 10,000 acres. The rateable value is 210,000*l.* The population is now nearly 60,000, and increases at the rate of 4,000 or 5,000 per annum.

2932. The rate of mortality was 26 per 1,000 in 1849, and is now 18 per 1,000.

2952. I do not think Croydon is exceptionally situated.

2903. 3005. 3008. The law gives ample powers for the system we use. We carry our sewage partly in closed and partly in open pipes. We have settling tanks, but are now going to do away with them.

2765–7, 3007. 2906–7. 2981–7. There has been found to be no cause of complaint from our works. We more than pay our expenses. We have principally green crops, and grow more grass upon the clay lands than upon the light soil, and the water goes off clearer from the clay.

2968. There would not be any difficulty in applying sewer utilization to large towns.

2909–2911. Every householder at Croydon is obliged to conform to our system, and to connect with a sewer if within 100 feet, and we have no difficulty in enforcing this.

2914, 2988. We give notice, and if the owner does not comply we do it ourselves;

2934–5. and the same way as to removal of nuisances.

2946. The appeal from our decisions is usually to the Secretary of State; it is very simple.

2915–6. We have two nuisance inspectors, and two or three house inspectors.

2973, 2994–5. 2919. We have no medical officer, but two physicians are members of the board.

2897, 2957. We borrowed on mortgage of the rates chiefly from insurance companies generally at 5 per cent.

2958–2960. We pay off (in a peculiar way which I devised) an equal sum per annum for 30 years.

2961. Increased facilities for borrowing would be a great advantage.

2922. 2924. We had difficulties as to water supply, owing to the Lambeth Water Company having power to supply the parish. We have excluded them, however, from Croydon itself.

2947, 2980. Power should be given to local boards to take at a valuation any portion of its district belonging to a company.

2927, 2953, 2962. 2974, 2993. 2976. The bountiful supply of a town with water is the foundation stone of all sanitary improvement. We have a scale of charges, very low for cottages; 1*d.* per week, or 4*s.* 4*d.* per annum, for a *constant* supply. We object to cisterns. There is and must be waste.

2951, 2991–3. The section as to the supply of water at 2*d.* per week should be extended; a supply should be enforced at the regular established scale.

2997. We have found no inconvenience from supplying very small houses.

2923, 2978. Our supply is from two wells.

2936. Power is wanted to forbid the erection of buildings on sites which are unfit and cannot be drained.

2937–8. 2999–3000. The power to make byelaws is not sufficient to cover this.

3012. We have the usual byelaws sanctioned by the Secretary of State.

3013–4. We have been in communication with the Local Government Act Office, and helped thereby.

2941–3. Would think any intermediate board a nuisance.

2944. It would be more convenient if the numerous Acts were consolidated.

2848–9. The use of ashes in privies would be an abomination. We have scavengers going about, but they only clean out dry ashes.

2955–6. Croydon was at the disadvantage of being the first in the field. We have never had any precedent to follow.

3017.

(18.) H. DAVY, Esq.—(Q. 3018–3152.)

3018. Has been clerk to the Local Board of Ottery St. Mary since 1862.

3019, 3020. The board was established under the Public Health Act, 1848, by an Order in Council 3rd September, 1850.

3022. We have no Local Acts.

3023–4. The district is the parish, it is 9,944 acres; the population, 4,340 (2,503 in the town). The rateable value is, house property 3,636*l.*, land 12,525*l.*

3025. It is in the Honiton poor law union.

3030, 3075. 3076–7. Three members, out of a board of nine, go out each year. As a rule, guardians are not elected to the local board.

3033. A special district rate was levied upon the town three years ago for paving.

3036. The land is assessed at one fourth its value to the highway rate.

3037. We have carried out sewage and water supply; no other works.

3039, 3040–3, 3096, 3102. There are two out-falls, one into a mill-tail, six or seven miles above the tide; the other into a tank, which is emptied occasionally by the tenant for his own use.

3046–8. The water supply is good; it is pumped from an iron tank which was sunk in a piece of ground full of springs.

3130. We have had no water polluted by sewage.

3049–3053. We borrowed 2,800*l.* from the West of England Insurance Company, payable in 30 years, at 4 per cent. A schedule was made fixing the amount to be repaid each year. The first year we paid 20*l.*, this year it is 90*l.*

3054–7. We also borrowed 656*l.* from the same office for private improvement purposes, on mortgage of the property to be improved.

3058. We have the Secretary of State's sanction to borrow 1,400*l.* for paving, but could not act upon it.

3033, 3059. The rural population would not pledge the credit of the whole district for a town improvement.

3091–2. We want power to borrow upon security of the rates of a limited area.

3061. Fever is very much less frequent since the board has carried out its works.

3069, 3072. 2*s.* 10*d.* on house property for local rates with 1*s.* extra for paving, and 3*s.* 6*d.* poor rates, are the highest rates that have been levied.

3074. Our local government works satisfactorily; we have got rid of vestry squabbles; there has been only one contest since 1862, at the election of a member.

3081. We have had no inspection from the Local Government Act Office; only returns have been asked for.

3082–3, 3103. We have an inspector of nuisances and surveyor. He is also surveyor to the highway board.

3104, 3142, 3137–9. We have no medical officer. We have no communication with the guardians. The union medical officer resides in the town. There is a medical man on the board.

3084–7, 3144–6. 4150–1. Nuisances are removed upon a friendly (*i.e.* informal) notice being given to the offenders.

3115–7. We have byelaws prescribing the duties of the officers of the board.

3120–1. The accounts are audited by the poor law auditor, who lives 40 miles off.

3122. We pay two guineas, or four guineas if he comes specially for the purpose.

3105. We have no power of regulating new cottages.

3107. There is a cluster of very dirty cottages a quarter of a mile from the town.

3132–3. There was an instance of a cottage built on waste land without any floor where fever followed;

3134–6, 3143. and a case of overcrowding where we could do nothing, the people being all one family.

3131. There are no open privies. Waterclosets are attached to every house or group of houses.

(19.) ROBERT JOHNSON, Esq.—(Q. 3153–3334.)

3153. Is clerk to the local board of Llanelly.

3155–9. The Public Health Act, 1848, was applied to the district in 1850, on the application of the Chamber of Commerce of Llanelly.

3158. Prior to 1850 the town was under the government of the burgesses and a portreeve, under a private Act.

3162–3. 3301–4. There are 12 members of the board. Four go out each year. They meet every fortnight, each monthly meeting being adjourned.

3164–6. The district is 1,213a. 2r. 37p., part of the parish of Llanelly, which is altogether 20,000 acres; four or five small parishes are in the same union.

3254. The authority for the rest of the parish of Llanelly are the board of guardians.

3167. The population of the district is 13,000, of the parish 17,000.

3169. The town is scattered. A large part is midway between the sea and the hills. The port is considerably increasing.

3171, 3202–5. The rateable value is 35,136*l.* The local rates, 3*s.* 2*d.*; the poor rates, 2*s.* 4*d.*

3172. There are considerable works in progress, principally sewerage works and waterworks.

3175–9. 10,000*l.*, 4,000*l.*, 27,000*l.*, in all 41,000*l.*, have been borrowed for waterworks; 14,000*l.* from an insurance company, and 27,000*l.* from the Public Works Loan Commissioners,

3193, 3293–6. In 1865 a private Act was obtained for waterworks, the land to be taken being beyond the district and to avoid the compensation clauses; there was no opposition, and the board are buying up the mills under a provision which was inserted for the purpose.

3188. The water supply will be sufficient; hitherto it has been very deficient and, when the water was low, bad.

3102. 1,500*l.*, 5,000*l.* have been borrowed for sewerage works; we are now negotiating for 2,000*l.*, in all 8,500*l.*

3201–2. Altogether about 60,000*l.* has been borrowed.

3290–2. The loans are for 30 years (in one case 50 years).

3214, 3255. 3256, 3265. We have had no difficulty in consequence of the guardians being the local authority under the Nuisance Removal Acts. During the time of the cholera, in 1866, the Diseases Prevention Act was put in force, and by arrangement the Local Board carried it out, and sent in their accounts to the guardians.

3269. There was no difficulty about repayment.

3287–8. No application was made to the Privy Council under § 11 N. R., Act, 1860.

3257, 3266–8. In all districts under a local board, the local board should be the authority for this Act.

3252, 3258, 3260. The cholera broke out in the highest parts of the town, in the neighbourhood of a ventilating shaft (which has since been removed). The town was supplied with water then as now.

3215–9, 3236, 3271, 3297–9. We have an inspector of nuisances, our surveyor (whose salary is 130*l.* per annum), and an assistant inspector at 22*s.* per week. We have no other officers; no officer of health.

3217–8. Our only difficulty in removing nuisances was as to whether we could remove a pig. There is power, of course, to remove the nuisance, but not the animal which causes the nuisance, unless evidence is produced before the Justices to the effect that it is impossible to keep such an animal without its being injurious to health. I speak from experience, as clerk to county Justices.

3334. I would suggest that there should be power given to the Local Board, if they think fit, to require a pig or any other animal to be removed, or not to be kept within a certain distance of a dwelling-house. In many instances they are kept just outside the door.

3220–3, 3259–60, 3274–3280, 3283. 3325–7. 3331–3. We are carrying out our drainage: the discharge will be by one outfall into the sea, near the port. The river is tidal. The sewer is not yet at work. The main sewers were constructed about 1859: we are now continuing them.

3222, 3285–6. The new houses all connect with the main sewer; not so the old. We have found difficulty in getting parties to connect.

3225. We have no place for sewage utilization.

3261–2. The sewers are ventilated with charcoal; they are trapped.

3275–3310. 3311–4. There are a considerable number of old houses not drained. A great many of these have no main sewer within 100 feet.

3226, 7, 9, 3230. We have a code of byelaws, sanctioned by the Secretary of State. Many matters now regulated by byelaws should be enacted by Act of Parliament.

3231, 3, 8, 3243, 4, 6, 3305–9. We have a byelaw providing for back lanes; it is of doubtful validity. Such a provision should be made by Act of Parliament.

3231. We have never attempted to enforce a doubtful byelaw.

3237. 3285. We have byelaws as to buildings: a plan of every building must be submitted to the board. There is no power to compel owners of houses built before the adoption of the Act to do anything.

3235. There should be power given to the police, if necessary, to take out summonses against lodging-houses; at present it must be by the party aggrieved, or an officer of the local board.

3248–9. I think the law gives sufficient powers to local boards as to construction of works, contracts, &c.

3253. As to the disqualification of members of a local board, a difficulty has occurred in construing together sec. 12 of the Act of 1848 and sec. 25 of the Act of 1858.

3319–3324. 3300. 3316–7. The local board has never had to exercise its authority over the shipping. The sanitary powers it exercises over the port are sufficient. There is no local marine board other than a board of harbour commissioners. They exercise no sanitary jurisdiction.

3315. The tonnage of vessels is from 520 tons downwards; the average 95 tons.

(20.) Rev. ROBERT WILLIAM HIPPISLEY.—(Q. 3335–3458.)

3335. Is rector of Stow-on-the-Wold, Gloucestershire.

3336–7, 3369. A parish of 1,600 people; about 16 acres. The rateable value 2,200*l.*

3360. The union of Stow comprises 28 parishes; about 50,000 acres, and 5,000 people.

3372. The poor rates have varied from 4*s.* 6*d.* to 2*s.* 8*d.*

3338. It is governed by a committee of the vestry under the Act of 1866.

3339, 3448. Fifteen persons, of whom I was one, were appointed a committee in September 1866. There were disputes, and I and the minority resigned.

3343, 3455. I afterwards, as *ex officio* chairman of the vestry, wanted to get their accounts. We could get no reports.

3344, 5, 8, 3402, 3411. We petitioned the Secretary of State for a district which should include the whole town which extends beyond the parish. The population would have been 400 more.

3344–3355. 3368. There have been disputes in the district as to water supply; and also religious disputes.

3410. At first the people did not want to spend money.

3357. 3395. The committee are not annually re-elected. I believe the committee to be as permanent a body as the vestry which elects them. The vestry are liable for the acts and defaults of the committee.

3358–9, 3400. The vestry is an unfit body to have the charge of sanitary matters.

3362–4, 3415. I think the guardians would be no better; they would have no interest in the place.

3366, 3398–9, 3403, 3450. Under the Local Government Act we should have had a higher qualification for members of the board.

3364–5, 3408, 3446. I would have works ordered by the Secretary of State.

3404. A County Board would be a valuable authority.

3374. The drainage is very bad; people dig to a "swilley," or fissure, and the sewage gets into the source of the water supply.

3406, 3579. I have written to the Secretary of State asking for an inquiry under section 49 of the Act of 1866.

3381–2. 3432–5. The board of guardians have just appointed an inspector of nuisances for the union. There is no inspection of the parish for health purposes. I think there should be inspection. The police might report, but an officer for the purpose would be better.

3384. The vestry accounts are not audited.

3387–9. 3424. The committee obtained a loan of 2,000*l.*, which was borrowed for waterworks in accordance with certain plans; the committee have, however, used the money as they thought fit.

3436. I do not think any part has been repaid.

3437, 3440. 500*l.* has been raised by precept. The auditor disputes his liability to audit the items of that account.

3458. A sewer authority ought not to have power to construct a drain through consecrated ground.

(21.) SYDNEY ALLEYNE, Esq.—(Q. 3459–3578.)

8459, 3463–5. Is vestry clerk at Tunbridge, where the vestry is the sewer authority under the Sewage Utilization Act, 1865, and Sanitary Act, 1866.

3476, 3480. 3536, 3564. The population is, town, 7,147; whole parish, 20,101. The parish includes part of Tunbridge Wells. The acreage is, town, 550; parish, 15,470. The rateable value (whole parish), 47,000*l.*

3469, 3564. 3471–5, 3524. 3565. A committee of the vestry was appointed for the town in October 1866. There were eight members—gentlemen, farmers, and tradesmen; a fair proportion of all classes. There had been no local government at all before.

3569. The town is not a separate township; there are hamlets in connection with it.

3570. "South Borough," a part of the parish, is a special drainage district.

3571. The rest of the parish is under the vestry (except part of Tunbridge Wells).

3481. Local rates are from 3*s.* 6*d.* to 4*s.* in the pound.

3483, 3526. The committee first employed two local surveyors, who reported that for want of sufficient fall they could not suggest any scheme for draining the town.

3486, 3527–3533. 3493. 3490–1. Mr. Jones, of Ealing, then prepared plans, but the estimate (for the whole town, 6,000*l.*, and for the lower part only, 4,600*l.*) was so large that the plans were referred to Mr. Rawlinson, who reported that they were most efficient. Mr. Jones was thereupon directed to do what was necessary to carry out the scheme; and he, considering he was authorized so to do, communicated with the Local Government Act Office, and obtained the sanction of the Home Secretary to borrowing powers.

3486, 3487. 3522–3. 3488. 3489. 3538, 3542. 3521, 3543. At this stage some ratepayers were dissatisfied with the large outlay, and after a vestry meeting, held December 1867, the committee resigned. In July 1868 a vestry was called, and a fresh committee (composed of smaller ratepayers) was appointed, to remove some nuisances and examine others, and report. That committee is still in existence. There have been various schemes (they are less extensive, and would cost about 3,600*l.*); and at last the vestry resolved to ask the Home Office to send some competent person down. A deputation has now gone to the Home Office to submit the plans, including Mr. Jones, there.

3527. Mr. Jones proposed to irrigate some low land, 1½ mile below the river.

3495, 3514–5, 3547. The drainage at Tunbridge is very bad, especially in the lower part of the town. Low fever prevails there. This does not arise from floodings, but from bad drainage.

3495, 3544–6, 3558–9. There is a private water company, and a supply for the houses, but not sufficient for drainage. The supply is from the Medway. There is no pollution above the in-take.

3560–1. If Tunbridge Wells obtains, as proposed, a supply from Sevenoaks, it must pass close by Tunbridge Wells.

3497. The vestry is a most unsatisfactory machinery for administering the sanitary laws. The small

3498, 3575. ratepayers and the outside farming population can outvote the larger.

3516, 3519. 3546, 3562. 3576. 3573. The town ought to adopt the Local Government Act. If its principal ratepayers would attend and vote we should carry the adoption. Powers are given by the Local Government Act which the vestry do not possess. We should also get rid of the highway board, board of guardians, and committee of the vestry, who are all now authorities in the town.

3537, 3560. Tunbridge Wells has a Local Act, and is under the Local Government Act.

5300–1. 3503–3510. There is an inspector of nuisances (for the town of Tunbridge) appointed by the guardians; he is paid 20*l.* per annum. He also inspects lodging-houses; he is a small tailor.

3502. 3511. Tunbridge union comprises 10 parishes. I believe there are inspectors appointed for some of the other parishes.

3544-5, 3550, 3568. We have a main sewer through the town, made many years ago by private subscription.

3567. Before the Act of 1866 there was no power to make sewers.

3552–3. 3575–6,–8. We have a local highway board for Tunbridge parish, under the Highway Act of Wm. IV. The new Act is in operation in all the union, except Tunbridge.

3573. There are three authorities in operation in the town of Tunbridge—(1) the Committee of the Vestry, as the sewer authority; (2) the Guardians, under the Nuisance Removal Acts; (3) the Board of surveyors, under the Highway Act.

3579. I do not think there is a single guardian on the committee of the vestry.

3521, 3577. I think that the Local Government Act should be compulsorily applied.

(22.) Rev. W. H. M. BUCK.—(Q. 3580–3746.)

3580–2. Is vicar of Seaford, an ancient borough with an old chartered corporation.

3583–6. 3653. The area of the parish (*i.e.* borough) is 2,250 acres; the population, 1,150; the rateable value 6,675*l.*; and the death rate 14 per 1,000.

3587. 3683. The rates have been 6*s.*: the poor rates, 3*s.* 9*d.*, (they average 2*s.* 8*d.*) The poor are managed by relieving officers, under the poor law authorities.

3588, 3676*a*. 3726–3736. The clerk of the union (Eastbourne) informs me that Seaford is the only parish in the union from which he never receives an account of expenditure; he merely receives an order signed by two Justices for a lump sum, which includes the borough rate and the expense of maintenance of lunatics in the county asylum.

3590, 3600, 3645, 3658. The Local Authority is the vestry; there is a committee of 12 for a special drainage district.

3591–2,–5. The governing body of the borough is the corporation. The Recorder was of opinion that they were the sewer authority, but the Home Office decided that it was the vestry.

3593, 3680–2. The corporation have authority under the Nuisance Removal Acts.

3671*a*. The vestry is a good authority for Seaford.

3597, 3677–8. The highways are under two overseers, appointed every Easter.

3599, 3602–3. 3647, 3667–9. 3606, 3607–3612. The town has been recently drained; the old surface drains have been removed; the outfall is into the sea. The cost was 2,800*l.*; the works suffice for the present population. A loan was raised privately; it is repaid by a rate, by instalments, for 30 years.

3616, 3651-2, 3741. I wish for a water supply. I think the sewer authority has power, and will in time supply it.

3614–5, 3660–3. The present supply is from wells; it is sufficient, but impure. The cesspools have been close to the wells.

3617–8, 3621. 3674. 3622. 3695,–8. The cottages are very dilapidated, and badly ventilated; those in the adjoining parishes are better. Exorbitant rates are demanded. There is land for building, and a row has been recently commenced.

3664–6, 3718. Sea water frequently percolates through the beach, but soon disappears. At times the sea comes over the beach. Where the surface drains emptied on the beach, then the admixture was very offensive.

3624–9, 3671. 3633, 3745. 3630–2, 3701–4. We have an inspector of nuisances. He is paid 20*l.* per annum, and is also relieving officer. He is clerk to the committee of the vestry. Dungheaps and pigsties are omitted from the Sanitary Acts, 1866 and 1868.

3654. There has been no clashing of authorities, owing to the same man filling so many offices.

3634–6. There was a proposal to adopt the Local Government Act which was lost.

3659. We should not get a superior body of men to the present committee.

3637–3644. Mr. Arnold Taylor was sent down under sec. 49, to examine as to the drainage and rating area. He recommended that the town should be drained, and the proposed area be curtailed.

3655, 3684. There are four authorities in Seaford—(1) the Corporation; (2) the Vestry; (3) the Surveyors of highways; and (4) the Board of Guardians.

3685–8. The corporation possess property, and divide it among themselves.

3716. There was an application made to the Board of Trade for protection to prevent the removal of boulders from the beach.

(23.) W. WINKLEY, Esq.—(Q. 3747–3873.)

3747–8, 3784. Has been 19 years clerk to the Local Board of Harrow, and is vestry clerk of the parish.

3751–2. The local board was established in 1850 by provisional order.

3759. The parish is in the Hendon Union.

3749, 3750. 3755, 3834. The parish contains 10,000 acres; the district about 1,000 acres. It includes the hamlet of Roxeth.

3754. The population of the district is about 4,000.

3814–3820. The parish of Harrow outside the local board district is a special drainage district, and a highway parish in the Edgware highway district. The two combined are a poor law district.

3758, 3823–5. The Board have ample power; the better classes serve on it.

3760. The authorities for the parish outside the local board district have been changed three times in a few years: (1) there was a nuisance removal committee appointed by the vestry; (2) then there were the guardians; and (3) now the vestry or inhabitants of that part of the parish are

3761. the sewer authority. Not one of these have been disposed to carry out the Acts.

3764. The Justices at petty sessions have not assisted the authorities.

3765,-7. Sec. 7 of the Act of 1867 has made the rest of this parish, 10,000 acres, a special drainage district, without anyone knowing the fact, without an appeal.

3768. Multiplicity of rates is a great trouble; one rate should be collected in each district.

3769. The law as to levying rates has been altered two or three times.

3772-3, 3857, 3832-3. Local boards are too much exposed to the risks of lawsuits. They should have greater facilities for using the natural course of drainage.

3775. Landowners should be compelled to give every facility for drainage, &c.

3776. The person who creates a nuisance ought to be liable, and not the person on whose land the nuisance is found.

3778, 3805. 3842-7, 3856-9. We are going to try sewage irrigation, which I think is the best thing to be done.

3780. Some Central Authority should supervise the local boards.

3783, 3814, 3821. A large local board constituted of representatives of various districts would be unsatisfactory. It is so in the case of highway boards.

3787,-3790. We have borrowed about 9,600*l.* (from the County Fire Office, &c.)—(1) To make sewers, and (2) To try irrigation.

3791-4, 3831. Local boards should have power to prevent encroachments on highways.

3792-3, 3813-4. All matters should, as far as possible, be under one authority.

3795-6. The sections as to disqualification should be made more clear.

3797. The local board should have more power to regulate pleasure fairs.

3800, 3827-8, 3860-1. A central authority would be preferable to a county board, perhaps not in very country places.

3801-2, 3839. We have an inspector of nuisances; he is a surveyor and collector for the local board district. The relieving officer of the union is the inspector for the rest of the parish (and for other parishes).

3803. We have always had a medical man on our board.

3804-8, 3811-2. We have had to put in force the Lands Clauses Act, 1845, in order to get land for irrigation, and have had to pay very dearly. We buy the fee, and pay for it in 30 years.

3824-6. In a parish a nuisance removal committee is often appointed in order to do nothing.

3834-7. Fever prevails in the hamlet of Roxeth. It is crowded with poor. It ought to be well drained and healthy.

3868-3873. The earth closet system has not been introduced; in some parts of this parish it would be the best thing. It would be very difficult to get the poor to be cleanly in their management of them.

(24.) J. HOWELL BLOOD, Esq.—(Q. 3874-3924.)

3874. Is clerk to the guardians of the Witham Union, Essex, in which is the parish of Terling.

3875, 3902. The parish of Terling is (I think permanently) under the police.

3903-4, 3912-6. For inspection of nuisances in country places you could not have a better body than the police.

3892-4. The population of Terling is 900. The acreage, 3,000. The rateable value, 5,581*l.* 12*s.* 6*d.*

3878. There was a very bad fever at Terling, and there has been a great deal of drainage done since. There are now stand-pipes every 50 yards all over the village, and there is not even any rubbish to be found.

3902. The Board of Guardians had, as usual, neglected their duty.

We usually appoint the relieving officer inspector of nuisances. I think he is the last man for the place. There is no jealousy against the police. Terling is now a model village.

3877-9, 3901, 3918. This is the result of interference by the Secretary of State in 1868. The police inspector was appointed inspector of nuisances.

3876, 3920. The *penalty* put upon the guardians for neglect of duty was considered by them a *great boon.*

3881-3. Inspectors were sent down from the Privy Council and the Home Office. The guardians had to pay for the disinfectants supplied by Government.

3878, 3886-9, 3898. The vestry have spent 1,700*l.* in the supply of water.

3891. The houses drain into the fields.

3895-7. Rates have been 1*s.* 2*d.* per quarter.

3902, 3810. It is a question whether at Terling the guardians are not the nuisance authority for old, and the vestry the nuisance authority for new, houses. Again, nuisances about houses are under the vestry; nuisances in the field behind are under the guardians.

3905. It is not very material which body should be the authority, but it should be one or other, not both.

3906, 3920. I think of the two the guardians would be the best, but I think the inspection and judging of nuisances had better be taken from them altogether.

3907. Since the constitution of boards of guardians the inhabitants take no interest in vestry meetings, which are usually comprised of the churchwardens, overseers, and collector, who meet on Easter Monday to choose an overseer, and seldom a third time.

3909. 3923-4. The guardians, if they are to be the authority, should be elected as health officers. They might take the financial part. I would treat a nuisance as I would treat a drunken man.

3913. Before the Act of 1868 the board of guardians appointed committees for each parish, since then these have been dissolved.

3910,-4. We have a Local Board at Witham, and have borrowed (and spent) 6,000*l.*

(25.) JOHN PONSONBY, Esq.—(Q. 3925-4114.)

3925. Is town clerk of Oldham.

3926, 3932. 4112. 3965. The Town Council is the local authority in the borough, which is co-extensive with the township (a district 4 or 5 miles long by 2 broad). The population is 83,000; the rateable value, 300,000*l.* (nearly).

3927,4032, 3984-6. 3988. The overseers and guardians probably have their own jurisdiction under the Poor Law Acts, but they do not act. The township is only part of a very large union. I do not think that the guardians have exercised their powers as a nuisance authority in any of the townships.

3987. I think the town council should be the authority under the Diseases Prevention Act.

3928, 4112. Oldham adopted the Acts in 1863 with a view to the employment of the distressed operatives in forming public recreation grounds and more extensive sewerage. We purchased 72 acres for 18,000*l.*, and spent 16,000*l.* in laying it out.

3930,-6, 4046. Oldham has a consolidated Act, passed in 1865, and in a very few cases applies the general Acts; previously we were under an Act of 1826, which had become quite antiquated.

3934. We applied in 1865 for a local Act, in consequence of the extreme difficulty and the complication of the different Acts of Parliament.

3959, 4045. The general principle of the Public Acts is adhered to; any difference is in matters of detail suggested by difficulties met with in working the General Acts.

3935. One difficulty was to know whether the council was acting at any given moment as a local board, or as a corporation; the great difficulty was in reconciling the language of the various Acts.

3947. On the whole our Act works satisfactorily.

4047-8. 4049. I do not think we have taken any proceedings under the Sewage or Sanitary Acts of 1865-1868, which are, however, in force. Probably proceedings against smoke would be better taken under the Sanitary Act of 1866.

3937. Since 1863 the corporation have constructed 20 miles of main drainage at a cost of from 15,000*l.* to 20,000*l.*; about 15,000*l.* was borrowed from the Loan Commissioners. The corporation have also constructed 16,500 yards of streets.

3938, 3978-9, 3081, 4006. 4007-9. The sewage goes into the streams, and ultimately through the Medlock and Irwell into the Mersey. It would be very difficult to find land for irrigation. I think it would be better to contrive some mode of converting the sewage into a portable form.

3439. 3940-1. The rate of mortality has not much altered; I believe there has been less sickness. From 1857 to 1868 the death-rate ranged from 30·88 to 21·57 (1864) [the average is 26·81]; it was lowest the year in which the cotton famine was at its worst. I believe that was found to be so in many large manufacturing towns.

3942-3. The infant mortality is excessive. I believe it is so in most of the large Lancashire towns.

3944. 3945. People in Oldham are becoming more alive to the importance of an improved sanitary state of things. We now publish every week the state of the mortality in the borough. There is no record kept of sickness.

3946, 3985. We have men constantly inspecting the town.

3947, 4078. Up to the passing of the Act of 1865 there was no supervision over new buildings, and we have had to modify the byelaws we put out.

3948. We framed byelaws of our own, taking the Local Government Act Office model as a basis, but getting information elsewhere, wherever we could.

3949. 3960,-4, 4018. It would be an advantage if the byelaws when made formed part of an Act of Parliament. On the other hand, it is an advantage to be able to modify them to meet new circumstances.

3949, 4081-5. 3961-3. The great objection to byelaws is that when made they are liable to be questioned. When sanctioned by the Home Secretary, or after being laid on the table of Parliament, they should have the force of law.

4086-8. There might be an appeal to the Queen's Bench, but so long as byelaws are in existence the local authority should have perfect immunity in carrying them out.

4079, 4080. We have had no difficulty in enforcing our byelaws.

3950, 4000. Large towns will be sure to come to Parliament for local Acts; you could not leave special details as to them to byelaws.

3050, 3993. I think there should be one general Act of Parliament, which should be divided into parts applicable to different places, or else there should be several Acts. The general Act might apply to all large towns which should be scheduled, and to local board districts, &c.; places with a certain population, &c. Parts of it might be permissive, but there should be a part, with reference strictly to sanitary matters, which should apply to all places, great and small.

3957-8. 4001, 4024.

3991-2,-8. 4028-4. 4019, 4020. I think the Guardians should be the authority in small townships, and I would rate by unions. I am not familiar with highway districts.

3951. Provision should be made for places like Oldham, taking in outlying districts.

3992-3. 4038. On the south-east of Oldham is a place called Lees, not in the Oldham Union, which has just been taken into the parliamentary borough. It is a local board district, about 1,000 acres in extent; the population 7,310.

3951. 4034, 4053-3. On the west Oldham has spread into the adjoining township of Cladderton, where there is no local government whatsoever; and whatever we may do in Oldham we are liable to be invaded by disease from the effects of neglect in this township.

3994-7, 4044. The objection on the part of outlying districts to be included would be the fear of increased rates. There might, I think, be some arrangement as to apportionment of rates.

3952-3, 4033. Chadderton, with a population of more than 9,000, is under a board of surveyors, established under the Highway Act of Wm. IV.

3989, 4053–6. They professedly have a nuisance inspector.

3954–6. The land there lies below us, and we have accordingly difficulties as to sewerage.

4040–3. We did not apply to Parliament in 1865 to include these districts, because of the opposition which we should have excited.

3966–7, 4111. Our rates are 2*s.* 6*d.* in the pound; we levy for all municipal purposes one rate. We have no limit. The only other rate which is collected is the poor rate, and that is now applied strictly to its own purposes. Formerly the watch rate, cemeteries rate, baths, &c., rate, used to be collected by issuing a precept to the overseers, who paid them out of the poor rate.

3967, 4093–6. 3970. If better facilities were given for borrowing for works of a permanent character, sanitary works would be more easily and better carried out. We could not have spent the money we did but for the Public Works Loan Act.

3968, 3970, 4002, 4094–6. Repayment should extend over a longer period, varying according to the nature of the works: drainage, 50 years; waterworks, 100 years, &c.

3972–3, 4089–4091. The local Act gives power to borrow for specific purposes: gas, water, streets. 160,000*l.* has been expended in the extension of the water supply. The old waterworks and the gasworks were purchased in 1851, for perpetual annuities of 10,000*l.* per annum.

3974, 4005, 4012. 4097, 4102. 3974. The water supply (from the borders of Yorkshire, seven miles off) is good, but insufficient. We have failed in our application to Parliament for a further supply, owing to the opposition of the neighbouring towns. Last year, in consequence of the drought for two or three months, the supply was only about two hours a day, and many high parts were entirely without.

4003–4. The water in the streams is totally unfit for domestic use.

3975. I think the short supply affected the health of the district. There was insufficient water for the water-closets, which are allowed in Oldham to each house.

3976, 4057–8. Houses generally are supplied with waterclosets and privies. Privies and ashpits are more common and less objectionable. Since 1855 about 1,000 waterclosets have been put up in Oldham, and in a dry season there is not sufficient water for them.

4059, 4861. The privies are cleansed upon notice given either by the occupier or inspector.

4064. The nightsoil is taken to a depôt, and sent by rail into the country.

3982–3. Oldham has recently answered a set of questions issued by the Rivers Pollution Commission.

4014. I do not think the question of keeping the stream pure is one merely of expense. I think all towns would submit to that.

4015. In a manufacturing town the water is polluted in all sorts of ways. I do not think we have any control over the stream at Oldham.

4064. All the sewage that goes into the drains passes into the river and accumulates there.

4068–4075. 4076. The stream has been arched over throughout the town, and ventilated in parts. I do not think the rain pipes are trapped. There is no power to compel trapping.

4047. It is important that provision should be made for closing wells and pumps. A complaint was made to the Home Secretary against the corporation as to the state of a district where its water, although laid on, was but little used, but instead impure pump water.

4049–4051. Black smoke is a nuisance as to which public opinion is growing very much.

4055–6. In parts of Oldham the nightsoil has to be carried at night through the apartments of the inmates. There the houses are back to back.

4103. The water is supplied to each house. We do not use stand-pipes.

4105. The supply is constant.

4106. There is waste, but it helps to cleanse the sewers, &c.

4108. We have constant inspection of taps, &c.

(26.) THOMAS PAIN, Esq.—(Q. 4115–4206.)

4115. Is clerk to the local board of Banbury.

4117, 4193. 4124. The district comprises the borough of Banbury, the township of Neithrop in Oxfordshire, and the township of Grimsby in Northamptonshire, and thereby is under three different sets of magistrates.

4158, 4196. The population was (1861) 10,238, it is now 11,000; the acreage, 4,000; the rateable value, 39,227*l.* 17*s.* 6*d.*

4116, 4199. The local board was constituted in 1852; it consists of 13 members, six from the borough and six from the townships, with the mayor.

4184–5. The members are persons of good position in the town.

4118–4124, 4198. 4194–5. We have had difficulties between the non-corporate and corporate parts of the district as to *rating*. We make separate rates and keep separate accounts for each district.

4159. Unnecessary trouble is given in making rates.

4126. 4168–4174. 4176–4183. Drainage works were commenced soon after the establishment of the board. We had no waterworks when the drainage was commenced, and the rainfall was wanted to flush and cleanse the sewers. The main sewer was made into the Cherwell, into which the town sewage had always flowed.

4128. We tried deposits and filtration tanks, and deodorization; both plans failed.

4131. 4132, 4186–8. 4134–9. 4141. A mill-owner afterwards obtained an injunction and a sequestration issued, and subsequently a farm was taken for irrigation. The farm is 138 acres, of very stiff loam, a mile from the town. The soil is considered very good for the purpose. The expenditure has been 4,000*l.* (or including the tanks, which failed, 5,500*l.*); 4,000*l.* was borrowed privately, 1,500*l.* from an insurance office.

4136–8, 4168. 4147, 4187. 4142–6. The sewage is first pumped and then filtered. The farm is managed by a committee of the board. We grow principally rye grass. Last year the profit of the farm was 89*l.* 14*s.* 9*d.* (not including repayment of principal and interest, which was 250*l.*) Previously our sewage works costs us 131*l.* 1*s.* per annum (not including repayment of 97*l.* 11*s.* 7*d.*)

4147. The loss of the year (being 160*l.* 5*s.* 3*d.*) would be 3½*d.* per head on a population of 11,000.

4189–4192. There is scarcely any smell from the farm.

4148, 4175. At the time of the application of the Public Health Act the death-rate was 26; the average of the last nine years is 18 per 1,000.

4152. The system is also a great convenience to the inhabitants.

4153. 4156–7. There are a great number of waterclosets now; previously to the adoption of the Act they were very rare. People would not go back to the old system now.

4155. There are cesspools in the outlying districts, very few in the town.

4154. Our water supply is from a private company.

4162–3. We have made byelaws adopting the Local Government Act Office model.

4164. We have hesitated about enforcing them.

4165. A great many of them might be enacted by Parliament.

4166–7. The Acts are now very numerous, and should be consolidated.

4205–6. I do not think a county board would stimulate action, judging from the board of guardians.

(27.) WILLIAM MAY, Esq.—(Q. 4207–4268.)

4207. Was solicitor to the promoters of the Cray Valley Bill.

4208. That was a Bill for combining the eight parishes in the valley for sewerage purposes. The sewage was to be utilized in the marshes.

4224. The parishes are in two unions (which altogether comprise 32 parishes).

4209. The population (of the eight) is 20,000; the length of the main sewer is to be nine miles.

4210–1. There are several mills upon the river; some of the mills filter. The river is in a bad state, and

4218. the villages in a very unsatisfactory condition.

4219, 4220. 4245–6, 4253. We had the reports of medical officers who had inspected the district.

4212–3. The local authority was to have been a board, 12 members for the eight parishes. The first board was to have been selected; afterwards each parish was to elect one or more members.

4214, 4237. 4225–6. We applied to Parliament because the existing laws were insufficient. Mr. Keane's, Q.C., opinion was taken.

4215. 4264. We found that to get any system of drainage we must combine eight parishes. I found it was impossible to get them to do so voluntarily; no two parishes agreed. We were advised that we could not join them compulsorily without an Act.

4235, 4260. I do not think anything will be done by the parishes so long as the power is with the vestries. I think the government should be in some higher authority.

4216. 4233. It was admitted that the scheme was good and supported by evidence. It failed because it was without precedent. The promoters proposed to combine the interest of the paper mills with the interest of the parishes, and there was a clause rating the manufactures at 50 per cent. above the ordinary rate.

4220–1. The bulk of the people were against any scheme of improvement.

4222. There was an epidemic of cholera 18 or 20 years ago.

4223. The valley is generally healthy. There had been a great deal of enteric fever in all the villages.

4229. A difference between our district and one formed under the Sanitary Acts was that it was capable of expansion.

4227. We proposed to take the watershed of the whole valley and to place that under the proposed board, and out of that we carved a smaller rating district, which at first comprised all the villages, &c., and there was power to include new buildings as they might be erected.

4230. The rates were to be collected through the overseer.

4232. We limited our rates to 1*s.* 6*d.* in the pound.

4236. The water supply is from springs; the valley is fully of them.

4247. The Nuisance Removal Acts are not sufficient.

4249. There is an inspector of nuisances in each parish. What is required is a system of sewerage.

4245, 4255. There is great neglect, no doubt

4257. The farmers are the ruling body in the vestries, and they care very little about sewerage.

4258–9. The resident gentry might, but do not attend.

4261. I would extend the powers of the Home Secretary.

4267. I should not prefer the board of guardians to the vestry.

4262–3. One difficulty with us is how to provide for the refuse water from the mills.

(28.) H. WYLDBORE RUMSEY, Esq., M.D.—(Q. 4269–4432.)

4269. Is a member of the General Medical Council, and the author of works on State medicine.

4270. The main causes of the defects in sanitary management are—

(1.) Want of inspection, which should be universal, continuous, and comprehensive.
(2.) Want of proper resident medical officers.
(3.) Want of competent local authorities.
(4.) Want of clear definition of the duties of the medical officers and local authorities.

4271–2. 4309, 4310. There should be local registration, which is at present very defective.

4273. The returns should be analyzed and published.

4274. There is no agreement between the areas for statistical returns and the area of sanitary management.

4275. The registers cannot therefore be used as they should be for local purposes.

4276. Further particulars should be recorded in the register; sex and age are alone given with any certainty.

4277–8, 4315. The general death-rate of towns or districts does not afford clear evidence of their sanitary condition; which also depends upon the proportion of persons living at different ages. Instances Bradford, Liverpool, and Birmingham.

4278. Lives should be followed.

4279, 4280. 4307. 4369. The registration of causes of death is not satisfactory. The medical attendant ought to be obliged to sign the certificate, and if there is none, then the officer of health.

4281. (1.) Many deaths are still uncertified.
(2.) Many are certified by medical men who have not recently seen the deceased.
(3.) Many are certified by unqualified practitioners.
(4.) There is great uncertainty as to the meaning of the word "cause."
(5). Some state the earliest; some the last; some that which interests him most.

4282, 4373, 4414. 4283, 4332. Diseases, &c., attended at the public cost might be registered. Records of some sort are now made; these have only to be improved and published. This information would be of the utmost importance.

4284, 4374. 4372. The same officer might collect sickness returns and mortality returns; the two classes of facts would come under the supervision of a highly qualified officer, who would use them for sanitary purposes.

4285, 4333, 4343. Registration districts should be combined so as to occupy a scientific officer's whole time.

4286, 4318–9. The county divisions would not do for such districts.

4287. Great confusion exists from the cross-divisions of the country. There are counties, unions, registration counties, &c. Unions in two or more counties, parishes in two counties or hundreds.

4288. There would be many advantages in bringing sanitary measures under county jurisdiction. County administration might be extended to the conservancy of rivers.

4290-2, 4381. 4350. 4345-8. The existing officers of health could not be generally re-employed. A sufficient number of qualified men would be forthcoming. No person should be eligible unless he had *practiced* as well as studied.

4327, 4345-6, 4350. Hospital, but not private, practice should be allowed.

4294. There is great confusion in sanitary jurisdiction.

4296. Either each local board should send delegates to a higher board, or a general board should have local committees.

4298, 4306, 4333-4. I should like to see a sanitary department of Government, a new department.

4304. 4326, 4360. The expense of improved sanitary organization would be saved in reduced cost of sickness, &c., and would be lessened by re-arrangement of offices, &c.

4323, 4345, 4362. 4391, 4422. The inspectors (medical officers of health and registration) for the large districts should be highly qualified medical men.

4351–2. The General Medical Council have the question of qualification now before them.

4324. County police would be very serviceable as inspectors, if their employment as such was not objected to by the population.

4420. If they were not employed there should be other inspectors of nuisances.

4325. It would be better that the coroner should be assisted by the medical officer of registration than that the legal and medical offices should be combined.

4292, 4389, 4390. In very large towns (as Liverpool, &c.) it would be better to appoint assistants to the medical officer; for so large a community one man could not perform all the duties.

4329. There are preventible causes of disease which are not recognized by the sanitary enactments now in force.

4335-6, 4372, 4402. 4370-1. The poor law medical staff should be made use of; they should be placed in connection with, not exactly under, the local inspector; they might, in case of need, act for him, though not appointed with that view.

4403-4410. I do not think there would be much difficulty in their being under both boards of guardians, and also local boards.

4340-1. They are at present the sanitary officers.

4337. The duties to be performed by the inspectors whom I propose would be quite different from that performed by the poor law medical inspector.

4356, 4378, 4411. It seems that certifying surgeons are expected to discharge sanitary functions.

4342. A minute by Mr. Simon in 1855, and a "letter" of Dr. Farr's in 1864, are two important official papers on the duties of medical officers of health.

4354. 4398-9. The cost of the sanitary inspectors should be distributed over as large an area as possible. The central authority should define their duties, and there should be a general rule as to their salaries.

4355. It should be about 1*l.* for each 100 of population (about 2½*d.* per head); one moiety by salary, the other by fees.

4397. I would leave to Government the appointment of the first medical officers, who should ultimately be chosen by the county authority or by the local board.

4364-7. When a town was large enough to occupy the whole time of a medical health officer the town council should have the appointment.

4400. Dismissal should be solely in the hands of the central authority.

4376. The carrying into effect local sanitary measures must rest with local authorities (under the control of some central authority), and they must be responsible for acting or not upon the advice given to them by the medical health officer. His duties should cease when he had given his advice.

4389–4361. We have a great deal of organization which is complicated and often conflicting.

4378–9. Among other public duties there are, medical evidence on inquests, that of certifying surgeons of factories, the analysis of food and drinks, vaccination inspection, that under the Contagious Diseases Acts, and of visiting physician of lunatics to the Justices.

4377. A duplicate report of the medical officer should be sent in every case to the central authority, who should see that the advice was attended to.

4392–3. A few itinerating medical inspectors would be necessary.

4431. Agricultural cottages should be subject to the same kind of supervision as that to which lodging-houses are now subject.

(29.) W. FARR, Esq., M.D., F.R.S.—(Q. 4433–4469 and 5032–5211.)

4433. Is the superintendent of the statistical department of the General Register Office.

4435, 5110. And a member of the Bromley local board.

4436. For registration purposes, England (in 1861) was divided into 11 divisions, counties or groups of counties.

4436, 5164. There are 640 districts (usually unions), and in each a superintendent registrar, usually the clerk to the guardians.

4437. There are 2,202 sub-districts, each under a registrar, appointed by the guardians and paid by fees.

4438. There are 16,160 parishes or places.

5160. All extra parochial places are now treated as parishes for poor law and registration purposes.

4439. There were 30,862 enunciation districts.

4440, 5163. The old division of the country was into counties, hundreds, tithings, and towns; the towns being separated from the country.

4440, 4442. In the census reports 781 towns are distinguished (Appendix); 208 were municipal boroughs.

4445–6. 4446, 4454. It is difficult to make the two great divisions of the country coincide, viz.—(1) that into boroughs and counties; and (2) that into poor law unions and registration districts. Birmingham, Bristol, Liverpool, Manchester, Oxford, and Peterborough are instances.

4447–4451. I wish to show the importance of making the same boundaries serve for all purposes. You cannot get a simple administrative system until you get a sounder division of the country.

4455, 5199. 5208–5211. Registration of death is made by a person present at the death, or in attendance during the last illness, under 6 & 7 Wm. IV. c. 86, § 25. The clergyman is not required to register the death. No comparison is made between the burial register kept by the clergyman and the death register kept by the registrar. That is done in Australia.

5200–5205. There is no inducement to a person to give information. The Act makes it the duty of the registrar to inform himself. If deaths might be registered free within a certain time it would lead to an early registration.

4455. A great deal of valuable information is supplied under the heading, "Cause of death." This is certified under a circular letter from the heads of the profession. A certificate book was devised and circulated for the purpose.

4460–1, 5063. 5064–9, 5206–7. 5079. A few deaths are unregistered, but not many, *including infants*. The clergyman, who is under a penalty to report, would report to the local registrar. I know of no instance in which the Act has been put in force against a clergyman. I think the 10*l.* penalty as it is unsatisfactory.

4462. The English system is better than the Irish.

4457. In London 93 per cent. of the deaths are certified by the medical attendant and five by coroners, leaving two per cent. uncertified.

4459. Many persons die without medical attendance; but the medical attendance of the poor is better in England than anywhere on the continent.

4463, 4436. The superintendent registrars are often solicitors (usually the clerk to the guardians). The sub-district registrars are sometimes medical men, or may be the relieving officer, a tradesman, a clerk, a curate, &c.

5171. *Return* as to the payment of registrars.

5172. The Registrar-General fixes the qualification and has to approve the appointment: he has the power of dismissal.

4469, 5048, 5116–9. 5121–2. 5123–4. I am proposing that you should have an officer in every large town and district. The appointment should be with the boards who pay them. The size of the district should be determined by area and population. In cities the officer should not be allowed to practice except in hospitals.

5065, 5071, 5080. 5072–5. 5076–8. I would allow no interment without a certificate. There would be some inconvenience occasionally, but it would be a public benefit. The undertaker, who should be a registered officer, should be required to see the certificate.

4463. The great defect is that the informant goes to the registrar. The certificate of death is not accepted as evidence by the Court of Chancery or the Bank of England.

4463*a*. One plan would be to have every dead body seen by a medical man, as in France.

4464, 5055. 5056–5060. 5045, 5084–5, 5197. I think it would be better to insist on a certificate from the medical attendant. It might in some cases be advisable if the certificate were sent direct to the registrar. Where there was no medical attendant, then there should be a certificate from the registration medical officer.

4464. In large towns the registration medical officer would employ others as his deputies.

4465. Dispensary surgeons, &c., often certify a death when they have not seen the child, &c., for three or more days.

4468. Such a certificate should not be given unless the medical attendant were himself satisfied that the death had occurred.

5032. It is a question whether the registration medical officer should be paid out of the rates or by the persons whose families he visits. The fee for a certificate would be a very small item in the cost of a funeral. Mr. Chadwick estimates a pauper's funeral in London at 13*s.*, an artizan's, 5*l.*, a tradesman's, 27*l.* 10*s.* to 50*l.*, a gentleman's, 100*l.*, a child's, 30*s.* to 30*l.*, and the average cost of all something under 10*l.*

5034, 5192. Inquiry as to the causes of death was an ancient principle in England.

5034–5. I propose in fact to extend the system of coroners' inquests.

5044. The registration medical officer would supplement the duties of the coroner, and would inquire into the causes of death, and that would lead to causes of disease, and he would get a full knowledge of the health of the district.

5189, 5191. The registration medical officer should hold an analogous inquiry into causes of deaths which are beyond the coroner, as not being violent or sudden.

5061–2. The registrar, or the registration medical officer, should move the coroner in case of need.

5086. Still-born children are not registered in this country; they are registered abroad. I would register all after six months. I would only require a report to the registrar, whose certificaie should then authorize burial. I would not include them in the general register.

5037–8, 5087. 5038, 5178. 5090–1. Registration of sickness is very important; there is a very good model in the army of what should be done. There is more immediate connexion between the origin of illness and the cause than between death and the cause. In the cholera epidemic house-to-house visitation was established in order to find out *cases of illness*, and not causes of death.

5040–1, 5088–9, 5156–8. It would be useful to get returns of sickness from public institutions, if it should prove impracticable to get them from private sources.

5042. The mechanism would be similar to that now employed for returning causes of death.

5146–7, 5211*a*. The number of registered deaths gives only a vague idea of the amount of sickness. We know from the army returns that sickness and death have a proportion, and so from friendly societies.

5148–5153. There may be a great deal of sickness, and there are no means of ascertaining it.

5043. A registration medical officer should be appointed,—

(1.) For police purposes, in order that no body should be buried except upon a medical certificate; and

(2.) For scientific purposes, by revising and examining returns to make the certificates such as could be used for scientific purposes with confidence.

5045. The duties to be performed by the registration medical officer.

5086. The General Medical Council have under discussion a proposal for a special examination in public medicine. The possession of such knowledge should be made a necessary qualification.

5047–9, 5050, 5105–7. All sanitary administration should be under one Minister, with departments,—

(1.) Administrative, in charge of the general government, and in correspondence with local boards;

(2.) Medical;

(3.) Engineering.

5048. 5106. The Minister should have a council similar to that appointed by Sir Benjamin Hall in 1854. The members of that council were paid fees, much as a board of directors. The medical officer of the Poor Law Board should be a member of it.

5053. The administration of the Health Acts is in a most unsatisfactory state, owing to the confusion,—

(1.) Of the divisions; and

(2.) Of authority.

5108–5110. The Municipal Corporations Act should be extended to all the principal towns, and the town council should be the authority for all purposes.

5176. Country districts should be under the Local Government Board.

5054. Many municipal boroughs have populations from 2,000 to 5,000 and 10,000. Many non-corporate towns have populations from 10,000 to 30,000 and 50,000.

5054. Many small boroughs have their own police, and interfere with the police system of the country. They might very well be extinguished and thrown into the county.

4505. I am disposed to think the union would be the best unit outside the town. There are two other divisions,—

(1.) Lieutenancy for militia purposes; and

(2). Petty sessional divisions (both county divisions).

There are also highway districts.

5176, 5054. 5167–8. The boards of guardians should be absorbed into town councils and local boards; the difficulty that they would be under both the Poor Law Board and the Home Office should be encountered.

5113. 5168–9. The health officer in each class of districts would be responsible for the execution of sanitary functions. The local board of Bromley works by committees (highway, health, finance, &c.) I would suggest that this should be general.

5177. Local boards and town councils should be allowed to appoint joint committees to carry on any great operation requiring combined action.

5092–5096. 5181–3. For practical purposes the death-rate is sufficiently accurate. If greater exactness is wanted a careful statistician could soon arrive at it. The mortality of London appears less than it really is.

5097. It depends on the accuracy of the medical certificate.

5108, 5166. One fallacy arises from the boundaries of registration districts. I would recommend a revision of those districts. Two-thirds of the town of Oxford is in one district, the other one-third is part of Headington, a suburban village.

5099. The Poor Law Board is now revising the union districts.

5101–2. Practically it would be impossible, and it is unnecessary to follow lives.

186–8. Sewers have no doubt distributed disease in some cases through want of ventilation, which should be enforced.

5103. The classification of the causes of death in the new nomenclature is satisfactory.

5126–5130. We have no positive evidence that disease is propagated by bad smells.

5133. 5134–6. The determination of the cause of death is frequently insoluble in practice; both private and hospital cases occur where a medical man could not honestly fill up a certificate.

5137–8. The qualification for coroner should be a high degree in State medicine.

5142–5. The rate of mortality is not usually much increased by an epidemic.

5184. Many children die from preventible causes: improper diet, neglect, &c., which are not sanitary.

5211*a*. Importance of the present inquiry. Mortality increases rapidly with the density of the population, from 15 to 33 per 1,000. This could be obviated.

(30.) HENRY S. MILMAN, Esq.—(Q. 4470–4590.)

4470. Has been a resident at Monmouth, and was mayor 1866–7.

4471, 4480. The population is 5,000 to 6,000; the rateable value 15,270*l.* The town is but a small part of the borough.

4472, 4477–9. 4527. It is governed by the town council and commissioners under a local Act of 58 Geo. III. The two bodies are almost identical. The powers given by the local Act are inferior to those of the Public General Acts.

4530–1. Local Acts generally should be got rid of.

4474, 4550. The municipality is larger than the poor law parish; it includes the whole of one and part of a second. The municipality (and the parish) extends on both sides of the Wye and the Minnow.

4475. 4481. The Monmouth Union contains 34 parishes and parts of parishes; 14 are in Gloucestershire, 16 in Herefordshire. The rates of 1869 were: poor, 4*s.*; highway, 7*d.*; and church, 5*d.*; town, paving, &c., 1*s.*

4482–3. There are old main drains into both rivers. There are also cesspools.

4484–5. There was no system of scavenging for emptying cesspools, but if a cesspool became a nuisance the occupier was ordered to abate it.

4486. This was a bad system. Many of the cesspools should have been abolished, and those that were left regulated.

4488. I consider that sewage ought not to be discharged into streams. I am opposed to irrigation.

4489,4490,4543–4. The law should lay down certain main principles; the chief of all is pure water and pure air.

4491–3,–8, 9521, 4585, 4590. It should forbid (1) the discharge of sewage, refuse from slaughter-houses, &c., into water; (2) allowing sewage to wash into the ground.

4492–4. Sewage should be removed to some convenient place for sale to the farmers.

4492–5–6, 4571–8. Sewage should be kept separate from the water drainage. I think an amended cesspool system would be the best; they should not admit of soakage, and should be capable of being easily cleaned. I think the farmers would remove the contents, and that the objections to the system are less now that roads and means of removing refuse are improved.

4498,4567–8,4572. I would enforce the construction of proper privies by landlords, not necessarily one to each house.

4499, 4532. I would not order any removal of a nuisance unless I said what was to be done with the nuisance, *e.g.*, with the contents of a cesspool.

4521, 4585–8. In Monmouth private slaughtering was prohibited. I would not allow that anywhere.

4500. The water supply of Monmouth is partly from pumps; some are good and others very bad. There are waterworks in a suburb, by which water is drawn from the Wye.

4501–8. 4566. If the river and the soil were kept pure the waterworks would not be required at Monmouth; this would be the case generally, though some towns might require an artificial supply.

4520, 4569, 4570. I think the storing of rain water should be compulsory; not, however, for drinking purposes.

4563–4. Pollution from surface drainage it would be hardly necessary to prevent.

4509. 4510-2,4556,4580. Near Monmouth, wherever there is a stream people build privies over it. The authorities in every parish, or group of parishes, should enforce their removal.

4516. I think all works should be made by those interested in the property, and not by the authority.

4514. The sewer authority should have the control of buildings.

4522. Monmouth has its own police, and the superintendent is Inspector of Nuisances; he is an efficient man, and the inspection is well carried out.

4523. I think the police would be good inspectors.

4545–8. The inspector should enforce pure air and pure water.

4524–6, 4584. 4580–4. I think there must be some central authority (either in London, or, better, a county or river conservancy board) which should compel the parish to do its duty.

4526. The Act of 1848 provided that no waterworks should be erected without the approval of the General Board of Health. I think no expensive works should be undertaken without the approval of a superior authority.

4532. There is a very great inconvenience from the present state of the sanitary laws.

4536,4558,4562. The fear of the expense, from the constitution of the local authority in a small town, stands in the way of sanitary works.

4541. I am not aware of any threatened proceedings against Monmouth for polluting the water.

4541, 4553–7. In any legislation which may be proposed greater expense must be thrown upon the locality because of the opposition which would be raised thereto.

I have a strong opinion as to existing rating.

4556. I should retain the vestry as the existing authority.

(31.) JOHN LAMBERT, Esq.—(Q. 4591–4753.)

4591, 4592. Is inspector of poor law auditors, and prepared the scheme for the Public Works Act (Manufacturing Districts).

4593–6. When the local board is a town council the accounts are audited by their own auditor.

4593–5, 4607. Otherwise by the poor law auditor. (L. G. A. § 60.)

4594, 4620. When the guardians as a local authority make payments out of the common fund for sanitary purposes, those payments would come before the poor law auditor.

4594, 4621. Vestry accounts are not audited (unless under some local Act.)

4600–3. Poor law auditors now are appointed by the Poor Law Board. They may disallow surcharge, require production of papers, &c.

4606. The Poor Law Board prescribe the mode in which accounts shall be kept.

4604–5, 4721–3. In 1866 the expenditure of local boards was 611,000*l.*

4608–9, 4688. 4609, 4611. The poor law auditors report to the Poor Law Board; when acting under the Sanitary Acts to the local board only. There is no power to prescribe the mode of keeping local board accounts. Local boards have asked for this. I have heard of accounts presented on scraps of paper.

4610–5. 4714–7. The Secretary of State has no jurisdiction over the auditor, and it is a question whether the Poor Law Board has any in the matter of local board accounts. There would be no difficulty in the poor law auditor performing these duties and being accountable to the Poor Law Board.

4617–9, 4714. In 1865 Cheshire and Derbyshire were placed under one auditor, who lived at St. Asaph, and he claimed travelling expenses from there to each of six small local boards, who remonstrated with Government. It was doubtful if there was any power to prevent this. In another case the auditor disposed of the accounts of three local boards in four hours, and was paid by all.

4631–3, 4638–9, 4705. 4647, 4695–6. The Poor Law Board has no power and no knowledge as to what is done by the guardians as a nuisance authority, or as to what provision is made for carriages for the sick.

4640. Their sanction must be obtained to the appointment of a relieving officer as inspector of nuisances.

4622, 4718. 4623. 4726–7. Poor law medical officers are appointed by the boards of guardians subject to approval. They number throughout the country about 3,000 (including workhouse medical officers). Sometimes they are registration officers.

4635–6, 4692. They are employed by the guardians under the Vaccination Act, and are paid by fees under the Acts of Parliament.

4706. The workhouse medical officer is the sanitary officer of the workhouse.

4624, 4718–9. 4720, 4737–9. Poor law medical officers are now paid by salary (one half provided by Government), fixed by the guardians, subject to approval.

4693–4, 4736, 4740. In rural districts the principal medical practitioner in the provincial town; in very large towns very young men hold the office.

4741. I am against precluding them from private practice, because they do practice notwithstanding the restriction.

4625, 4561. 4637, 4649, 4650. The district of a medical officer must not exceed 1,500 acres or 1,500 population. The vaccination district must not be less than 25,000 population.

4651. There are cases when a medical officer is vaccinator in his own and another's district.

4627. Their duties are (1) to attend upon the poor upon an order of the guardians, &c.; (2) or on the exhibition of a prescribed ticket; (3) to give information to the relieving officer of others; and (4) to make a return to the guardians.

4629, 4630, 4689. 4629, 4690. If the guardians are the nuisance authority, they may require the medical officer to report, and pay them for that from the common fund.

4705–6. The Poor Law Board has no official knowledge (I have, however, heard) of guardians getting such reports.

4707–4710. 4734–5. There is no duty cast upon the medical officer of the union to report general sickness; as a general rule, the medical officer does, however, report.

4634. The union medical officers keep a district medical relief book, with name, age, residence, disease, dates of attendance, necessaries to be given, state or termination of disease.

4742–3, 4744–9. The guardians generally subscribe to hospitals. They can build contagious wards, but only for paupers.

4641, 4703–4. 4642. The power of the guardians as a nuisance authority is remedial rather than preventive, except that they might have to get rid of a nuisance by constructing a drain which would be both remedial and preventive.

4643, 4701. 4644–5. The section (22 of N. R. A., 1855) which authorises the nuisance authority to construct drains does not state whether the rate is to be levied on the occupier or the owner, or who is collect it; and it is doubtful whether there is power to levy until after the work is done. The works therefore, if done at all, must be done upon credit.

4646. There is necessarily confusion between the powers of the nuisance and sewer authorities; both may drain, and different property would pay for the same work, according as to which authority did it

4750-3. The poor law medical inspector of rural districts has the examination of plans for workhouses, and general dietaries; holds inquiries into the conduct of medical officers if it is impugned, &c.

4653. Poor law unions are not conterminous with counties, or rather do not always lie within the same county.

4654. Areas of local government are frequently different from both ecclesiastical and poor law parishes.

4655-6. Several large parishes in the North were divided into townships by an Act of Charles II. (Rochdale contained 60,000 acres).

4657-8, 4668, 4670. In many towns one poor law parish contains several ecclesiastical parishes. This is probably under local Acts.

4659. The number of poor law and ecclesiastical parishes in the counties is different.

4661-2. There are poor law parishes with only a few or even no inhabitants.

4666. The Poor Law Board now have power to annex the small parishes to an adjoining parish.

4660. The registration districts usually embrace several parishes, and are conterminous with unions. The union is generally subdivided into sub-districts for registration purposes.

4671-7, 4724. 4725. Unions were originally formed by assistant commissioners who were sent round the country; they were determined by size, population, local Acts, buildings, local feelings, &c. Fresh unions have continually been formed. The work is just now being completed by the dissolution of the few remaining Gilbert's unions.

4678-4683. It would be difficult to adopt the unions, as they are, for sanitary purposes. But the Poor Law Board has now power to abstract and add parishes. They may not, however, break up an entire union without consent. This power has been exercised from time to time, and some new unions formed.

4711-3. It is often a work of considerable difficulty, but not so great as formerly.

4684, 4697-9. The Poor Law Board cannot compel the erection; they can order alteration and enlargement of workhouses, and they have power, under Mr. Hardy's Act, to order the building of asylums for

4685-6. the sick and dispensaries. This last power has been resisted, and is found impracticable.

4687. A statement of accounts can be demanded from the town councils.

4728-9. There are no returns that would show diminution of pauperism from sanitary improvements.

4730,-9. The existing poor law medical officers have great facilities for ascertaining the state of disease. They would require extra remuneration if they had further returns to make.

(32.) E. H. PEMBER, Esq.—(Q. 4754–4833.)

4754-9. Is resident at Hatfield, and at the parliamentary bar has been concerned in private bill legislation in matters affecting public health; East London Waterworks, River Lee Conservancy, and the Cray Valley.

4755-6. The Lee Act forbade the discharge of sewage into the river anywhere, and of solids into the navigable part; except that certain towns were allowed to discharge sewage after clarification.

4757-8. The governing body was representative, the different interests in the valley being represented.

4761-3. Hatfield parish is 13,000 acres, and the town 30 acres; the population of the town 1,300, and the houses 300.

4764. In 1865 the board of guardians were induced to appoint a sanitary committee, and 1,000*l.* was spent to little purpose. In 1867 a committee of the vestry was appointed, of which I was chairman. The committee was formed entirely of residents in the village, and the vestry afterwards carved out the village itself (30 acres) as a special drainage district. On appeal to the Secretary of State, the inspector made the district 1,000 acres, and a committee of persons resident in that area is now at work.

4766, 4792, 4783-4790. The great objection to the statute is the amount of ill blood caused by its being left to be fought out; (1) whether the Acts shall apply at all, and (2) how far they shall apply.

4765-7, 4778, 4792. I think a good statute might be made out of the Acts; it should provide for the combination of districts.

4766. 4767. The Cray Valley scheme was a consequence of the existing Acts not being workable. It was a mistake to attempt to force it upon eight unwilling parishes.

4768. There were in the Bill some special provisions, especially a power to expand the district, or rather the rateable area within the district.

4832-3. There was a clause providing that nothing injurious to health should be discharged into Crayford Creek; this satisfied, I think rightly, the Thames conservators.

4773-9, 4802, 4810. I would enact a comprehensive statute to meet all the wants of rural districts (including small towns), suited to different populations and different situations.

4779-8, 4809. I would except corporate towns and towns under improvement commissioners, &c.

4810. Other towns would always be in a position to apply for a charter.

4774,-7, 4780,-2. I would not repeal the Nuisance Removal Acts, which I would leave in operation in all places for the time being not brought under the new statute.

4775, 4830. 4788–9. I would have a central authority, as under the Public Health Act, 1848, which should send down an inspector when necessary, and should have power to do works if necessary, and to charge them on the district.

4804. 4811-5. 4775. 4784. 4776, 4830. I would divide the country into districts for inspectors (who should be experts of two or three classes). They should report as to places which wanted drainage, &c., and upon that report, after inquiry on the spot, a district should be created, with a local board to manage the district under the central authority.

4785. The highways should be made under the same authority.

4777. Eventually the whole country would be so mapped out.

4781. I would not take the parish as a unit.

4783. I would not have any county board.

4786–7, 4827–8. The local authority should be a small committee, say three, one to be elected every two or three years by the ratepayers of the district.

4829. I do not think there would be jobbery if there was inspection.

4930, 4776. The local authority should *manage*, not govern.

4790. 4814–9. Very large powers should be given to the inspectors to recommend the expansion or contraction of a district, or the partial combination of districts, as for prevention of floods, &c.; but I would not allow the districts themselves to be the judges in the matter.

4806. The district would only be rated (otherwise than for the purposes of the Act) for the relief of the poor.

4792–4. There is no provision in the statute, after a district has been carved out, limiting the management of that district to the people concerned. The jurisdiction of the sewer authority (the vestry) is not lost by the formation of the drainage district. Another defect is that the powers for the purchase, sale, and leasing of lands are imperfect and complicated. I think local boards should be allowed to buy, sell, and lease lands without a license in mortmain as individuals.

4795. They must also have powers of compulsory purchase under the Lands Clauses Act.

4796–4800. The rating power should be made direct.

4820. I propose to increase the powers of the central authority and diminish that of the local.

4822. If the head of the board of health was not in Parliament the Home Secretary should be responsible.

4823. The Home Secretary should not be responsible for the work ordered to be done.

4826. I would publish annually the proceedings of local boards.

(33.) JOHN BAILEY DENTON, Esq.—(Q. 4834–4895.)

4834. Has been for 20 years the principal engineer to the General Land Drainage and Improvement Company, &c.

4837. In 1843 assisted Mr. Phillip Pusey in extending the Act which he obtained for charging landed estates. That Act established the principle of charging properties improved with the cost of the improvements.

4839–4841. It is a great object to facilitate as much as possible the acquiring of money for sanitary purposes; and that the improvement of land by sewage should be facilitated by borrowing money to be expended in suitable farm buildings. It is a question whether the Inclosure Commissioners could under their Acts charge the lands for that purpose. I would propose that the rates of a town should be made a collateral security for the period for which the land itself would be charged.

4843–5. The Public Works Loan Commissioners lend at 5 per cent. for 20 years, *i.e.*, at instalments of 8 per cent. Other capitalists or companies charge the same. Unless towns are of considerable importance they cannot get money.

4842–3. Companies which lend money for landed improvements find great difficulty when the amount borrowed is small. That objection might be overcome if a central office would collect the instalments, and if the instalments of principal were invested, so that the whole loan could be repaid at the end of a given time.

4848,–9. There is no proper division of the county for sanitary or drainage purposes than watersheds.

4851,–3, 4880. There should be river conservancies as local central authorities.

4853,–6. The Home Office should be the chief central authority, and should issue the code of instructions and be the appellate authority.

4857–9, 4860. The Home Secretary should not interfere in the execution of works, that should be left to the local central authority.

4861. At *Hitchin* the Public Health Act was adopted in 1849 upon petition of the inhabitants; in 1850 the first local board was elected, and works were executed at a cost of 14,000*l.* A miller brought an action for damages for the fouling of the water against the board, and recovered damages; and the General Board of Health recommended the town to apply a certain process.

4862. That was Dangerfield's process, which was claimed by a Mr. Higgs, and he brought an action against the local board, and succeeded. The miller then brought an action and succeeded. He then threatened a fourth action, and the board dissolved itself. The Local Government Act, 1858, introduced a provision to enable a town to repair the lapse of a board of health, but at a meeting in 1859 the ratepayers declined by a large majority to elect a board, and last year, 1868, by a majority of 19, they again declined.

4863–4. This is an instance of the want of knowledge and power in a central office to enforce local works. The inspector and engineer were able men, but had no local knowledge of the district.

4869. At *Tring* the works, after approval by the Secretary of State, have been too successful, and litigation is going on against the board for loss of water as a motive power.

4867–4873,–6. Byelaws should—
(1.) State what was requisite for cottages;
(2.) Compel water supply to cottages; and
(3.) A privy (not necessarily one to every cottage).

4875. There should be a standard of purity for drinking water, and of impure effluent water.

4877–9, 4892. I think the vestry a better authority than the poor law guardians.

4881–2, 4890. Power is wanted to remove mills, &c., without the obligation of creating and maintaining a district.

4883–5. The Act of 1861 failed in its second object, viz., that of obtaining easements through properties for outfalls, &c., owing to the process laid down being expensive and troublesome.

4894. I believe it to be practically impossible to make drains and cesspools watertight.

(34.) Mr. GEORGE BEAUMONT.—(Q. 4896–4961.)

4896–9. Is a land agent and a ratepayer residing at East Bridgford in the Bingham Union, Notts.

4929, 4930. The population of the parish is 1,150; the acreage, 1,800.

4900–2. Was one of a committee of the vestry elected in 1866.

4905,–7. In 1868 there was a great deal of fever, and I was asked to take further action, and I wrote to the board of guardians. I considered that the committee of the vestry died at the end of the year.

4942. I have been at a great trouble to try and understand the sanitary laws, and have quite failed.

4009. The guardians at the meeting negatived a proposal to appoint a sanitary inspector. There happened to be a new surgeon appointed that day, and he was ordered to report.

4910–3. I then drew up a formal notice requiring the board of guardians to appoint an inspector, which was signed by myself and another simply as ratepayers.

4914. After a late sitting the guardians appointed an inspector, a farmer, for East Bridgford only at 5*l.* a year.

4916. I afterwards (in January 1869), as the fever continued, sent a memorial to the Secretary of State; this was acknowledged from the Local Government Act Office, and a further reply promised, which I never got.

4919. 4920. In June 1869 I saw the advertisement for a sanitary inspector for the 42 parishes, at 10*l.* per annum. I then wrote to Mr. Tom Taylor, who replied that that was the only thing the board was likely to do, and that until the sanitary law for rural districts was amended the Secretary of State could not interfere, and referring me to give evidence before this Commission. I then wrote to the Secretary to the Commission and to the board of guardians to say that I was not satisfied, and what I intended to do.

4921. The board answered by saying they could conduct their own business without any assistance.

4926. There are places in the parish where the drainage is over the ground, or rather where there is *no* drainage.

4927–8. The fever is prevalent in yards which are thickly populated.

4933–4. There is no natural drainage, and the place ought to be very healthy.

4936–7. 4944–5. There ought to be a proper sanitary inspector from London, and owners of property ought to be made to keep their property in decent order.

4938–9. The people drink the water of the Trent, which receives the sewage of Nottingham.

4951–9. A great many of the cottages are freehold; they are ill-built; there are too many in one parish, and a great want in the adjoining ones. Cottages do not pay sufficient interest.

4953. The building of cottages should be regulated.

(35.) Mr. WILLIAM HUCKERBY.—(Q. 4962–5031.)

4962. Is clerk to the board of guardians of the Bingham Union.

4964–9. The vestry meeting at East Bridgford, at which the committee was appointed, was held in consequence of a notice issued by the Bingham board of guardians.

4970. No complaint was made to the board till January 1869, and the guardians then instructed the medical officer to inspect and report. He made a report, but did not particularise any special nuisance.

4979, 4993. The inspector has told me that the nuisances are mostly removed, and the remainder in course of removal.

4981–4. I know East Bridgford; I have property there, and I was one who was complained of.

4985–6, 4992. There was an open drain; I had it cleaned out, and I have filled it in.

4995–7. There is a well on my property. Trent water is generally drunk; it comes from Nottingham.

4999, 5006. Whenever a nuisance is reported to the Bingham guardians, the medical officer is sent over to inspect and report.

5001–4. The letter from Mr. Taylor, of the Local Governent Act Office, directed us to appoint a sanitary inspector. I wrote to say we would do so. We meant to appoint the relieving officers, but they refused.

5005–6. 5007–9. We never appointed an inspector before. We have not appointed one for any other parish except East Bridgford. One parish in the union has appointed one for itself.

5010–5. We have never acted as a nuisance removal authority. There are nuisances.

5016–5031. The inspector just appointed for the whole union (42 parishes), at 10*l.* per annum, is a toll collector, and is secretary to the gasworks. He is an intelligent man, who would do the work properly. His wife and family can take the tolls.

(36.) CHARLES WALPOLE, Esq.—(Q. 5212–5269.)

5212. Is chairman of the Surbiton Improvement Commissioners, who were formed under a local Act passed in 1855.

5213–5. Previously the district had no local government, but was a mere parish, or part of the parish of Kingston.

5249.

5216–8. The population is 7,000; the houses 1,220; the acreage 1,800 (one-third built over); it adjoins Kingston.

5250. It is supplied with water from the Lambeth Water Company.

5219. The commissioners first cleared away the accumulation of sewage from the ditches, &c., and
5221–2, 5240. constructed sewers, which were completed in 1859. We took them into the river in compliance
5256. with the Towns' Improvement Clauses Act by using the intercepting sewer of the Lambeth Water Company. The benefit of removing the sewage from the houses is far greater than any mischief
5223, 5253. done to the river. The condition of the Thames is not perceptibly affected in consequence of what we have done.

5225. In anticipation of the Thames Conservancy Act, 1867, we had several meetings in conjunction with the town council of Kingston and the authorities of several other parishes. The result was a deputation to Sir Stafford Northcote at the Board of Trade. Various schemes were proposed—

(1.) One was to join the metropolitan system at Putney, but the Metropolitan Board of Works refused to let us in.

(2.) Another was to form an outer metropolitan area; this would have been most expensive; it was, however, referred to Mr. Rawlinson, who objected to our adding to the sewage at Crossness.

We then opposed the Bill, and got a recommendation in the report—

5226. (1.) That facilities for combination should be afforded; and,
(2.) That extended time should be given.

5341. The time expires on August 31st this year, and Mr. Bruce, the Home Secretary, has promised to recommend a further extension.

5227, 5256. Section 17 of the Sewage Utilization Act, 1865, has been of no use, owing to the excessive price
5228. of land; owing to the great opposition of resident proprietors, Mr. Rawlinson decided against a proposed irrigation scheme of the borough of Kingston.

5275. There was a scheme for using the sewage of Kingston by a private company, but the Bill was lost in the House of Lords, owing to the opposition of the nobleman whose land was to be taken.

5228. Section 9 of the Sewage Utilization Act, 1865, has been of no use, owing to the impossibility of districts agreeing: they differ—

(1.) As to the best mode of proceeding; and,
(2.) As to the ratio of burden.

5229, 5231. I would have an Act making a union compulsory upon local authorities, the Home office being the judge.

5230, 5266–5273. I think earth closets suitable for a country house, not for a town. I do not think machinery necessary, but there must be domiciliary visits; and I do not think the house ashes would be sufficient.

5232–3,–5. I would abandon cesspools altogether. I think deodorization might succeed. I produce a bottle of water which I have had eleven months; it is white and clear, and without sediment or smell. I saw it deodorized.

5234, 5259–5262. 5263–5. It was sewage taken from the mouth of a sewer before its junction with the river (at Hammersmith). I think what was done so successfully in a small scale might be done with large quantities. I would absolutely prohibit the discharge of sewage into a river.

5236–7. If irrigation be determined on for the towns in the Thames Valley the sewage must be carried up the river 12 or 13 miles towards Bagshot.

5238. Every township should have some local government, and each of the boards should send a member or members to a central board.

5239, 5242–7. The system of the Towns Improvement Clauses Act should be applied to the combined district, and I think there should be some gradation of expense, according to the situation, &c., of the different townships.

5274. There is no power in the Acts to compel a person laying out land for building to provide a system of sewers.

(37.) ROBERT CHRISTISON, Esq., M.D., Pres. R.S.E.—(Q. 5280–5426.)

5280, 5328. Is professor of materia medica, and has been professor of medical jurisprudence in the University of Edinburgh.

5281–2. Has had practical experience of the laws relating to the pollution of streams, and has frequently been examined as an expert on trials at law.

5283. Has witnessed two streams near Edinburgh rendered useless for any other purpose but those of the manufactories; and unless something is done the principal streams in the country will share the same fate.

5315. Gases from the chimneys of alkali works are a nuisance, which is obvious to everyone; but, whatever a person may believe, it is very difficult to get positive evidence of injury to health.

5315, 5337, 5348, 5374–6. I believe that smoke must be injurious to health, but I do not know any positive facts to prove it.

5234. 5358. Few manufacturers take any means whatever to abate the nuisance they cause; and that, although they might do so, not only without loss, but actually at a profit.

5285, 5291, 5355. 5391, 5418. 5047, 5419. I have a very strong opinion that manufacturers should be compelled by law to take all practical means of rendering their refuse innoxious. I would absolutely prohibit *pollution*, from having always found that this was not only always possible, but generally could be done profitably.

5286, 5287, 5290, 5315, 5394–6, 5401, 5291. This was the case (1) with the refuse from a distillery on the waters of Leith; (2) with the paper makers on the Esk, who polluted the stream by the use of Esparto grass; and (3) with bleaching works in Forfarshire.

5301, 5325–6. I have known for certain 30 years ago that smoke could be consumed.

5312, 5369, 5402–5417. I have had no personal experience of cloth or other mills, &c., &c.

5324–5334, 5393–5. I do not say there is no difficulty, but *none which might not be overcome.*

5353–5, 5359, 5371. I believe it to be possible to put an end to the sulphurous vapours now produced by copper smelting works.

5293–4. I believe the law is sufficiently stringent, but the cost of enforcing it is too great.

5310–1. I think it would be desirable that the commission in charge of a river should be for the *whole area* of a stream.

5295. I have paid great attention to the subject of the registration of deaths (1) as professor, and (2) now as physician to an insurance company.

5296, 5299, 5361–6. I have found that the circular letter sent by the insurance company has been usually filled in with a different cause of death to that entered in the register, which last is generally stated so vaguely that it could not be put under any head. A precise answer is, however, always got from the medical man. Some such communication should be arranged with the medical returning officers.

5297. There is no occasion for any fresh law to make the register of the causes of disease more complete.

5319. The main object in registering deaths is to discover the cause of disease.

5298. I can confirm Dr. Farr's complaint of the loose returns received from the registrars. The object of a mortality register is the prevention of disease.

5320–2. I do not think there would be any difficulty in getting adequate returns of sickness through the various public medical institutions of Scotland, and this would be quite sufficient, and could be done without great expense.

5300. The body which is to administer the Nuisance Acts should be specially appointed.

5301, 5388. The town councillors in Scotland, partly to secure their own seats, and partly from being interested, do not put the Acts in force. The Smoke Nuisance Act is a dead letter in Edinburgh and Glasgow.

5302–4. The town councils should be represented on that body, which might be appointed by election from them and from various other public bodies—the Chamber of Commerce, the legal and medical societies.

5305. Smaller towns should be placed under the counties.

5306, 5390. The local authorities would require to be under some central authority.

5315–8, 5377–5383, 5420–4. The Craigentinny meadows, which have been irrigated with sewage for a very long time, have been shown not to be injurious to the health of those who live near.

5335–42, 5353, 5367–8. The gases (sulphurous acid gas, &c.) diffuse themselves through the atmosphere, and rapidly become diluted.

5372–3. The districts immediately around works are injured.

5339. Black smoke, on the contrary, tends to come down, unless there is a strong wind.

5343–6. I would not allow a town councillor to act upon the assumption (which is erroneous) that it is for the interest of a community that smoke should be allowed to escape.

(38.) Mr. SAMUEL CLARKE.—(Q. 5427–5472.)

5427, 5435. Has been sanitary inspector at Norwich for 20 years. Is inspector of vaccination.

5429, 5437. Was also for a time inspector of nuisances for the union of Blofield; but resigned in consequence of only getting certain costs, incurred in prosecuting a guardian for not supplying privy accommodation, allowed by a small majority.

5443. There is not sufficient power of enforcing a proper water supply.

5445. The sanitary authority ought to have power to compel the owners to sink wells.

5446. I doubt, however, whether it would be exercised in the country. In towns the machinery is too cumbersome; it takes two months to get a water supply.

5448. There should be some central power that should call upon the local authorities to do their duty, and their officers should be protected.

5462, 5448. I have never known guardians institute any sanitary work.

5452, 5471–2. There is a very great prejudice with regard to vaccination. I think parents should be allowed to go to any medical practitioner they like. Many object to the lymph, not knowing whence it comes.

5454. I think there should be a system of nursing. Disease is often conveyed by those who have been acting as nurses.

5463. We have a good supply of water at Norwich now.

5464–9. There are about 2,000 waterclosets to 80,000 inhabitants. In consequence of complaints about the river, its conversion into waterclosets was stopped, and drainage works are now being carried out.

5466–8. Other houses have ashpits, and the refuse is carted away.

5470. It is intended to try irrigation.

(39.) The Right Hon. the EARL FORTESCUE.—(Q. 5473–5531.)

5474. South Molton Union comprises 30 parishes, with a small borough. The borough extends over the whole parish, 6,100 acres; a great part of which is agricultural.

5475. In the borough the town council is the local board, under the Local Government Act.

5476. In the rest of the union the guardians are the nuisance authority, and the vestry the sanitary authority. *Chulmleigh*, one village, is carrying out sanitary works by a committee of the vestry.

5479–5483. In June 1866, when there was an epidemic of cholera, the inspector of nuisances of the guardians having reported two villages, *Bishops Nympton* and *Witheridge*, the guardians ordered certain drainage works. But when it became necessary to borrow money in order to pay for them, we found that the sewer authority should have executed those works.

5492. I think local authorities generally would want a stimulus to spend such money as was necessary, rather than a check upon overspending.

5484. I think the guardians should be the sewer authority, and should have power to borrow.

5485. I think the parish too small an area, and the vestry too small a body for such powers. I object very much to the multiplication of boards and authorities.

5487. I think that if it was known that the board of guardians had jurisdiction over sanitary matters they would be elected with that object in view.

5492. I should have more confidence in boards of guardians than in parish authorities.

5488, 5501–3. The charge for drainage works should be upon the property benefited, and be recovered from the occupier in very small sums.

5483, 5493. The Poor Law Board ordered the 183*l.* expended in sewerage works to be transferred to the common fund of the union; it had been charged to the parish. The guardians have refused to comply with that order. The Poor Law Board decline to take steps to compel them, and it is a question whether the parish should go to the Queen's Bench at great expense for the purpose.

5494, 5504–5. One of the superintendents of the county police is inspector of nuisances for the union of South Molton. I am strongly of opinion that those officers of justice may generally be employed with very great advantage.

5495–6, 5496–7. The highway district is conterminous with a part of the magisterial division; not with the poor law union, which goes into two counties. Unions were most unfortunately established without any regard to county boundaries.

5498, 5511–7. I attach great value to county administration, and would like to see a county board intermediate between the central government and the local authorities.

5499, 5500. It would be very desirable that the sewer authority should have control of the highways.

5531*a*. I have long wished to see a representative county financial board; the yeomen and small landowners should, however, be directly represented. Ground landlords in towns should also be directly represented. The ratepayer seeks to keep down rates, and does not care about the permanence of works. I think the ratepayers are over-taxed and over-represented; that ground landlords should be represented and bear a certain proportion of the cost of permanent works, when the same are paid for out of current rates; but that such works generally should be executed on loan, with a sinking fund; and that in all cases where larger sums are raised, the plans and estimates should be approved by a competent central authority, such as that exercised from 1848 to 1858 by the Board of Health. I have known instances of heavy burdens put upon the ratepayers for many years for want of such control. Such central authority is also desirable for the purpose of collecting and diffusing information.

5501–3. Wherever the particular property benefited is not made to pay, or only pays part, the health expenditure should be extended over the union.

5502. In the case of highways works are charged unfairly.

5506–8. I think a very different tone is now taken generally throughout the country by the farmers about the evil of nuisances.

5518. I think great improvement is shown by the diminished mortality.

5509. The guardians do, in fact, get reports from their medical officers.

5819, 5520. The rainfall is so great in Devonshire that there is abundance of fresh running water, and the foul water, as a rule, is allowed to run upon the fields.

5521–5531. I think cottages in Devonshire are better than the average, and they are being improved.

(40.) Mr. THOMAS THURLOW.—(Q. 5532–5613.)

5532–4, 5596. Is chairman of the committee appointed by the vestry of Saxmundham, which is a rural district.

5535, 5545–6. 5836–8. 5539, 5540. It is one of the 42 parishes in the union of Plomesgate, Suffolk. Population, 1,200; acreage, 1,100; rateable value, 4,794*l.* Rates have been 3*s.* 6*d.* in the pound.

5542–3. We think the Sanitary Act is sufficient for Saxmundham, and do not want the expense of a local board.

5544–7, 5550. 5548. The guardians are the nuisance authority, and have inspectors. They are the relieving officers.

5549, 5601. 5577–5585. I think the inspection of the parish might be done by persons appointed by the vestry. We had some such inspection in the time of the cholera; they might communicate any nuisance they find to the authority.

5551. The inspector has attended whenever a complaint was made.

5571–6. I think the vestry a better authority for Saxmundham than the guardians.

5549. I think periodical inspection of a rural parish very desirable.

5552–4, 5566. We have not made any works; we have a plan for an intercepting sewer for one end of the town to the other.

5555–6, 5560–1, 5587–8. At present the drains go into a small brook which falls into the sea; it is not used for drinking.

5558, 5593–7. 5604–5611. We have had a long and tedious correspondence with the Local Government Act Office.

5559, 5563–4. An application was made to the Home Office about four years ago to abate the nuisance of the drains running into the stream, and we had an order from the Local Government Act Office to abate the nuisance.

5566. We have had plans prepared by a local engineer, which we believe will be satisfactory.

5589, 5564, 5597. 5404. We propose to irrigate; there is a little difficulty about getting land. The plans have been approved by the Local Government Act Office; the difficulty is that we desire to employ our own engineer. We have, we hope, removed the objections made, and have asked for borrowing powers.

5593–5, 5610–1. The Local Government Act Office plan was to carry the sewage into the same brook, but lower down.

5586, 5598. Saxmundham is supplied with water from wells. The water is not contaminated by soakage.

5590. We have not many waterclosets. Earth closets have, I believe, been tried in one or two instances.

5591–2.

5600, 5612–3. Cottages are in cases unfit for habitation. I know one which belongs to persons who have not the means to repair it; in such cases I think the charge might be put on a general rate. I mean cases where the sums are so small as not to be worth the process of a loan.

(41.) WM. LONG, Esq.—(Q. 5614–5631.)

5614. Is principal landowner in the parish of Saxmundham.

5615–9. Obtained a scheme for the utilization of the sewage of the town in 1865. The land was offered by another gentleman, and I proposed to contribute 100*l.* besides my rate, I being the largest ratepayer; the estimate was 400*l.*

5620. The scheme was resisted by a majority of the vestry.

5623–5. They want to employ a surveyor who is not an engineer.

5626. He first proposed a settling tank in my park.

5627. I accepted a modification of that plan, by which the sewage was to be carried a mile further.

5630. I am still in favour of the utilization of the sewage, but matters are come to a dead lock at Saxmundham.

(42.) WM. STOKES, Esq., M.D., F.R.S.—(Q. 5632–5677.)

5632. Is Regius Professor of Medicine in the University of Dublin.

5634, 5642–7. 5664–7–9. The Liffey, a tidal river, receives all the sewage of Dublin, and at low water a horrible smell is evolved. It has not, however, been established that the inhabitants of the quays are unhealthy; fish, too, abound.

5665–6. Dublin streets are very narrow, and there is a great deal of overcrowding, bad ventilation, and want of cleanliness.

5636. I am familiar with registration of death as used in Ireland, which differs from that in use in England. I think all that should be required from the medical attendant is his *opinion* as to the cause of death, and that all other matters should be recorded by other parties.

5637. Even post-mortem examination does not always give sufficient information to determine the cause of death.

5638, 5672. There are cases in which there is a temptation to falsify returns.

5639, 5648–9. I think there should be fever *wards*, but not separate fever hospitals. At the Meath Hospital this has been tried without a single example of a contagious disease being communicated to the other wards. The students and nurses have occasionally caught the fever.

5675–7.

5640, 5671. I think the law against the use of public carriages a harsh law, and also a nugatory law.

5641, 5650–5. 5660. If the dispensary districts coincided with the poor law districts, the dispensary medical officer should act as registrar of disease. They might be sanitary inspectors, and should be men of a very high class.

5656. Union medical officers in Ireland have no authority as sanitary officers that I know of. There are a few officers of health; there is one in Dublin.

5658. The medical officers are generally well qualified, but there is a tendency to make the appointment on political or sectarian grounds.

5660. I do not think they are, as a general rule, competent to discharge the duties of a sanitary officer.

5661. I think there might be a superior medical inspector over a large area, who should have the assistance of the dispensary officers, who are constantly going over their districts.

5662–3.

5677*a*. Epidemic disease must be attributed to something else than those conditions which it is the object of sanitary measures to remove; otherwise, there are places in Ireland, both town and country, where epidemics would be permanent.

(43.) H. W. ACLAND, Esq., M.D., F.R.S.—(Q. 5678–5682, 6023.)

5678–9. Is Regius Professor of Medicine in the University of Oxford, and a member of the General Medical Council.

5680. The General Medical Council was appointed for the purpose of distinguishing between and making a register of qualified and unqualified practitioners in the United Kingdom. They had also to construct a National Pharmacopœa, so that the medicines used throughout the kingdom should be of uniform strength and quality; and lastly, they had to control the future education of medical practitioners.

5681. There is a representative of each of the universities of England, Scotland, and Ireland—from the corporations of physicians, surgeons, and apothecaries; and six additional appointed by the Crown. The others are elected.

5682. The General Medical Council has paid great attention to the subject of "State Medicine." A committee was appointed, which has just made a report as to the qualification necessary for candidates for employment as health officers.

6023. The General Medical Council adopted the said report, and proposes to apply to Parliament for powers to inquire into, and register qualifications and competency of medical men to practice in the department of State medicine as health officers, inspectors, &c.

(44.) T. G. HEWLETT, Esq.—(Q. 5638–5799.)

5683–5, 5724. Has been a surgeon in the Bombay army 15 years, and health officer and coroner of Bombay.

5688–5694. Bombay is governed by a corporation under a Municipal Act (1865), which is now undergoing revision.

5695–9. There is (1) a municipal commissioner, with the executive power, (2) a comptroller of accounts, (3) an executive engineer, and (4) a health officer.

5701, 5710–1. The whole city is under my sanitary jurisdiction. It is 11 miles long, and about 18½ square miles. The population is 816,562. My working hours are from 4 A.M. to 6.30 P.M.

5718–5722. I have also the superintendence of the markets, inspection of trades, superintend the register of births and deaths, and now the enforcement of the Contagious Diseases Act, &c.

5709. The city was divided into 11 wards, each under a European inspector; each ward is sub-divided.

5712. I have about 30,000 men (viz., 18,000 scavengers, and 12,000 nightsoil men) under me.

5713, 5700–1. A commission is sitting to inquire into drainage and water supply. It is intended to separate the rainfall from the sewage, and to apply the sewage to land.

5714–5, 5758–5760. An immense quantity of street sweepings is collected and sent by railway to a salt marsh, which will probably become the market garden of Bombay.

5716, 5761–5. The nightsoil is collected and thrown into the harbour—a very abominable way of disposing of it. I hope to be able to turn it into profitable manure.

5723. I have had to do with cholera epidemic.

5726. In 1864 the death rate was 30; in 1865, 35. In 1866 it fell to 20; and in 1867 and 1868 to 19 per 1,000.

5727. The registration of births and deaths is unsatisfactory.

5728. I think that in Bombay a corpse, if the man has had no medical man in attendance, should be taken to the medical registrar of the nearest district, who should then make inquiry into the cause of death.

5730, 5756. I believe the only way to get sanitary works done is to give the owner notice to do the work, and that if he neglects, the local authorities should have power to summon the offender before a magistrate, who, on conviction, should be empowered to inflict a daily penalty till such work be completed.

5736, 5754–5. Health officers should be specially educated. There should be a health officer to every particular district, the size of which should depend on the amount of the population.

5740. A proper sanitary code should provide for (1) water supply; (2) drainage; (3) general conservancy; (4) compulsory improvement; (5) regulation of lodging houses, &c.; (6) inspection of food and markets; (7) regulation of bakehouses and cowsheds; (8) regulation of factories; (9) compulsory vaccination; (10) prevention of disease; (11) hospitals and drugs; (12) registration of births, marriages, and deaths, and particularly sickness; (13) burial grounds; (14) regulation of stables, trades, &c.; (15) regulation of streets, buildings, &c.; (16) bathing places; (17) contagious diseases; (18) analysis of food, water, air, gas; (19) taking the census.

5742. I would recommend that all should be included in one Act.

5757. I think there should be a public health Minister.

5743–5. I think the head officer of a district should be able to superintend all.

5746–5752. I spend about 80,000*l.* or 90,000*l.* per annum in Bombay. It is raised by a municipal tax.

5753. Life and property are protected; and protection of health is as important.

5766,–8. The central administration of the Presidency is under a military sanitary officer in Bombay, who reports direct to me of the secretaries of the Government. He approves all plans.

5767. Sanitary works are carried out by an officer of the Royal Engineers.

5772. I have had no personal experience of the experiments made of the dry-earth system. I believe
5773. that could not be adopted in large towns. It certainly could not be done in Bombay. We have
5774, 5783–5. tried disinfectants.

5775. There is no regular inspection in rural districts in India, which we want.

5776, 5791. I can stamp out cholera in Bombay. I believe it is generated in Bombay, and also imported;
5778–5781, the latter is now our only point of fear. At present I cannot prevent cholera being brought into
5788–5792. Bombay from up the country. It was introduced into the city just after I left, a year ago.

5777. All medical officers of dispensaries, &c., &c., should be bound to send to the health officer weekly a roll of the cases they have had.

5793. We have had small-pox to a very large extent.

(45) J. R. STEBBING, Esq.—(Q. 5800–5918.)

5800,–8. Is an alderman and magistrate of Southampton, and in 1866 acting chairman of the committee to
5818, 5903. whom at the time of the cholera the powers of the town council were entrusted. The committee is still in existence.

5863–4. The corporation is the local board. I believe strictly their powers extend over the whole borough; but in practice the tithing of Portswood is excluded.

5801–5. The six parishes (which form one union) contained in 1861, 43,414 inhabitants, and Portswood
5915–6. 3,546. The population is now estimated at 52,000. The death-rate is 20; after the cholera it was as low as 15.

5810–3, 5866–8. The powers of the poor law union under the Diseases Prevention Act were transferred to the committee of the town council by an order in council under 23 & 24 Vict. c. 77. § 11.

5817. We elected six guardians to sit with us, who assisted us in details.

5818. The local board is the preventive body, and the guardians the remedial body.

5814–5, 5845–6. We have a Local Act and considerable powers under that, without which we could not have done the preventive work we did.

5874–6. The Nuisance Removal Acts are in force, but we almost exclusively use the Local Act.

5898–5900. We are under a great difficulty in consequence of the number of Acts of Parliament, and we
5901–2. should be glad to surrender our Local Act if Government would pass a Consolidated Act.

5819. The local board did not know they were subject to the interference of the poor law union, and were engaged in applying the remedies, when at the crisis the Privy Council sent down an order to the guardians to put the Diseases Prevention Act into operation.

5821. 5861–3. We had an outbreak of cholera in September 1865. The origin is a mystery we could not fathom, and the officer of health, who had worn himself out with his labours, died with it.

5840. We afterwards elected a new health officer. We pay him 180*l.* per annum. He went round the
5906. town, and told us that the state of the courts, alleys, &c., was such that we were certain to
5822. have it again, or some other disease, and we prepared: we took every means to disinfect the town. Cholera, however, broke out in June 1866, and we organized an extensive medical staff.

5823–4. All the sick were visited both by the medical men and by the sanitary committee.

5825–9, 5878. We had 320 cases and 100 deaths from cholera, and 53 deaths from diarrhœa. We supplied in
5830–3, 5878. one month 7,887 doses of medicine to the public, and 472 to poor-house patients; in all 8,359. In addition, we kept medicine at the council chamber and at the public dispensary of the town, of which we kept no account.

At first two out of three that were taken died.

5834. A great number of cases never advanced to cholera.

5835, 5878–9. I was myself five weeks ill with diarrhœa. I am satisfied that it is not contagious.

5838–9. None of the men who were employed in opening and cleansing a sewer had the cholera.

5822, 5877. The health officer died in 1868, but no nurses or inspectors. They were instructed not to
5840–2. drink out of the same vessels, nor to get vomit or ejection on their person, and to put carbolic acid, or Condy's fluid in the vessels used; by these precautions we made the poor have some idea of what they were to do.

We want power to close privies, the present privies being mere open receptacles; to deal with
5843–4, 5873. pigs.

5883–4. The health officer should have the same power to enter premises which a landlord has, and of
5850–3. ordering repairs, &c. He should give notice of his requirements, and afterwards apply for a
5869–5873. penalty if they were not complied with. There would be the check of public opinion.

5880–2. We have had yellow fever on board vessels. It has never spread in the town. We think
5854–8. the local authority and the medical officer of quarantine, and say the collector of customs, should have a power to deal with those vessels without reference to the Privy Council.

We are anxious to have the Contagious Diseases Act extended to Southampton. We have
5864–5. waterclosets throughout the town, which drain into the sewers which discharge into the Itchen.
5885–7. We are constructing a large tank, and shall discharge in future into the falling tide.

5888–9. 5890. Our works were approved by a Government surveyor before we could borrow money.

5891–2. We shall continue to discharge into the Itchin unless a proposed plan of sewage utilization is
5893–6. carried out.

We continue the same organization, on a small scale, which we created for the cholera. We
5904–9. employ the police to make reports of nuisances. We give our health officer 150*l.* per annum; he is debarred from private practice. We have four water inspectors, and an inspector of nuisances.

The ships in harbour are under the control of the nearest authority, and it is often a question
5910–4. who are the nearest. The harbour is under the commissioners of the port and harbour, of whom the council comprises 40 members; importers and exporters, nine; and the mayor is admiral of the port.

Special legislation is needed as to cholera, &c., on board vessels arriving at seaports, which
5918. do not fall under the laws of quarantine.

(46.) E. B. DENISON, Esq., Q.C.—(Q. 5919–5947.)

Has had long experience at the parliamentary bar, and had the conduct of and opposition to
5919, 5920. water Bills, &c. Legislation of that class will continue to be necessary, and the cases must be tried
5921–4. somewhere: if not before a parliamentary committee, then before some other tribunal. The
5901–2, 5937. different cases have to be dealt with in different ways.

The compensation to be given to millers could not be arrived at by clauses in a general Act.

5925. There is often a great deal of fighting about gathering grounds. You cannot prevent towns
5928. coming for them. A great deal of mischief is done sometimes in excluding people on *locus standi*.

I was concerned in the Cray Valley Bill; that was a question which ought to have been
5936. legislated on specially. It is immaterial whether a parliamentary committee or other authority hear the case argued.

Parliamentary inquiries were tried for a few years, a great deal of money was wasted on them,
5941. and committees did their business just as if there had not been such inquiries.

The expense of unopposed Bills might be got rid of by an extension of provisional orders.

5945. I believe it is not safe for any gas company, or even a corporation, to undertake a gas scheme
5946. without an Act of Parliament.

(47.) WM. H. BAILEY, Esq.—(Q. 5948–6022.)

5948. Is clerk to the local board of Aldershott, and deputy-coroner for the county.

5949. The local board is constituted under a special Act and the Local Government Act, and consists of 12 members, nine elected by the ratepayers, and three (the General Commanding, the Commanding Royal Engineer, and the principal medical officer) nominated by the War Department.

5951–2, 6006. The district of the parish is 4,000 acres. It is in the Farnham Union.

5978. The population is between 7,000 and 8,000; its rateable value 19,000*l.*

6006. The average rates have been—(1) local board. 1*s.*; (2) poor, 1*s.* 6*d.*

5953. It is drained into separate systems.

5955, 5990,–8–9. 5973, 5997. The foul sewers empty into a stream called the Blackwater; it falls into the Wey, a tributary of the Thames. They are flushed periodically.

5959. There are cesspits, which are for the most part cemented. The removal of night soil is left to the inhabitants.

5960–3. The refuse from the streets is removed by the local board surveyor.

5961. Water supply is by a private gas and water company, and is not under the control of the local board.

5964–6. Buildings are under the control of the local board. The statutory provisions are not carried out.

5971. Registers are kept of all lodging-houses which are under the supervision of the local board.

6005. The surveyor is inspector of nuisances.

5967. A sanitary officer is appointed by the local board, whose duty is to report as to overcrowding and generally as to the state of buildings.

5968–9. 5970–4. His district is the parish. His salary 10*l.* per annum. He is supposed to be in communication with the sanitary medical officer of the Camp, but the latter is so constantly changed that in practice this is not done.

5975–7, 5984. Till recently Government paid nothing; now they pay on a very low assessment (of the Camp as heath land) made 12 years ago.

5981. 15,000*l.* has been borrowed.

5989. The War Department pay the whole expense of drainage, sewerage, lighting, and paving the Camp.

5991–4. The sewage from the barracks and the Camp used to go into the Blackwater, and does so still in part. The manure is thrown over a farm so close to the Blackwater that a great part does, I believe, go into it. Complaints are made of this at the local board meetings.

6002–3,–9. The Local Government Act was adopted by consent and works very well indeed.

6004. The medical officer might have more stringent powers, and there should be a much higher standard of qualification.

6010–2. Three members of the local board retire each year by rotation; there is a constant change.

6013–6. 6020–2. The only thing in the way of better sewerage is the expense. The board may perhaps be set in motion by being restrained from discharging the sewage into the Blackwater. Proceedings have been threatened.

6017. The only other parish which might conveniently be joined is *Ash*, a small parish in the same (Farnham) union.

(48.) FRANCIS FIELD, Esq.—(Q. 6024–6163.)

6024. Is extensively employed as a surveyor and land agent for property in the neighbourhood of Oxford.

6025, 6034. Thinks that public drains should be constructed in every village to carry off the surplus water and that nothing but clear water should be allowed to enter.

6026, 6098. Is in favour of the old system of a privy and ash-pit.

6035–7, 6099. The authority should see that they are properly constructed, and emptied periodically.

6100–1. It would be necessary to reconstruct many of the existing privies.

6027–8, 6063. Thinks the country should be formed into districts, much on the plan of highway board districts, and possibly identical with them.

6055–7. Thinks highway districts more convenient, as smaller than the poor law unions.

6069. The Highway Act is generally adopted throughout Oxfordshire.

6031. The parish should be the area of rating.

6032–3. The district should be governed by a board delegated from the various vestries.

6038. Thinks a proper water supply is very important. If springs were properly attended to there would be a supply in almost every parish.

6039, 6052, 6103. 6130. 6105. Would give a local authority power to go through any intervening land, whether within or beyond their district (similar to the power in the Land Drainage Act to get an outfall), to get at water.

6044–6052, 6143. At *Fenny Compton* a small water company was formed; there the land owner gave leave for his water to be taken. The water is supplied to every cottage; the supply is constant, and the rates are very low.

6131–3. Where there were conflicting claims to water I would have arbitration; and where water has been used for manufacturing purposes, compensation.

6053. The authority should control the building of cottages in an agricultural district.

6056–7, 6071. I would not allow fewer than three sleeping rooms, and would regulate the size of those.

6058, 6127. I would not allow lodgers in tenements of less than 10*l.* value without license.

6059–6061. I do not anticipate opposition from landowners.

6137–9. Overcrowding is a nuisance under the statute, but I have never known it interfered with as such. I think the fault is with the authority.

6072, 6144. 6120–6. Cottages (of which there is no scarcity) average 1*s.* 3*d.* per week, *i.e.*, 3*l.* 5*s.* per annum. They would cost 300*l.* a pair.

6075. Wages average 10*s.* per week.

6123, 6145. Inferior cottages are built by speculators, and let at exorbitant rents.

6148–6156. I am not afraid of causing a dearth of cottages, which are being provided in greater numbers than formerly.

6076. 6079, 6140–1. There are usually inspectors of nuisances, who are generally efficient, but often very partial in the orders they give. Private individuals do not like to interfere.

6084–5. I should not think the police would be better inspectors. I have not seen them tried.

6111–9. There is no superior inspector. Such an officer would be a great assistance.

6082. The rates are generally moderate, and average about 2*s.* 6*d.* in the pound, including the poor rates, highway rates, and county rates.

6087, 6090–7. 6088, 6162. 6089. Mentions a large parish where the trustees who own the property cannot improve the cottages because they are held on long leases. There a great number of cottages have been built by squatters on the waste, which are scarcely fit for animals to live in.

(49.) J. T. HARRISON, Esq., C.E., (Q. 6164–6274.)

6165–6, 6220. Was a member of the Rivers Pollution Commission from 1865 to 1868, and has filled various public offices as an occupier of land in Gloucestershire.

6167-8. The Highway Act has been generally adopted in Gloucestershire, and in one half of the parishes in the kingdom.

6170. The roads are kept in better order, and improvements, which a single parish could not carry out, have been made.

6209. Some parishes adopted the Local Government Act in order to avoid being included in a highway district.

6171. Local rating generally is increasing.

6172. In Gloucestershire for seven years prior to 1851 it was 5½*d.*; in the following 15 years it exceeded 9*d.* Special expenditure amounted to 100,500*l.* That money should have been borrowed, and not raised by rate.

6174. The ordinary expenditure is virtually paid by the landlord, but special expenditure falls upon the tenant.

6175. During 16 years local taxation was 1,280*l.*; imperial (direct) taxation was 373*l.*

6177,–9, 6181. Increase of taxation has given rise to great discontent, and in proposing sanitary measures precaution should be taken against the expenditure coming heavily upon the tenant farmer.

6178. By simplifying the law the same amount of work could be got for much less money, and be better done.

6182. The law should compel the construction of proper privies to each house. The supply of water is a more difficult question.

6183, 6272. Case of *Eastington*, a village in the blue lias clay.

6273. Case of cottages in the *Cotswolds* supplied by tanks.

6185. The law as to the removal of nuisances is not sufficient.

6186. The expenses of removal should fall on those causing the nuisance. In many cases it would require a system of sewerage to be carried out, and the expense should fall upon the houses to be benefited by it.

6187. It is very desirable that the rate should go directly upon the owner.

6190. I think it would be desirable to combine parishes for sanitary improvements.

6191–2. 6211. I would prefer the highway district to the union; where there is no highway district I would take the petty sessional division. The unions have medical officers and inspectors of nuisances

6191, 6200. 6205. (generally men otherwise occupied).

6192–6. The highway boards have surveyors, &c.

6257. Local boards should be merged in the sanitary boards of the district.

6193. I would take away the execution of sanitary works from boards of guardians. The medical officers of the union might point out what was wanted, or the board of guardians should be empowered on his report to compel the sanitary board to execute works.

6194. The sanitary board should also be obliged to take action upon the representation of a *quantum* of the inhabitants.

6199. In Gloucestershire highway districts do not coincide with unions, they coincide more frequently with petty sessional divisions.

6213. We find the advantage of the highway and petty sessional divisions being identical.

6214. The clerk to the magistrates was clerk to our board.

6208, 6268. Where works are absolutely necessary there should be power to borrow for their execution.

6215. The sanitary board should execute such works and suppress and remove nuisances.

6210. A town of from 5,000 to 10,000 inhabitants should have a local board.

6217. There should be an inspector from London to supervise.

6219. 6240. 6241. 6239. I would appoint river boards with jurisdiction over the rivers from their junction with the sea, or within a mile of their junction with the main river to a certain distance. The jurisdiction should extend on either side as far as the river is liable to flood; probably two miles would be ample. The Salmon Fisheries Commission might be amalgamated. You want local interest to bear.

6224. Occasionally a parish would be found which extended over a hill into an adjoining watershed, but I do not think that practically there would be any great difficulty.

6227. River boards should be of a similar character to the commissions under the Land Drainage Act.

6231, 6246, 6251–3. They would both prevent pollution and carry out land drainage.

6249. Sewerage should, as a rule, be left to the sanitary boards.

6247. Want of drainage is in many places the cause of serious ill-health.

6228. The river board would act as public prosecutor in case of pollution, whether by individuals or
6253. corporations. They should carry out any works required to be done for a river.

6229. The expense of inspectors and a clerk should be borne by a rate upon the whole area. When any special works are executed, the expense should be borne by those who are benefited.

6230. I do not think there would be great difficulty in appraising the benefit.

6233–4. The river board should be formed of representatives from the sanitary districts within the
6267. watersheds, and of property on each side of the river, and of those interested in navigation.

6236–7. The sanitary board should appoint nuisance inspectors, and the river board river inspectors. They should be different persons.

6242–3. Supposing there were river conservancy boards and sanitary boards all over the kingdom, no intermediate body is needed between them and the Secretary of State.

6244. The Home Office should have power to inspect proposed works where money was to be borrowed; to sanction and assist in raising the loan; and should inspect and see that works were properly executed.

6264. Legislation must be compulsory; it must not be left to the parishes to say whether they will be included in the local administration.

(50.) T. J. DYKE, Esq.—(Q. 6275–6425.)

6275–6. Has been medical officer of health of Merthyr Tydvil since October 1865.

6376, 6395. Is a certifying surgeon, and was the union medical officer for four years.

6277–9. The population is 55,000. Merthyr Tydvil is a parish under a local board.

6322. Part of the district called Dowlais has been overcrowded.

6280–1. Delay is caused by the officials having first to give notice to the local authority of the existence
6382–9. of a nuisance, as under section 19 of the Sanitary Act. This is not required under section 53 of the
6282–4. Sanitary Act, which is the section which provides for the periodical removal of manure in mews.
6285. The law should be amended in accordance with the principle laid down in section 53, viz., that of public notice.

6286. When local boards meet monthly, six weeks would thereby be saved.

6386. There may be a lot of fever-infected clothes; the medical officer must give notice to his board, and the board must give notice to the people not to remove them, but the clothes are gone, and have spread the disease long before that.

6287–9. The Artizans' and Labourers' Dwellings Act, 1867, has been put in operation, and there is much delay in bringing its provisions to bear for a like cause.

6290–1. The appeal under that Act is to the quarter sessions; if it was to petty sessions a delay of from three to six months would be saved.

6293. The local board under that Act may apply to quarter sessions for an order charging the costs of works executed by them upon the premises. If such application were made under section 13 of the Nuisance Removal Act of 1855, the delay and costs would be shortened and lessened.

6367–6372. I admit that the provisions of Mr. Torrens' Act being very large, more time should be allowed for proceedings under that than under the older Acts.

6294. There is often a difficulty in obtaining the certificate of medical practitioners as required by
6303, 6380. section 26 of the Sanitary Act; and no officer is named whose duty it is to carry out the order of the Justices.

6295, 6303. There is no power given in section 37 of the Sanitary Act to maintain the sick and attendants. In 1868 the local board obtained the use of a building as a hospital and commenced to build one, but neither has received any sick.

6298. The epidemic of 1868 could have, for that reason, been better dealt with by the poor law authorities.

6296. The poor law authorities have their staff of medical and relieving officers, &c., and could be better prepared to act when epidemic contagious diseases occur.

6297. The Diseases Prevention Act, 1855, was put into operation during the cholera epidemic of 1866, and there was no difficulty in working that and suppressing the epidemic.

6299. By a circular of the Registrar-General of 21st December 1858, the registrars are directed to communicate with the Registrar-General upon the occurrence of an epidemic. The Registrar-General communicates with the Privy Council, and puts the Act of 1855 into operation. The board of guardians nominate and pay the registrar, who might and ought to report direct to them.

6300. The district medical officers send in weekly the medical relief books to the board of guardians. If the clerk of the guardians were to examine the registers weekly the earliest information of the advent of an epidemic contagious disease would be brought to the board of guardians.

6345. If the Secretary of State could be moved in a less formal way great advantage would result. An official form of requisition from the local authority might be substituted for publication in the "Gazette."

6301. The central authorities for laws relating to public health are—(1) the Privy Council; (2) the
6302. Poor Law Board; (3) the General Register Office; and (4) the Factory Office. Unity and promptness of action would result from combining them.

6303. We have had a recent instance of a dead lock between the authorities in Merthyr, when typhus was epidemic in 1868.

6304. The local authorities administering sanitary laws are local boards of health and burial boards, superintendent registrars, and the inspector of factories and his staff.

6305. I believe that the whole of the duties done by these boards (except the board of guardians), and by the chief officials engaged in registration and inspection of factories could be done under the supervision of one elective board with three chief officers—a lawyer, a medical man, and a civil engineer—each of whom should possess a certificate of special knowledge, and give his whole time.

6325. I believe [official] payments to lawyers generally in the district amount to 1,000*l.* per annum.

6306, 6333, 6419. The area of such an authority should be a union or registration district, in places like Wales, of not more than 100,000 persons.

6327, 6394. The same authorities, by whatever name called, should relieve the poor and be the guardians of the public health.

6376. The local authority should employ the factory inspectors; the difficulty is with the small not the large proprietors.

6307–9. We receive copies of registry of deaths; causes of death are usually assigned.

6310. In 1868 the proportion of deaths not certified was 1 in 25½.

6311. The alleged cause was convulsions in three out of four of the uncertified cases.

6312–3. There were 91 inquests, or 1 in 12½ of the deaths; 55 were accidents, 36 disease.

6317, 6324, 6423. The registration of births and deaths should be performed by the medical officer of health.

6411. I do not think the police would be good inspectors of nuisances.

6318–6321. The present enactments include almost all the sanitary evils which exist; what is wanted is to devise enactments which shall be effective rather than to ascertain the evil.

6323. I have never traced typhus to dirt, &c., without contagion.

6329. There is a crying necessity to guard the public against the aggregation of population without reference to the mode on which houses are built, &c. A new colliery is opened in an upland valley; houses spring up without foundation and are inhabited before they are dry; there is no drainage.

6330. The difficulties which we now have to contend with in Merthyr and Dowlais, &c., are being perpetuated in the neighbouring district where there is no local board of health.

6331–2, 6393, 6425. The central authority, *i.e.*, a Minister of public health, should compel the formation of districts.

6334–5. I would not allow houses to be built or land to be laid out anywhere except on approval by an authority.

6350. In the district of the local board we take care to prevent houses being improperly built; and the houses now built have been very much more healthy.

6353–6360. In addition to byelaws we have special orders that no plans are to be passed that do not comply with certain regulations.

6363–5, 6403. I should prefer to have the minimum width of walls, of contents of a room, and the mode of construction of cottages laid down by the State.

6374. In my district cottage property will pay 8 and 10 per cent. on the outlay.

6337. It would be a greater preventive of disease if water supply could be afforded, but the gathering grounds would often be six or sometimes nine miles away.

6338–9. In Merthyr Tydvil we have spent 28,000*l.* on water, and the sewers will cost nearly 60,000*l.*

6340. The result of sanitary works in the last 19 years has been to reduce the death-rate from 30 to nearly 20.

6341–2. This has been especially the case with infant mortality.
6343–4. I believe the expenditure in Merthyr has been repaid by increased health, and that such expenditure would be judicious in the neighbourhood.

6347. The money was obtained at a high rate of interest, 5 per cent., repayable in 30 years. If
6348. greater facilities were offered for raising money for sanitary purposes the people would be more inclined to put the law into operation.

6391. I would assign to the principal sanitary inspector of a district the whole duties (1) of the sanitary officer under the local board; (2) of the sanitary inspector under the burial boards; (3) of registrar of births and deaths; and (4) of local inspector and certifying surgeon of factories and workshops.

6418, 6422. I would debar the medical officer from practice; he should not have any medical charge of the poor.

6396, 6401. The poor law medical officer has no relations with the poor law inspector.

6405–6, 6413–4. I have had every house in Merthyr inspected, and the particulars tabulated in a similar way to Dr. Aclands' form.

6408. This has been of very great assistance to me.

(51.) Major GEORGE GRAHAM.—(Q. 6426–6522.)

6426. Is Registrar-General. The office is under (1) the Treasury, who appoint all the clerks; and
6460. (2) the Home Office, who give their orders. Is also in constant communication with the medical
6461. officer of the Privy Council.

6427–8. A great many births are missed, especially illegitimate ones.

6429–6431, 6498. It should be imperative on parents to register; it is so in Ireland and Scotland.

6428. 6433. The registration of deaths is very nearly complete. Burial must follow death. Men often sign
6490–5. a certificate from their belief; the cause of death cannot in many instances be "certified."

6434. There are cases of deaths of infants which are buried as still-born.

6438. The cause of death is one particular recorded according to the statute.

6438. A list of diseases, drawn up by Dr. Farr, was circulated in 1845.

6439. The Act of Parliament does not *require* the cause of death to be certified by a medical practitioner. Twenty-five years ago I introduced what I thought would lead to that being done, by having "*certified*," or "*not certified*," entered, as the case might be.

6440. 6443, 6484. In London and large towns the medical men fill up the returns; in the country they refuse for various reasons. In many cases there has been no medical attendant, and then no one *can* certify the cause of death.

6442. 6444. I have not much faith in a certificate given by a person who has not seen the deceased before death. Investigation into the cause of death would needlessly delay the funeral.

6486–9. If every death is to be certified by a medical man there must be a public officer.

6500–4. The medical men in Scotland object to being *obliged* to state the cause of death.

6447. The registers are indexed. The use of them has increased enormously. I gave nearly 15,000 copies last year.

6452. I am opposed to the three suggestions made in the memorial to the Duke of Marlborough—(1) that the cause of death should be recorded [in the manner suggested there]; (2) that I should register diseases not fatal; and (3) that I should register still-born children.

6453. It is impossible for me to undertake the second. I do not see where the line is to be drawn.

6454, 6478. 6458. I do not see any practical good in the third; it might, perhaps, prevent infanticide. I think for practical purposes sufficient returns are got from hospitals, workhouses, infirmaries, asylums, gaols, &c.

6475–7,–9. I think the Poor Law Board and Lunacy Commissioners get returns.

6481–3. 6512–3. Such returns from public institutions would be valuable, and the General Register Office would be able to undertake them, and that without any great expense.

6466–7. The General Register Office was established in 1837, in consequence of a report of the House of Commons upon parochial registration. There is good evidence to show that the destruction of parish registers is going on, from fire, damp, and neglect.

6469. Legitimacy of births, validity of marriages, and proof of death depend upon the accuracy of the registers.

6470. Dr. Farr writes me a letter every year, mainly upon the causes of death. The Government

6471. annuities are now granted upon life tables prepared by him.

6472. 6518. Annually and quarterly we give returns of births and deaths throughout the kingdom; and weekly in London, and in some of the capitals of Europe. Paris has just begun to send returns.

6473. We take advantage of the cause of death being recorded, and make as much use of it as we can for bettering the public health.

6496. The Bank of England having lost a large sum of money upon a fictitious entry will not take the register of death as proof of death; they insist on a burial certificate.

6507. It would not be possible to allow the cause of death to be sent direct to the central office.

6508–9. My office only deals with death, and Mr. Simon's reports are on diseases which are not fatal, vaccination, &c.

6510–1. I like the plan by which the guardians appoint the registrars, who hold office during my pleasure. It would be impossible for me to appoint men all over the country. I have the power of dismissal, which insures my getting the returns.

6514. 6522. I have a complete system of local officers. I have two or three inspectors, who go about the country all the year round. They instruct the registrars to get as many real signatures as they can rather than a mark. We discourage the registrars who would like to have people make marks in order to keep their books neat.

(52.) Rev. WILLIAM T. BECKETT.—(Q. 6523–6727.)

6523–5. Is rector of Ingoldisthorpe, in the union of Docking, a large union in the county of Norfolk.

6424, 6652. 6698–9. The population is 370, purely agricultural. Wages are 11*s.* per week. The death-rate is 20 per 1,000. The acreage is 1,300.

6538. With the exception of Docking, the other parishes in the union are as bad as my own.

6547–8. Poor rates are 2*s.* to 2*s.* 6*d.*, and there are highway rates.

6596. Local rating is heavy in Norfolk.

6526, 6527–8. The board of guardians is the nuisance authority. They have different inspectors of nuisances, and altogether pay about 80*l.* per annum.

6528*a*, 6530, 6706. 6529. The inspector for my parish (a bookseller, builder, and auctioneer) receives 12*l.* per annum, and inspects six parishes, a district seven miles long by two or three miles wide. The guardians are thinking of reducing his salary.

6532. I believe the inspector never visits the parishes except when sent for.

6533–4, 6543, 6602, 6673. The vestry has never done anything in sanitary matters unless when I have compelled it through the guardians.

6535–7. In 1862 there was an outbreak of diphtheria, and I applied to the union medical man (who was then sanitary officer as well) to look at a particular nuisance, a stinking cesspool, but he

6637. 6535. refused. I afterwards, through the chairman of the board of guardians, got that removed after a month's delay, and the diphtheria abated. The union medical officer was afterwards removed from his post as inspector of nuisances, on account of a similar refusal on an outbreak of typhus in 1865.

6620. There is a very great difficulty as to pigsties. They are often built directly at the back of cottages, and the cottager is very unwilling to be deprived of the right of keeping them there; the neighbours will not themselves take steps to have them removed, and the parish officer will not take the trouble of doing so.

6538, 6540, 6688, 6704. There is ill-health in consequence of neglect from the want of a sanitary authority in other parishes of the union, especially *Snettisham*.

6621–2. In the case of diphtheria, in a small cottage with two rooms, one sitting and one sleeping, there were eight persons ill; one of the family was lying dead below, two dying in the upper room, and all the rest of the family sleeping in one room or the other. I would establish a mortuary, to which persons might in other cases, but should be compelled in the case of infectious diseases, to take the bodies.

6541, 6650, 6639, 6690. 6710–2. 6690, 6724. I would compel periodical fortnightly meetings of a local board, which should be constituted of the resident minister, churchwardens, overseers, guardians, and highway surveyor; giving a ratepayer, in case of their not meeting, a right of appeal to the magistrates, and fining the board, if he could show injury. It would be well to have magistrates as *ex officio* members.

6543*a*. 6551–3. 6680–2. The members living on the spot would become more quickly aware of nuisances, &c. At present the board of guardians can know nothing, and decline to act unless informed by the local committee appointed by them, the members of which are frequently the offenders. Private] individuals are unwilling to interfere.

6716. The local board might have jurisdiction over the roads.

6638–6641. I would have a central board either in London, or as the board of guardians, to be in correspondence with local boards, giving them directions.

6543*b*, 6567*c*. 6578, 6582. The local board should examine sites for cottages, and approve them when built; it should enforce the making of wells, remove nuisances, &c.; it should, in fact, control all sanitary measures. It should also provide necessaries for the sick poor.

6545, 6593, 6550, 6662. 6549. I would prefer that the board should be under the control of the magistrates, and not under the board of guardians. The local board would act only under compulsion.

6718–6723. Some works, such as drains for cottages, should be charged upon the owner; other works, as main drains, upon the parish. The owners practically pay, by a reduction of rent. There would not be the same indisposition to sanitary works if the owners would come forward and assist in bearing the expense.

6545, 6593–7–8, 6650, 6717. The class of which boards of guardians in my neighbourhood are composed do not like progress, and are averse to spending money for public purposes.

6651, 6704. The present inspector of nuisances says he cannot act without the consent of the local board, and they seldom meet.

6662–3. 6704–5. The inspector often declines to act against his own class. Power of compulsion is wanted; it would be a great advantage if he could be summoned before the magistrates for neglect.

6555. What is required in villages is power to compel owners to properly drain their own properties.

6556. In my own parish privies, &c., are drained by open ditches to the sea, which is two miles away.

6557. I think the system of the old privy was better than the present.

6557*a*. 6557*b–c*. I would cause the frequent removal of dust-pits, &c., to some waste place outside the villages; such places would generally be found. If not, a small piece of land should be purchased; the expense of this and of the removal of the rubbish would be recovered by the sale of the heap for agricultural purposes.

6559, 6581–4. 6560–1. 6582–5. We are supplied with water from wells; we get water at from 12 to 20 feet deep. The water is good when not fouled by soakage. Such water is often drank. Public wells or tanks should be paid for out of highway rates.

6562. Cottages are built partly by landowners, and partly by speculators.

6564. 6565. The latter build very inferior cottages, in order to get a return for their outlay (say 50*l.*); these cottages are often converted into stables, &c.

6566. 6567. 6567*a*. 6567*b*,–*c*. Cottage rents are often 4*l.* 10*s.* 0*d.* to 5*l.* 0*s.* 0*d.* per annum. I know a set of seven built up on a confined space, with one sitting and one bed room, which let for 3*l.* 10*s.* 0*d.* I have no doubt that such cottages are prejudicial to health. The walls are thin, the rooms small, without ventilation. Cottages, whether built by landowner or speculator, are built in unhealthy situations, in marshy ground, &c.

6575–9, 6726–7. Cottages are often built without the means of opening the windows. All windows should open. The inmates have a horror of fresh air, and seem to think that warmth is everything. It would be difficult, though desirable, to oblige the inmates to open the windows.

6568, 6580*b*,–*c*. 6569, 6570. 6580*a*. I would propose that no cottage should be built without a license from the magistrates, with stipulations as to the way in which it should be built. The accommodation should be proportioned to the number of inmates. Cottages would then only be built by landowners; they would not be supplied in sufficient numbers unless there was a law to compel landlords to build according to the acreage (say two cottages to 250 acres).

6571. 6577*a*. Such a law was advocated by the tenant farmers before the Commission on the Employment of Agricultural Labourers. The farmers were willing to pay an increased rent for their farms upon such outlay.

6572. I think landlords should be compelled by some such law to build cottages.

6573–6*a*. 6700. A good cottage would cost 140*l.*, and would bring in 10*l.* or 12*l.*, in order to pay 5 per cent. rent. I know some fair cottages which were built for 90*l.*

6586–9, 6715. The Highway Act has been adopted in several unions; in our union (Docking) we have gone back to the old system, because the Act failed.

6591–2. The highway board district of Docking coincided with the union, and the guardians were generally waywardens.

6716. If there was a local board for the parish it might have jurisdiction over the roads.

6594–5. Privy accommodation is now sufficient; 15 years ago cottages usually were without; there is not now one to every cottage.

6599. I think by the combination of various boards (guardians, highway, and local, &c.) the expenditure of money might be economized.

6602, 6672. In country villages we have very little to do with the vestry, which only meets twice a year, for the appointment of parish officers, and for the election of churchwardens.

6603–4, 6660. Medical attendance is very bad; the guardians confine the union medical man to families where there are three or four children under working age, and the medical man is inefficient.

6605–8, 6658, 6693–4. If the pay were more ample, and the area to be undertaken were less, we should get a better class of medical men. We should have to pay larger rates, and, I believe, it would be true economy.

6695–7, 6725. Our board of guardians will not discharge a medical man they know to be inefficient, because they say they could get no one else.

6610. In looking over the deaths in my parish, I find two or three that have taken place solely from the want of proper medical attendance; their families have thereby been thrown upon the rate-payers, which would not otherwise have been the case.

6612. I would propose that the Poor Law Board should appoint the medical man out of two or three nominated by the guardians.

6613. Dispensaries should be placed in different parts of the union, so that the poor should not have to go the long distances for medicine they now have. The medical officer should be required to keep stocks of medicines. There would be no difficulty in finding some one to take charge of it —the clergyman, clerk, &c. The medical officer should be required to make up the medicine at the nearest dispensary.

6702–3.

6613*a*. The labouring poor should be able to procure medicines at the dispensary. I keep a large supply of medicines, which I give away, and the labouring poor apply at once to me, and many serious illnesses are prevented.

6660–1. I would give medical relief, gratis, to all with wages of 12*s*. or less per week. It should be distinct from pauper relief.

6613*a*. The medical officer of Docking told me that he found it a saving to himself to attend any cottager at once without waiting for an order, and a neighbouring clergyman told me he had been thanked by the medical officer of his district for furnishing medicines, and so saving expense and trouble.

6614. The reports of the medical officers are very defective. A man who had met with a serious accident, a kick, by which a spicula of bone was driven into his head, was returned as merely disease of the head. The man was really mad, and should have been sent to a hospital.

6614*a*. The medical officer should be obliged to give a prescription, and keep a diary with particulars.

6642–4, 6691–2*a*. It would, however, be useless, unless open to a medical inspector of the Poor Law Board. Inspection of union medical officers is most necessary. Many do their duties faithfully; others take the post and never attend to the duties.

6614*b*. The appointment of a union medical officer should not be, as now, for life, but for three years.

6618–9. In fact, I act as a medical man in my parish.

6615. Village hospitals, if they could be established, would be a great advantage. Ladies who would, but cannot nurse sick persons in their present cottages, would do the nursing.

6619*a*,–*b*. Medicine and nutritious food should be provided by the union, not by the medical officer.

6619*c*,–*d*. There is a great difference in different unions, depending upon the character and humanity of the guardians and the medical officer.

6619*e*. I would give the local board the power of giving relief, if the union medical officer neglected to do so.

6623. I am confident that small-pox might be more effectually prevented by legal measures.

6624. I would put severe penalties on persons exposing themselves. We have lately had an outbreak from such a cause.

6625–6. The Vaccination Act is set at defiance. The magistrates consider it a harsh law.

6626*a*. I would permit re-vaccination at the public expense.

6627,–*a*. I think generally that there is a necessity for more urgent legal measures against infection.

6627*b*. I would permit no person who has been afflicted with an infectious or contagious disease to travel without a certificate from a medical man that it was safe, and I would require railway companies to keep carriages for the conveyance of such persons.

6628. In my neighbourhood the attendance of unqualified persons has stopped disease rather than increased it.

6628*a*. In some districts such attendance is a matter of absolute necessity.

6629. Such persons might be obliged to pass some slight examination, to show that they were not absolutely ignorant both of the nature of disease and of medicines.

6630. I would give them an inferior license. In my district there is an able attendant, a chemist, who has been assistant to eminent medical men, but is too poor to go through the hospitals.

6631. Registration of the cause of death in my district is not accurate.

6632. There would be great difficulty in making it so. Persons often die without medical attendance, and often from sudden causes.

6633. In a case of that kind I think that the relieving officer or registrar should visit the house and ascertain the cause, as far as he can, from the inmates. There was a case of the death of a woman from hœmorrhage, who, I believe, died from cruelty on the part of her husband. The case was not looked into at the time; notice was given to the coroner, and he, at the end of a week, sent the union medical officer, who reported that she died from natural causes. It is very difficult in our neighbourhood to procure the attendance of the coroner.

6707. We have a policeman in our parish; it is not usual for him to give notice to the coroner; that is done by the overseer or churchwarden.

6707*a*,–*b*. It was impossible for the medical officer in the case above to speak to the real cause of death. He acted as he did, to make things pleasant.

6634–5. There is a great deal of quiet infanticide, especially of illegitimate children. The mother or parents expose them with their breast open to the cold wind.

6683,–*a*. Nursing mothers also go out for the whole day, not, however, always to work, and leave the baby in the care of a child six or seven years.

6636. In my parish in 15 years there have been 15 illegitimate children—
5 were taken care of by their grandmothers;
3 were taken away from the parish, and I know nothing of them;
7 remained with their mothers, and *all died*.

I have taxed mothers with thus getting rid of their children from the pulpit. They do not like the children dying unbaptized, and lately, when called upon to baptize a child privately, I refused and threatened an inquest if the child's death was brought about. That child is alive.

6653*a*,–*b*. I have been in the habit of entering the cause of death in the burial register. I think the minister could with very little trouble do this, and I would insert a column for the purpose in the register.

6684–5*b*. The Acts of Parliament when passed are not known of in country districts, and even when known are neglected.

6645. The Sanitary Act of 1866 should be applied more stringently to country villages.

6646–8. It could not be enforced as it stands, because of the expense. The rating area in a little village for water supply and sewerage would be too limited.

6649. I think several country boards might unite for such purposes.

6654, 6664, 6689. Matters left to the control of individuals are generally neglected.

6656. A complete revision is required.

6658. Considerable expenditure would be caused, but I believe that would be met by there not being so many calls upon the union.

6665.–9, 6670–1. I think the police might be employed under the directions of the magistrates and in plain clothes.

6666. Their duties are too many for them to be sole inspectors of nuisances.

6668. I would give the magistrates more power over sanitary matters.

(53.) WM. HEANE, Esq.—(Q. 6728–6874.)

6728–9. Is medical health officer of East Dean, in the Forest of Dean an extra-parochial district. One half
6730, 6794. the Royal Forest of Dean was made a parish or township in 1838, and was joined to the union of
6731. Westbury-on-Severn in 1842:

6826–8. Cinderford is the town of East Dean.

6735–6. The area is 12,487 acres; the rateable value, 31,000*l*.; the population (about) 11,000,
6753. a large mining population; the houses, 2,110, scattered but condensed in small bodies here and
6773, 6794–8. there round the different works. There has been a great increase; its death-rate 20 to 25
6737, 6738. per 1,000.

6732.6822,6863–4. The township is governed by the board of guardians and by a local board elected in the usual
6823–4, 6937. way, the members of which are large coal and iron mine proprietors.
6841, 6859.

6734. The district is conterminous with the township.

6733. The Local Government Act was adopted upon petition in 1866.

6847–9. The local board has made one rate of 2*d*. in the pound. I believe there are four poor rates in the year, of 1*s*. in the pound each. There are no other rates; no highway rates.

6739, 6747. There is an inspector of nuisances appointed by the local board, and a medical officer of health.
6744. 6740–6. His salary is 100*l*. per annum. He was appointed by the local board (upon a recommendation
6834, 6741. from London after inspection by M. A. Taylor) under the Artizans' and Labourers' Dwellings Act.

6739, 6748. There is also a certifying surgeon and a visiting inspector under the Factory Acts.

6742. The medical officer of health has to inspect the whole district, and report upon its sanitary
6743. state; there is a want of definition between his duties and those of the inspector of nuisances.
6745. I find that we are often engaged upon the same subject without knowing it. The medical officer of health should be appointed by the Home Secretary, and be *ex officio* a member of the local board. He should assist and advise the board in all sanitary matters, and the inspector of nuisances should be somewhat under his authority.

6796. The Forest of Dean enclosures have been going on for 35 years.

6750–6, 6865–6. Such a district as ours, on account of the numerous injuries received at the pits, &c., ought to have a hospital. There is a county hospital at Gloucester. I would not put the hospital upon the rates; there is plenty of medical assistance.

6757–8, 6763. Nearly all cases of death, including infants, are certified by the surgeons of the neighbourhood.
6759. I keep a private register.

6761–2. All deaths ought to be returned by a medical man, if possible. If not called till after death
6765–6. that fact should be mentioned. There is great, almost criminal, neglect of infants.

6795–8. The houses are crowded together, especially at "Little Deanswoodside." They are houses for
6799, 6812–3. workmen round the coal and iron mines and works. They are also too much crowded with inhabitants, *i.e.*, where lodgers are taken.

6266, 6833, 6861. The local board should be efficient for sanitary purposes, but it is not active enough. They only
6767, 6770. meet once a month; they should meet at least every fortnight. They exercise no control over buildings; they have made no building byelaws.

6771,–8. 6827,–9. The buildings are in a bad state, especially at "Cinderford," and without any drainage, especially as to privies and pigsties. I do not think the house drains are trapped. I would have the privies altered on the earth system.

6772. A regular system of sewerage for the district has been discussed. The outfall was to have been towards the brooks, and it would have created a nuisance.

6776–7, 6871. The drainage works were estimated to cost 3,000*l.*

6851. The drainage works were estimated to cost 3,000*l.*

6829, 6873–4. The use of the coal ashes or earth in a privy such as I have recommended in my report would answer the present purpose, and save an enormous expense.

6779, 6792–5. Collections of refuse are left in various places, sometimes for years, and occasion disease.

6794. These might be sold to the farmers.

6783, 6829. The late inspector was inactive; the present one, appointed in April last, is very active.

6867–8. I think the police would be unpopular as inspectors of nuisances.

6788–9. The water supply is from wells and natural springs. The former are in some instances polluted; the latter are perfectly good.

6790. The supply is not sufficient in summer, when the springs dry up.

6791. As houses increase the deficiency will be more felt.

6792. There is a plan under discussion for a private water company.

6800,–4–3, 6810. Houses generally have a small garden. They are built by the men themselves, and are usually good. The rent is 4*s.* to 7*s.* per week.

6801–2. The Crown sells the land for building purposes; I think the fee is sold.

6796, 6803. Up to 1834 encroachments on the waste were allowed, which then amounted to 2,108 acres, on which 1,402 houses had been built, and the population was then 7,014; in 1834 a part of this was granted in fee; another part was granted upon a small payment, and now the fee is sold.

6814,–7. The mines are usually worked by individuals in the forest, but there are two large companies. The Crown is lessor.

6869, 6818, 6821. The Crown has several resident agents. It contributes nothing to local government.

6819, 6824–5. The coal mines, which are the principal things in the Forest of Dean, are rated heavily. The iron mines, I think, are not rated.

6820. The main expense of local government falls upon the workmen with their little houses and patches of freehold.

6830. There is a very populous adjoining district just come into existence, called the "new town."

6831, 6851. The roads in East Dean are in a very bad state. The expense of making two roads, which are much required, is estimated at 1,000*l.*

6834–5, 6843. An inspector was sent down by the Local Government Act Office upon a complaint by the Westbury guardians. My appointment with instructions to make a thorough report has been, at present, the only result.

6837, 6840–2. 6139, 6841, 6862. I think the local board wants reconstituting by introducing more working men into the board, such as tradesmen and the better class of ratepayers. The present members have not time to devote to the work, and they are not affected by the defects.

6822, 6863–4. There are eight members at present; one of the nine originally elected in 1866 at a parish meeting being dead.

6841. A travelling inspector from the central authority in London to see that the country boards carried out the Act properly would be a very great thing.

(54.) Lord EGERTON of TATTON.—(Q. 6875–6926.)

6875. Has been for many years connected with the management of property in several large towns in Lancashire, and in the adjoining rural districts, which by degrees have been covered with villa houses. As an *ex officio* guardian has had experience of the working of boards of guardians as sanitary authorities.

6876. Sanitary regulations are well carried out in large towns like Manchester and Salford; the great difficulty is in the outlying districts, which are gradually becoming towns; where there are either local boards or no superintendence, and where the land belongs to many owners.

6876, 6894. In purely rural districts some are well and others ill-managed, according to the activity, or the reverse, of the guardians.

6877, 6888, 6891. 6880,–5–6. 6915. Local boards are not equal to the management of a district which is becoming a town. These members are fully occupied with their business in the neighbouring town, and they have private predilections, &c. There should be an appeal from them to a central authority.

6882,–5–6, 6893. There ought to be an authority of a sanitary nature, a medical man and a good surveyor; and the Privy Council or the Home Office should send persons down to investigate on the spot.

6878. Manchester is surrounded by a great number of townships and districts, each governed by its own local authority, and they are satisfied with throwing the sewage into the nearest brook, and throwing it upon their neighbours.

6886–7. I have been called on to cover over a large brook which was fouled by the townships above. Large proprietors, either through Parliament or the law courts, can obtain redress, but it is impossible for small ones to do so.

6881. When such districts become towns, and get a municipal organization, they get good officers, and the work is properly done. Small local boards cannot afford proper local officers, and the whole thing falls into the hands of two or three probably interested persons who do not know how to carry it out.

6892. An intermediate court of appeal would only multiply expense.

6895. I think the board of guardians certainly a better authority for rural districts than the vestry. In Lancashire we have nothing to do with vestries.

6896. A power of appeal would be wanted.

6900. I do not think the highway boards would be good authorities.

6897–9. Practically, adjoining districts will not combine for joint works.

6901–3, 6916–6921. Watershed districts would be far too large for local purposes.

6904. You must either keep the parish as the unit of government or take in a large district.

6906. Local rating is becoming very heavy.

6908. In increasing areas the tendency is to increase expenditure.

6909. The unions in Cheshire were originally made too large.

6910. The union medical officers could not afford to take their posts except they had other practice.

6911. In my neighbourhood the relieving officer is usually inspector of nuisances, and in some cases the police officer.

6912–3. I think the relieving officer the best of the two; he has most opportunities of seeing where nuisances arise.

6924–6. The police are liable to be removed; there is no objection to the policeman in country districts.

6922–3. 6927–8. It would be a great advantage if a model Bill was passed, on which private Acts should be framed, and that private Bills should be as few as possible.

(55.) Mr. JOHN B. SOPER.—(Q. 6927–7018.)

6927–8 Is an engineer and ironmonger at Basingstoke.

6929, 6930. 6931–2. The population there was (1861) 4,640; the poorer class are agricultural, the others, mechanics and tradespeople.

7005. The area is 2,000 acres; the rateable value, 20,735*l.* The number of houses (in 1861) 900; about 250 have been built since; they are mainly in the hands of small proprietors.

7010. Basingstoke is in the union of that name.

7009. A rate of 1*s.* produces 1,035*l.*; we usually have four or five sixpenny rates for the poor.

7012. Other rates, highway, paving, &c., are 3*s* 6*d.*

6931–5. The town is governed by a corporation and by a paving commission.

6934, 6953, 6996. The Local Government Act has not been adopted through fear of the expense. It was proposed in 1865 and lost by one vote; nine were for and five against, the Act requiring a majority of two-thirds.

6937, 6978. Sanitary matters are neglected.

6937–8, 6971. Water supply is from wells; some houses are without. The supply is insufficient in case of fire.

6939, 6940. Some wells (those in the high part of the town, which are deep in the chalk) are good; others in the low part of the town spoilt by soakage.

6972,–4. In my own house, in a circle of fifty feet, I have 14 cesspools round my well, some of them 10 or 12 feet deep. There are three within 11 feet.

6973, 5–6. My well is in a great depth of chalk, and is 45 feet to water. The well is protected, and I believe the water to be pure; but I am always afraid lest it should get foul.

6941–2. There is a partial system of drainage by a sub-drain but very little way underground, and which does not drain any cellar.

6943–4. There are two outfalls, one into the river Lodden, which is a nuisance, the other into the canal.

6945, 7008. Mr. Ranger was sent down in 1853 by the General Board of Health to inspect.

6947. He gave a bad description of the town.

6948. He recommended waterworks and a system of drainage.

6949. 6950. 6951. His recommendations have not been carried out, owing to the expense and to the divided authority; the question being whether the corporation or the paving commissioners should carry it out. The power of rating of the paving commissioners is limited.

6985. When the wind is eastwardly we have low fever. We have now scarlet fever.

6986–9. We have had three deaths therefrom this week. It began in the lower part of the town.

6690. I never heard but of one case of cholera, which is not common in a chalk soil.

6954. 6943, 6955–6. The river is a pure spring, rising out of chalk and gravel, but before it reaches the outskirts of the town it receives the main sewer; it traverses the town and becomes increasingly foul.

6957–8. All along the bottom of the town the cottagers drink the river water.

7018. And it is used for watering the streets.

6960. The canal is in a worse condition than the river, being almost stagnant.

6943, 6961–4. It receives a part of the sewage; this was done to supply the canal with water.

6965–7. There are a great number of cesspools in the town. Some I know to be sunk down to the water-bearing strata.

6970. The cesspools are emptied every year, or every other year, according to their depth.

6968–9, 6977. 6970. There are a great number of privies and ashpits; they are only cleaned out when full, and then by the landlord; they drain into the cesspools, and they are sometimes allowed to run over into the river and canal.

6978. The local authority do nothing towards seeing to the cleansing of privies, &c. In August 1866 eight medical men were employed by the corporation to examine the state of the town, which was divided into four sections and two doctors to each section. Four reports were sent in,

and a meeting held to receive them, when it was decided *not* to print them because of the state of things they disclosed. But the reports have not been since acted upon.

6991–5. We have had several public meetings with a view to adopt the Act, but can get nothing done, and I see no prospect of anything being done. There have been meetings of the town council, of the public bodies, of the paving commissioners, and of the inhabitants.

6953, 6997, 7005. The meetings have always been outvoted by the cottage ratepayers.

6979, 7013. The income of the corporation is 2,500*l.* per annum, which is partly employed in paying off the interest of the debt, which is 10,000*l.* or 12,000*l.*, borrowed for enlarging the market square and rebuilding the town hall.

6982. The police, fire brigade, &c., are paid out of that money.

6980. There is no surplus, but usually a deficit at the end of the year.

7013–8. The paving commissioners levy the whole amount that they are entitled to levy, and spend it in the repair of the pavements, and paying off bondholders and annuitants.

6999, 7000. 7001. What is wanted is compulsion from an outside authority. It should be a direct central authority in London, which should compel the local authorities to keep the public health right so far as preventible diseases are concerned.

7002. Either the Secretary of State or a Board in London, with itinerant inspectors, as school inspectors.

6945, 7006–7. There has never been any threatening of proceedings.

(56.) WILLIAM MENZIES, Esq.—(Q. 7019–7232.)

7019. 7020–2. 7112. 7231–2. Is deputy surveyor of Windsor Park; has had the charge for 20 years of the Crown property attached to the domain of Windsor, and has charge of the Thames opposite to that property, and is conversant with the working of the Thames Conservancy Board; gave evidence before the Rivers Pollution Commission when they were considering the case of the Thames.

7021. 7023. Has charge of large establishments; has been concerned with large public buildings, Wellington College, Broadmoor Asylum, &c.; and been consulted about villages, &c.; has been advising and consulting with the Royal Engineers as to drainage at Aldershott, Sandhurst, &c.

7024. Was led thereby to study the subject of the drainage of towns, the sanitary construction of dwelling-houses and cottages, the treatment of subsoil water, rain water, and rivers, both for water supply and the prevention of floods.

7012, 7040, 7113. There is now an efficient conservancy board. It is most desirable that similar boards should be established for other rivers.

7033–5. Windsor is under a local board; not the same body as the Town Council, but with almost the same members.

7036–8, 7041. The Conservancy Board have the power of serving the local board with notices, and of fining them if they pollute the river.

7039. I do not think the Conservancy Board could deal generally with local government.

7025. 7026. Windsor and Eton were the first towns in the Thames valley drained (20 years ago) upon the then best approved system, by which everything was gathered together, sewage, rainfall, subsoil water, &c., and discharged directly into the river, without any treatment whatever, by one great main sewer.

7027, 7118. The evils of this system were at once apparent; at every flood the worst of the sewage was borne up from the bed of the river and discharged over the banks into places from which it could not recede; that happens still every winter.

7027. Ten years ago there was a bad outbreak of fever in the town, and a long investigation; the great evil escaped observation and was only found out afterwards, viz., that in consequence of the quantity of sand washed into the main sewers off the streets an immense accumulation of the most fætid sewage was always there, and at the heaviest floods was borne out into the banks of the river and left putrifying there.

7027,–8. In 1864, after an examination of different towns, I came to the conslusion: I. That unless a conservancy board prohibited towns from sending their sewage into the rivers it could not be kept out, because where pumping had to be employed the sewerage could not be remunerative.

7027,–9. II. That towns must have compulsory powers of purchasing land.

7027, 7030. III. That there must be a double system of drainage by which the rainfall could pass directly into the river, and the sewage and household water be conveyed by itself to the pumping station.

7027, 7031, 7062. IV. That there should be efficient and abundant flushing, not only for main drains but for each house.

7027. V. That (especially in the Thames valley) when the water was hard the rain water ought to be saved.

7198–7201. The ventilation of the drains at Eton and Windsor is in a very bad state.

7042. The local boards of Eton, Windsor, Oxford, and Abingdon, failing to get a commission or a Committee of the House of Commons, appointed a committee themselves and asked the Home Secretary for professional assistance, who in 1868 appointed Colonel Ewart, who made his report in October; that report has been accepted by the four towns, and by other towns as the basis for action.

7121–3. 7128–7131. I do not think there are any engineering difficulties that could not be overcome in the way of large towns combining to get rid of their sewage. There can be no legislation to compel towns to combine; it must be matter of arrangement.

7043–4. 7193–7, 7202. The towns being quite willing to proceed, and the principles of drainage which were so important not being settled, the Conservancy Board could not but wait for the local boards to make up their minds what plan to follow.

7044–6–8. 7037. Now that the principle is apparently settled, the Thames Conservancy Board would, I presume, put in force their powers; they can (under the Thames Navigation Act of 1866) impose a fine not exceeding 100*l.* and 50*l.* a day afterwards.

7047–7050. I do not think the powers of the Thames Conservancy Board extend far enough, as far as district goes.

7189–7192. The Act falls short of the recommendations of the River Pollution Commissioners.

7103, 7204. The Thames Conservancy Board has large funds, obtained from shipping and other dues in the lower part of the river: in the upper part they have 5,000*l.* per annum from the London water companies and navigation dues. They have power to tax any companies taking water from the river.

7104. They have a head engineer for the whole, and a sub-engineer for the upper part only.

7051,–5. 7203–6. I do not think that a board which manages the details of the Lower Thames Conservancy—the ships, buoys, &c.—should also manage the details of the Upper Conservancy. There should be a separate board for the upper part of the river.

7056–7. Teddington lock should be the boundary of the lower district; the old Conservancy Board, however, extended to Staines.

7052. The Thames Conservancy Board deal with all matters affecting the treatment of the river; to alleviate floods, to store water, to repair locks and weirs, mills and dams.

7053. They cannot at present deal with arterial drainage.

7058. If any town proceeds upon Colonel Ewart's plan the Thames Conservancy Board could not interfere until (if ever) some evils became apparent.

7044, 7059. They can now proceed against any town which will not take action; the local boards can appeal to the Home Secretary.

7060–1. The local boards have, I think, sufficient powers to carry out Colonel Ewart's plan.

7125–6. Very little has been *spent* in the Thames valley within the last five or six years. There has been abundance of *discussion*.

7126–7 *Slough* has made a main drain, but so much water flows through it that it will be very difficult to deal with the foul sewage when it passes through.

7063. The water supply for every town in the Thames valley is practically unlimited, from the river or adjoining wells.

7096, 7146–8. 7177–9. 7154, 7228. No cottage should be allowed to be built unless a supply of water is provided. There must be discretion with the authority as to how it is to be provided. Five gallons per head per diem is the minimum that should be allowed.

7150–6. 7224–7230. Many cottages must depend upon rainfall; it is not always necessary to provide a filter. There are from 23 to 25 inches of rainfall per annum.

7065–9, 7161,–5. As to villages, wherever you have 2,000 people living upon half a square mile, *i.e.*, 320 acres, a system of drainage is necessary.

7167–8. Where manufactories exist and towns are springing up you must have a different system.

7066–8. 7149, 7157–9. Where there are gardens attached to the cottages sufficient drainage can be carried out by attention to individual cottages.

7160. I would have no surface drainage to cottages except to take the rainfall from the roof, &c.

7070–1. The authorities in villages are difficult to move, and will do nothing.

7072. The nuisance removal powers of the guardians work well up to that point.

7073–5, 7109. I should have more faith in the guardians as the sewer authority; they would be the best authority, better than the highway boards.

7077. The vestries would object to the transfer of their powers, and should have a limited time in which to act.

7078. The board of guardians might act by committees.

7110, 7162–3. They should not in the first instance carry out work themselves; they should serve notices on the owners of property to do what might be necessary.

7180–2. The local authority should be elected by those who pay the rates; it should not go out annually.

7074, 7132. Whenever the guardians (or other authority) marks out a district for drainage purposes, which district must constantly be irrespective of parish boundaries, that district should have the power of making its own plans, &c., and if he did not act within a certain time, the board of guardians should act for it.

7116. I should like to see an intermediate authority, such as quarter sessions, acting in each county.

7117. I do not think watershed areas could be worked practically.

7080–4, 7090. I am acquainted with inspectors of nuisances as appointed by villages. They are generally broken-down tradesmen, and have some other occupation. The system is as bad as possible.

7985–7, 7091. The police, or perhaps the medical officer of the union, should be the inspector of nuisances.

7086. It must be some one independent of the ratepayers.

7092–3. One man, if he gave his whole time, could inspect a union, *i.e.*, about four parishes.

7105, 7133. They should have much better defined rules to go by than at present.

7106. 7089, 7134–5. In each county or district of that sort there should be some person who should inspect each district.

7162, 7172. Medical assistance cannot be dispensed with, but I do not think that the superior inspector should necessarily be a medical man.

7136–8, 7175–6. He should report to quarter sessions and to the Home Secretary. The quarter sessions (or, if

they would not, the Home Secretary) should compel the local authority to act on the report, and either might in extreme cases do the work.

7139. I think the publication of such reports would do as much service as a compulsory law.

7140. A great deal of mischief springs from ignorance.

7094,–9. I do not think an Act of Parliament could compel people to build cottages.

7143–5. 7095–6. I think an Act might compel a minimum standard in sanitary regulations *e.g.*, cubic feet of air per room, floor space, &c. There is a law that houses unfit for human habitation may be proceeded against, but it is almost a dead letter.

7217,–9. I know many cottages as bad as bad can be.

7096, 7141. There should be stipulations as to the soil on which the cottage is built; as to keeping out damp; the thickness of walls; size of the living room and height of ceiling; minimum size of windows; minimum width and "rise and go" of staircase; partition between bedrooms; water supply; spouting; privy.

7097–8. The only objection to the law is the fear of causing a scarcity of cottages, and the minimum should be as low as possible. When that is fixed, the materials, especially woodwork, could be made wholesale, and so cheaper.

7100. The feeling of the better-informed class is so strong, that I think boards of guardians could enforce such regulations.

7140, 7218. Cottages are often built by tradesmen, and the tenants are compelled to become customers also, and so the cottagers pay 25 or 30 per cent. interest.

7183–8. The inspector could tell from the outside whether a cottage was in good condition or not. I would not give him a power of entry.

7101. The rivers require to be regulated in winter, *i.e.*, flood time.

7207–7216. The navigation would be improved, the millers and agriculturists would be benefited, and the towns themselves also, in a sanitary point of view. Every foot that the river can be lowered in winter places an immense area nearer the river fit for irrigation purposes.

7208. The overflows are being enlarged throughout the course of the Thames. It would be a great injury to the country round if the permanent level of the river were altered in summer.

7102. Mills and weirs might be retained in navigable rivers. Weirs are essential, and the mills might remain. In non-navigable rivers all mills should be abolished.

7221. A pair of cottages would cost 300*l.*

7222. An ordinary labourer pays 3*s.* a week rent.

7223. About 15 perches of land as garden is usual.

(57.) HENRY DAY, Esq., M.D.—(Q. 7233–7341.)

7233–4, 7316. Is physician to the Stafford Infirmary, and conversant with the local government of Stafford.

7235–7. Stafford consists of (1) Stafford proper; (2) New-town or Castletown; and (3) Forebridge.

7253–4. (1.) Stafford proper is under (*a*) the corporation; and (*b*) improvement commissioners.

7245, 7256. (2.) New-town is in the parliamentary but not in the municipal borough; it is without government.

7242–5. (3.) Forebridge is in both the parliamentary and municipal borough; it has been governed by the highway surveyor.

7258. The townships are in the Stafford Union.

7246. There are outlying townships, Hopton, Coton, &c., which are in the parish and under the poor law guardians.

7247–9. The area of Stafford (parliamentary) is 500 or 600 acres; the population 16,000. The area of the entire parish is 6,370.

7255, 7286. The death-rate is 23.

7252. The Local Government Act has not been adopted in Stafford.

7250. The only rates levied in Stafford are (1) the improvement rate, and (2) a borough rate.

7253. The improvement commissioners levy rates for repairing streets and roads, attending to nuisances, &c.

7260, 7336. They have an inspector of nuisances at a salary of 10*l.* He is librarian to the Mechanics' Institution, and the duty is inefficiently performed.

7256. A policeman is inspector of nuisances for New-town. He is appointed by the guardians.

7261, 7265–6. There is no officer of health in Stafford. Inspection of food is carried out efficiently by the police, under the orders of the chief constable.

7339. I think the police would be good inspectors of nuisances.

7262. The county infirmary is supported by voluntary contributions.

7263–4. There is no power of interference by the local authorities in the case of infectious disorders or epidemics. This want was felt in the case of small-pox four or five years ago.

7278–9. The infirmary then became a sort of hot-bed of disease.

7268–7274. The poor law guardians recently made an attempt to improve the sanitary condition of the district, but failed for want of means.

7275–7, 7323–5, 7314. 7313,–5,–7. 7318–7322. There is no registration other than the ordinary one of births and deaths. Registration of disease would be more useful for the prevention of disease than registration of death. I have always thought that there is available at a very small outlay a most efficient and extensive registration of disease, *i.e.*, through the poor law medical officers. The diseases of the working classes, attended by the club doctors, might be added.

7280–2. Consumption and rheumatism are prevalent; they are mainly due to the dampness of the soil, occasioned by the water being dammed up for mill purposes.

7307–9, 7331. We have occasionally scarlet fever, and typhoid more frequently than typhus.

7326,–9, 7330. I have never known cholera in Stafford.

7283–5,–7. The drainage of Stafford is as bad as possible; it is surface drainage.

7288, 7291–2, 7332–4. 7289. There has been no attempt at utilization (except at the two lunatic asylums); a good deal finds its way into the river Sow.

7312. The Sow is a very dirty river.

7328. There are a number of slaughter-houses in Stafford, where pigs are kept to consume the offal; and cattle fairs are held in the streets.

7293–4. The water supply is as bad as the drainage; the wells are contaminated by soakage.

7338. I do not think that there has been any communication with the Home Secretary under the Sanitary Act of 1866.

7311. Earth closets have been tried in a single instance (by Captain Salt, M.P.).

7295. No control is exercised over the erection of houses.

7309. I believe that fever arises from poverty and the abominable construction of the working people's houses.

7296. I think that the adoption of the Local Government Act should be compulsory, and that the two outside districts should be united with Stafford under one corporation.

7301–2. There was an attempt made to bring the outside districts under the Local Government Act, but it failed because the population was not sufficient.

7303–4. There was an attempt made in 1864 to get the Act adopted in Stafford; that failed through the opposition of the town council, who objected to it on the ground of expense. I believe the saving in poor rates would counterbalance every expense. I do not think there would be any local opposition to anything that might be done by authority for the purpose of rendering Stafford more clean and healthy.

(58.) GEORGE DARBY, Esq.—(Q. 7342–7371.)

7342–3. Is one of the Inclosure Commissioners, and has given a good deal of attention to sanitary matters in rural districts in Sussex.

7344–7. In the Hailsham Union the two relieving officers are inspectors of nuisances, and they act without discretion.

7370. In my own place they required cesspools to be constructed to the privies. The old plan was to throw earth in, and there was no smell. Now that the cesspools have to be cleansed it is a great deal worse.

7344, 7353–4. I think the medical officer of the union should report each nuisance.

7349, 7350. As a rule the relieving officers do not go about the parishes; they go to some particular spot and the poor come to them. The medical man is necessarily over every part of the parish.

7368. The medical officer of the union attends almost all the families in the district.

7351. The report of the medical officer should be followed by an inquiry.

7371. The great thing is to prove the existence of the evil in the first place.

7352. 7355–6. 7357–8. I think the board of guardians would be the best authority for rural districts. If they had the responsibility distinctly put upon them, I think they would be effective. I would not have them elected for local government purposes.

7360. 7371. The board of guardians has the advantage of its *ex officio* members. I think it is well worthy of consideration whether other persons might not be added as guardians for sanitary purposes.

7361–3. When the board of guardians have not sufficient power to remedy an evil there ought to be some superior power to overbear adverse local influence.

7364. I should prefer an appeal to quarter sessions rather than a county financial board.

7366. The highway districts are too large. I think the board of guardians would have more local knowledge.

7367. I am decidedly against the vestry having the authority.

59.) EVAN MATTHEW RICHARDS, Esq., M.P.—(Q. 7372–7441.)

7372–3. Is Member of Parliament for Cardiganshire, and has taken an active part in conducting sanitary matters in Swansea.

7410. Was chairman of the assessment committee of the Swansea Union.

7374. The area of Swansea is 4,363 acres; the population about 60,000.

7375. Probably there is no town where sanitary works have been more fully carried out.

7438. The readiness of the large ratepayers (the owners of large smelting works) to encourage sanitary provisions has been the cause of this.

7376. 7398, 7419. The water supply is very perfect; there is constant pressure day and night, and the water is taken into nearly every cottage. There has been very great waste, but a new form of cistern has been lately introduced.

7399, 7420–2. The pipes and taps, &c. are the property of the owners of the houses.

7377. The municipal corporation is the local board of health.

7415–8. Section 38 of Act of 1866 is enforced, and I believe beneficially.

7379. The town is drained upon the principle known as "back drainage," viz., pipes at the backs of the houses, and sewers in the streets.

7396, 7423–5. The sewers are egg-shaped; the discharge is into the sea.

7381–2. The cost of sanitary works has been very great, and there were great complaints as to the increased rates; but the last two years' drought has made the people more satisfied.

7383–6. 7426–9. The money (100,000*l.* at 5 per cent.) was obtained from the Public Works Loan Commissioners; the period of repayment has been extended from 20 to 30 years; the authorities have memorialized the Treasury for 50 years, but in vain.

7430. Repayment is provided for partly by a sinking fund, and partly by instalments.

7387. There has been a marked improvement in the health of the town.

7388. There was no return of the death-rate till two or three years ago, but the death-rate is now 18. If death returns were made according to the local board districts, instead of unions, it would be a great advantage.

7389. The officer of health makes a weekly report as to the death-rate.

7390. The reports are read, and if anything special occurs they are published by means of handbills.

7391. 7392–3. 7434–5. The inspectors of nuisances work under the medical officer; since 1866 the three inspectors of the borough police have been appointed inspectors of nuisances; and the work has been done most efficiently; there is a general order to the ordinary police to report. I believe that the number of cases they report are very few.

7394–7. The large majority of privies have been converted into waterclosets. In spite of the cost of conversion, &c., I believe this to be the cheapest way of emptying them.

7431–3. The waterclosets are not damaged either by carelessness or otherwise so much as was anticipated.

7400. The existing Sanitary Acts contain most of the provisions necessary in the government of local board districts; they want codifying and arranging.

7401–4. 7405. The further provisions wanted are: (1) as to back drainage; (2) as to penalties for interfering with a sewer; (3) or with water conduits; (4) I would give power to oblige an owner to convert a privy into a watercloset where the water supply is abundant; (5) I would give further provisions as to byelaws which should extend to old buildings; (6) where owners of houses construct drains on to outside lands, and cause a nuisance by accumulation, it is not clear at present which owner should be proceeded against; (7) it is a doubt at present whether in case of bankruptcy a claim for district rates is on the same footing as a claim for poor rates; (8) there are difficulties as to working the Workshops Regulation Act, 1867, and the Artizans' and Labourers' Dwellings Act, 1868.

7406. No roads of less than 40 feet in width are allowed to be laid out where houses are to be built on both sides, and the houses are not to cover more than half the area from front to back. I think that when owners neglect to complete the sewerage, guttering, &c., it should be sufficient to put a notice at the end of the road, which should be substituted for personal service, as now required.

7407–8. The difficulty of borrowing money has been a very great obstacle to sanitary improvements; and if provision could be made whereby local boards could borrow on the same terms as were enforced in the distressed districts of Lancashire, sanitary works would be undertaken throughout the country to a very much greater extent.

7409–7412. I think the present mode of registering death is not satisfactory, and that the medical officer of the union should in all cases be the registrar.

7414. 7440–1. I think the duties now performed by the several medical officers should be performed by a public officer, who should be restrained from private practice; such duties, for instance, as the inspection of children under the Factory Acts.

7413. I think a committee chosen from the board of guardians would make a very excellent authority for a rural district.

7436–7. We have had the same difficulty as that mentioned by a former witness (Mr. Daglish) as to the paving, &c., of old highways which had become streets.

7439. It is desirable that local boards should have the power to cleanse the surface of all streams in their district.

(60.) ROWLAND WINN, Esq., M.P.—(Q. 7442–7598.)

7442–3. Is Member of Parliament for North Lincolnshire, and chairman of the Glanford Brigg board of guardians.

7444–7. The union consists of 54 parishes; it is 165,470 acres. Its population is 34,731; its rental, 243,713*l.*

7454, 7469. The board consists of 57 elected and 15 *ex officio* guardians; it is seldom 20 meet.

7448, 7505, 7478–7480. I think on the whole the board of guardians is the best local authority that could be adopted.

7465. I would make the board a separate board for sanitary purposes.

7469. They might meet alternate weeks for the two purposes.

7460–3. I would transfer the powers of vestries to the boards of guardians.

7505–6. I would make the board of guardians the superior authority over the local boards in the district.

7509, 7510. Towns with their own police should alone be exempt.

7449, 7487. I am against the highway boards being the authority: in our district, as in many parts, there are no highway boards.

7449–7452. 7566, 7570. The authorities in petty sessional divisions would be the police; and I am against the police having anything to do with sanitary regulations.

7451. The police, as it is, are obnoxious to the farmers.

7518–7522. I think there would be very little for a superior inspector to do in Lincolnshire.

7572–3. The superintendent of police inspects weights and measures.

7453–6. 7571. We appoint the three relieving officers inspectors of nuisances; and they are paid some 5*l.* or 10*l.* beyond their ordinary salary.

7454. I do not think they are wanting in independence.

7457. Once a year they make a more thorough inspection.

7503–8, 7511–2,–4. I would keep the parish as the unit of rating and of authority under the guardians.

7578–7585. I would prefer the vestry as the sanitary authority to a committee of guardians.

7513. There is no reason why a vestry should not meet as often as required.

7516–7. The guardians should carry out works if the vestry did not do so.

7478. I would not have a new board. I think we have boards enough.

7479. I have not considered the question of river conservancy boards.

7464, 7481. I would not have an intermediate authority between the guardians and the Home Office.

7471–2. Since the Union Settlement Act was passed there is great carelessness in the attendance of guardians; there is a slackness of local interest.

7473, 7527. I think four times a year would be a sufficient number of times for the sanitary authority to meet in the ordinary course, but there should be a power of meeting at any time.

7476. The board of guardians as a sanitary board would appoint inspectors.

7471. The medical officers of the union should be the medical officers of the sanitary board.

7586–7. In the Brigg Union till recently the medical officers were the registrars; now, in two of the districts the relieving officers have been made registrars. I never heard any complaint of this.

7482. 7483–4. 7487. In North Lincolnshire the water supply is from wells; these are sometimes polluted by soakage. There is a bad case of this at Winterton, which is under a local board.

7485. There is a full supply of water except during extreme droughts.

7534, 7548. I would have a privy with an ashpit to every cottage.

7486. There is no need in North Lincolnshirer for parishes to combine.

7500,–3. I would rate the parishes for the improvements within each parish.

7487. 7557–9. The local board at Winterton have done a certain amount of work, but fever is still prevalent. Winterton is a freehold parish.

7488. I would put the place under the board of guardians.

7504. Brigg contains about 4,000 inhabitants, and has a local board.

7505, 7577. The clerk to the board of guardians is also clerk to the local board; he is a solicitor in large practice.

7489, 7564–5. I think the board of guardians should have power to compel proper cottages to be built; but improvement is going on so fast that I do not think the power would need to be used.

7490–4. 7528–7540. 7596–8. Rules as to building might be laid down, subject to an appeal to the Home Secretary.

7495, 7541–4. The cottages we build cost about 100*l.*, and the rent is 3*l.*

7499. Ordinary wages are about 2*s.* 6*d.* a day.

7523–6. There is a court of sewers; that has simply to do with the surface drainage that flows into the Trent. It extends from the Humber through Lincolnshire and Notts; it is necessary to keep the drains from silting up, &c.

7553. We have no agricultural gangs except private ones to a small extent.

7554–6. Irish labourers come for the harvest; they sleep in barns, not in the cottages.

7557. I do not think there is need for any further authority against overcrowding by registration of lodging-houses, &c.

(61.) Major-General Sir WM. DENISON, K.C.B.—(Q. 7599–7703; and 8808–8816.)

7599. Is chairman of the Rivers Pollution Commission.

7600. Thinks nothing can be worse than the present local organisations.

7601, 7644, 7651–3, 7695. 7603. The authorities are unwilling to carry out the law. What is wanted is power to compel the authorities to act.

7602–4, 7640–2. I do not think the law is at fault, or that the authorities have not enough power except as to taking lands.

7606, 7667, 7697–8. We shall show that the nuisances can be abated in many cases at an actual profit to those who have been causing them.

7610, 7646, 7657, 7696. 7690–3. How to constitute the superior authority is the great question. It must be a small powerful body.

7691–2. The Justices are manufacturers of nuisances.

7607. Every person using the water of a river should be compelled to pass it on clear to those below him.

7609, 7612, 7682–3. I must constitute a body to have authority over the whole valley.

7613–7. I do not want a representative body.

7623–7. I would have one body for the Irwell and the tributaries of the Irwell, and perhaps a separate body for each bank of the Thames.

7608, 7672, 7699. 7700. The great difficulty in Lancashire is want of water, and the enormous quantity of ashes.

7610. Oldham has just been applying to Parliament for leave to take water out of another valley, and which is wanted for the towns in that valley. A local authority is wanted which should decide such questions on the spot.

7618–7622. 7635–9, 7654. The conservancy boards could not undertake local government; they might keep the general superintendence of all nuisances; thoy might have a power of punishing local authorities, mill-owners, &c., for neglect.

7669. It is not sufficient to give a power of *fine*.

7628–7633. 7677. I would not make the board an executive board; plans of agricultural drainage, &c., might be referred to them.

7688–9. My experience is, that local work is badly managed under a central authority.

7674–5. I do not believe in any good from the advice of itinerant inspectors.

7684,–7. I think there would not be any objection to the commissioners or inspectors being connected with the locality.

7643,–5. It is very likely that local Acts would require modification.

7647–9. Nothing can be worse than the sanitary condition of Liverpool, owing to causes which are removeable—overcrowding, want of water, &c.

7650, 7673. There is great and preventible infant mortality.

7655–6. There must be some referee to decide between the conservancy board and the local authorities. I am not, however, certain that it would not be better to make the conservancy board paramount without appeal.

7688. We have to make a report on the Aire and Calder; taking the evidence given to our predecessors.

7658. We shall report upon the tributaries of the Thames.

7659–7662. The authority of the conservators should extend over the whole valley.

7676. The conservancy board should have power to exclude from the river all that is noxious.

7678–9, 7703. I think there should be a standard of purity. Sewage water often passes uncleansed into the river.

7663–4. If smoke was consumed reservoirs need not be covered; in a populous district they should be covered.

7665–6, 7701–3. Water once polluted by sewage can only be made fit to drink by distillation.

7668–7672. Subject to engineer arrangements and to the necessary funds, towns can dispose of their sewage without poliuting the rivers.

7670. Blackburn is under an injunction from the Court of Chancery; it has tried using lime; they are waiting for our report to get land for irrigation.

7671. I do not see any difficulty in the case of Manchester.

8808. The Rivers Pollution Commissioners are prepared to prohibit sewage from villages or single cottages, equally with that from towns, being poured into the rivers.

We are aware that it would be hopeless to carry this out by means of any existing agencies.

I am disposed to recommend authorities with local organization for limited areas, to be responsible to the general government.

8808, 8811. The authority to consist of but few members to ensure responsibility, and to be men of rank and position.

8808. It should not only frame regulations and enforce the observance of them, but should deal with questions of the supply of water, purification of rivers, &c., so as to render any application to Parliament unnecessary.

I propose to divide a watershed among a set of local bodies who should be answerable for the state of the streams within their district, and to put one superior authority over the whole.

8809, 8812. The small body might be the representative of the other, by election from it.

8813. We must take the existing municipal bodies, boards of health, &c.

8815–6. I am not acquainted with the plan recommended by the House of Commons Committee in 1864, or that proposed by the River Waters Protection Bill in 1865.

(62.) WM. S. TRENCH, Esq., M.D.—(Q. 7704–7838.)

7704–7. Is medical officer of health at Liverpool; was appointed in 1863 under the Liverpool Act of 1846, which defines the medical officer's duties.

7805–7. I am supposed to do the work which is done at Manchester by the Manchester and Salford Sanitary Association.

7712, 7803–4. 7824. 7825. I think the clause in the Sanitary Act, 1866, as to the removal of nuisances, compels the local authority to be unjust to owners. I think the power given by section 58 of the Public Health Act, 1848, enabling the local authority to contribute to the expenses of drains should be extended. I would draw a distinction between a nuisance by position and a nuisance by condition.

7715. In a town like Liverpool, the owners of house property are often people of very small means, and unable to bear the cost of improvements.

7723–4. I think that waterclosets ought to be insisted upon in Liverpool.

7827. There is sufficient supply of water for them.

7804. It is a question of cost, and if the alteration was done at the public expense, as it ought to be, the small Manchester ratepayers would wish for the conversion.

7726,–9. I do not think the law should enter into such details.

7761–2. The sewage at Liverpool is discharged into the Mersey above low-water mark.

7763–6,–8. We ventilate principally by large pipes with Archimedian air extractors.

7767,–9. The drains are trapped throughout and flushed.

7828–9. The adoption of earth closets, were they practicable, would not supersede the necessity for drains.

7730–2. Inhabited cellars are regulated in Liverpool by Local Acts of 1842 and 1846, which last is almost identical with the General Act of 1848.

7733. Ever since 1846 the occupation of illegal cellars has been a great difficulty in Liverpool.

7734. You may proceed against either the owner or the occupier; the latter are people in the lowest state of wretchedness, and would gladly be sent to prison.

7735–8. If you go against the owner he tells you he gets no rent, but cannot keep the people out of the cellars.

7739. The only way to close the cellars is to fill them in. Mr. Tom Taylor says there is no power in the Act of 1866 to authorize that.

7749. The only instance in which I have known a cellar effectively closed was by filling it up with rubble stones.

7750. The local authority should have power to do this.

7740–3, 7833. Mr. Torrens' Act does not help us, because the illegality is in the occupatiou.

7744,–7. The authority cannot alter the cellars so as to improve them because they would break the law, (as provided by our Local Act), which forbids an illegal cellar in a court being afterwards made legal.

7751. Building byelaws have been made under the General Act of 1858, which has been adopted for the purpose.

7752. These byelaws have done a great deal of good.

7754. The byelaws are, however, restricted to those buildings which are occupied for human habitation, and they are held not to apply to additions to old buildings.

7757. The Liverpool Sanitary Act of 1864 is the Act on which Mr. Torrens' Act was based. Under that I have ordered the demolition of 424 houses, the alteration of 47 houses, the demolition or alteration of 339 out-buildings, and the construction of 644 waterclosets.

7758–9. This has not led to any litigation.

7760. I make a report, which is sent (1) to the town clerk, and (2) to the clerk of the peace. The grand jury inspect the premises and report.

7770,–3–4. For inspection of nuisances, the town is divided into 16 divisions, each under an inspector. These are under the chief inspector. There are also two prosecuting inspectors, who make themselves acquainted with all the cases that have to be brought before the magistrates. There are also

7771, 7795. four meat and fish inspectors, and eight bakehouse, lodging-house, and sub-let house inspectors (these go about in pairs), and must be married men who have served in the police.

7771. We pay inspectors 30*s.* per week, and provide livery. We have hundreds of applications on a vacancy.

7772. The borough police assist by giving information.

7775–6. The parochial authoritics send weekly, or oftener, a list of contagious diseases.

7777. 7778. If cholera were about the report would be daily. We do, in fact, act immediately.

7780–1. I order clothes to be removed to the disinfecting apparatus. Chlorine gas is applied to the house, and the health committee are applied to to order the lime-washing and cleansing of the house.

7782–3. In winter we are never without typhus; it is a specific disease.

7784–5. In the summer we have enteric fever and diarrhœa among children.

7796–7. Last year we had an epidemic from the bad drainage of the houses of the gentry.

7786–8. We have great numbers of Irish. We have not had the relapsing fever since the famine of 1846. The ordinary enteric fever, though different, would easily be turned into that.

7818–7822. 99,200 emigrants passed through Liverpool this year. They cause peculiar difficulties.

7823. The question of emigrants producing sickness, and of landing arrangements generally, requires revision. (Case of the "Helvetia," in 1866.)

7789–7791. I think the registration of diseases by public institutions quite feasible, and that it would do an immensity of good.

7794–7800. The only evil not recognized in the Sanitary Acts is the mal-arrangement of families in self-occupied houses.

7795. 7798–9. We have carried out in Liverpool under § 35 of the Sanitary Act, 1866, the registration and inspection of sub-let houses. I have registered between 7,000 and 8,000, and have the particulars recorded in my office.

7830. We only enter where we register.

7836–8. A mortuary chapel, with a view to the removal of the dead bodies to them from the poor

Roman Catholics of Liverpool, which would have been built but for Mr. Hutchinson's bankruptcy, will be shortly completed.

7801–2. I think that if inspectors from a central office were continually going round the country, the agitation against them would be as great as in the case of the Public Health Act, 1848.

7803. The local authority has two kinds of work—(1) sewers, &c., which it has to do itself, and (2) the enforcement of nuisance removal by others.

7810–7. Nothing has been done at Liverpool in providing a hospital under section 37 of the Sanitary Act, 1866; and I do not see my way to work such a hospital. How are you to say who shall go to the workhouse hospital and who to the other? The corporation have subscribed 5,000*l.* towards the erection of a voluntary fever hospital. When an epidemic comes, and a hospital is provided under the Diseases Prevention Act, that is done by the guardians, and there is no difficulty.

7814–5. We are assisted in every way by the workhouse authorities, otherwise we should be in a difficulty.

(63.) The Right Hon. Lord PENRHYN.—(Q. 7839–7907.)

7839, 7850,–8. 7839, 7844. 7846. Is acquainted with the operation of the sanitary laws as chairman of two local boards (Bangor and Bethesda) in North Wales, and as attending the board of guardians. The union is 30 miles long, and is in two counties. It was made so large because the original Act of 1835 did not contain the power of compelling the erection of a workhouse.

7839, 7888. There is plenty of power in the different Acts, but they require simplification and consolidation. The Home Secretary has full powers now.

7845, 7874–5, 7892. It would be a very desirable addition that there should be power to set the board of guardians or local authorities in motion where requisite. I think the poor law inspectors might be used.

7840–2, 7859, 7884–6. 7896–9, 7903–5. I would not abolish the local boards which exist, but I would put all rural districts not under a local board under the board of guardians (who with us are men of education and intelligence), and who should act by a committee.

7872. It should be compulsory on the boards of guardians to appoint inspectors of nuisances subject to the approval of the central authorities in London, who should also fix the number of such inspectors to be appointed.

7844–5, 7860. We have three for our union (exclusive of the two local board districts); they perform their duties efficiently.

7843. I do not approve of the use of police as inspectors.

7844. I would not appoint the relieving officers.

7847. I think that unions generally want revision.

7850. "Bethesda" is a district which has sprung up; three almost separate villages being united; it is a conglomeration of houses built without any plan of drainage, &c.

7851–7. The board was formed under a local Act before the Local Government Act was passed.

7861. 7862. Works of water supply would not have to be executed for purely rural districts; for the towns we have to bring water a considerable distance.

7863–6. As the rural districts become populous, works for drainage become more and more a matter of necessity; for such works there should be a power of making a joint board under the Home Office inspection.

7867–9, 7894. I would not give the board of guardians control over the erection of cottages, &c. There is so much going on in the improvement of cottages that I think it may be left to public opinion.

7870. The cottages at the slate quarries are built some by the owners and others by the men; in my case I insist upon a certain plan, &c.

7871. There are not many built by speculators, the workmen build their own.

7876. The union medical officers are remarkably well selected; they are attentive to their duties, and their salaries have been adequate.

7877. They are the persons who should be asked to give a medical certificate that a house is unfit for habitation, &c.

7878. They should report to the board, not direct to the Home Office.

7879. I do not think any inspection of medical officers is wanted.

7882. Local rating is not heavy with us.

7887–7893. It might be prudent to insert a power of appeal, as in Torrens' Act.

7906–7. I would give the appeal to a distinct department from that which puts the matter in motion, and I think the Home Office the best head of the local government of the country.

7900. I do not think village hospitals desirable. I think they would spread fever, &c.; there is a great indisposition among the lower orders to go into a hospital.

(64.) C. S. READ, Esq., M.P.—(Q. 7908–7961.)

7908. Is Member of Parliament for South Norfolk.

7909. For sanitary purposes the existing Acts are quite sufficient.

7939. A great deal must be left to the discretion of the authority.

7910–1, 7924, 7940–2, 7959–7961. 7917–8. For local purposes (as water supply) you must still have the vestry. For general sanitary purposes the board of guardians is the best. They might, perhaps, act by committees.

7912–4, 7916. Where you have a town (or place which requires exceptional regulating) in the middle of a union you must still have the vestry of the town consulted for such local purposes as water supply, &c.

7919. The supply of water is good; it is from springs. Privy accommodation has been considerably augmented since we appointed inspectors of nuisances, who are usually the relieving officer.

7927, 7931. They are well looked after by the medical officers, and usually receive 10*l.* per annum extra.

7928–7930. I should object to the police, who are unpopular enough as it is.

We have mostly to complain of the mills which dam the water.

7920. The arterial drainage is generally under the Haven and Pier Commissioners of Great Yarmouth, who have the management of the rivers that empty themselves at that port.

7921. The river at Norwich has been turned into a common sewer, and an injunction has been got from Chancery against the city, which is now executing extensive plans of sewerage for agricultural purposes.

7922. 7923, 7943–5. If there are to be county financial boards they might have charge of the rivers; they would be a good intermediate authority; and they should execute the greater kind of works.

7946–8. They might also be a court of appeal.

7948–9. I would have an intermediate court of appeal, because the circumstances of the different counties are so different.

7925. I see great difficulty in uniting small towns and country villages for local government purposes. The benefit derived by three acres of land, worth 5*l.* per annum, and a 5*l.* house from the same work, is very different, and they should not pay the same rate.

7932, 7934,7–8. Cottages are good upon large estates. Those built in open villages by speculators are as bad as bad can be.

7933. I think boards of guardians might have power to prevent overcrowding, and might make regulations as to general sanitary construction, but they should not have arbitrary powers to compel three bedrooms, &c.

7950–3. Overcrowding prevails in the open parishes. Lodgers should not be allowed, except on registration, inspection, &c.

7934–5. The Union Chargeability Act has operated for an increase of cottages where wanted.

7946. We had a case where a cottage owner refused to provide privy accommodation. He was summoned before the magistrates. He then appealed to quarter sessions, and was beaten there, too; but he beat us at last by closing his cottages. This litigation cost us 400*l.* beyond our taxed costs.

7947. There should be some cheaper mode of proceeding.

7954–8. In Norfolk we have cesspools and dirt bins for solids. The liquid refuse is generally thrown into the garden; the strata is porous, but the wells are very deep.

(65.) ALEXANDER REDGRAVE, Esq.—(Q. 7962–8001.)

7962, 7983. Is one of the inspectors of factories; there are two, and a considerable number of sub-inspectors.

7964. Would propose one means for enforcing all regulations which bear upon the health of the people.

7964, 7980. For acts done for the benefit of a locality that locality must pay.

7964. For alkali works and mines skilled inspectors are required. I would take from the inspectors of mines their duties as to women and children, and education, &c., and place their duties under the inspectors of factories.

With respect to the Bakehouse Act, it is the duty of the local authority to prevent the employment of children where the bread is baked, while the rest of the premises are under the factory inspector. Personal irregularities cannot be properly dealt with by another member of the same community.

When local authorities are negligent the factory inspector should report to the Home Secretary.

Local authorities should be allowed to request the Home Secretary to appoint the inspector of factories as their inspector, and should pay him for his time.

7965, 7995. The inspectors of factories might be used to stir up local authorities.

7966–7. Overcrowding and ventilation are now partly under the factory inspectors, and they obtain great influence in their localities.

7968. 7973, 7984. There are necessarily a great number of factory inspectors residing throughout the country; the districts vary in size, according to their population.

7974. There are three in London; two in Manchester; one each in Leeds and Sheffield; three for Scotland; two for the Northern counties of England, &c.

7969. What I propose would be a new sphere of duty; but they are going round the country, and could judge of the consumption of smoke, pollution of rivers, &c.

7970–1, 7997–9. 7972. They go through every district, and visit every small town above the size of a village. Municipal boroughs would not need their interference; thay take their matters up readily. Sheffield alone does not.

7975. The inspectors are appointed by the Home Secretary.

7976. Some have been in the army, at the bar, &c.

7980, 2–6. An increase of staff would be required if these further duties were put upon them. The duties performed for the local authorities should be paid for by them.

7988–7992. I would leave the skilled medical and engineering inspectors as now.

7993. The action of the certifying surgeons is unpopular.

8001. The success of the Factory and Workshops Act is mainly owing to the good feeling and sympathy between the inspectors and manufacturers.

(66.) JOSEPH SNOWBALL, Esq.—(Q. 8002–8135.)

8002–3, 8120. Lives between Alnwick and Newcastle, and has been a land agent for many years in Northumberland, Durham, &c. Is chief agent to the Duke of Northumberland.

8006. There is great want of uniformity in the manner in which the sewerage of towns is carried out. There is sometimes a difference in the system in the same town.

8008, 8011–3, 8098. 8100–1, 8010. I think a *central body* should lay down rules which should be generally followed; and should control the ashpit system, where that is used.

8009, 8012, 8095, 7–9. I should forbid the discharge of sewage into rivers or into open pits.

8016. I think the board controlling the river as a conservancy should not be the board having to deal with the sewage.

8017. I think the sewage can be utilized, but not profitably.

8094, 6. Towns should be compelled to utilize their sewage, which should be tested and sold to farmers according to its value.

8126–9, 8131. The farmers now take away the contents of the privies in the country with the ashes, &c.

8018. Country villages are in general drained very badly.

8020. When a village is large, and belongs to different owners, power is wanted to compel all to bear their share of the necessary expenses.

8021. 8128, 8132. In small villages you must have privies cleansed in the usual way by cleaning out the soil, but power is wanted to compel this to be done frequently.

8022. 8031. 8032–6. They should be under inspectors legally appointed; and who should be answerable to the officers of a central authority, *i.e.*, to an inspector from London, who should have power to take proceedings against authorities or inspectors neglecting their duty.

8025, 8039. I do not know of any instance where a vestry has formed a committee for sanitary purposes.

8026–8. The inspectors now appointed by the guardians are infirm and ill-paid; often they are the relieving officers, and the work is not likely to be done.

8112. I think the police would be good inspectors of nuisances in country places.

8030. 8047, 8107. The board of guardians is, I think, a better authority than the vestries. There is a want of power to compel the local authorities to do their duty; they are hindered by local prejudices.

8037. Villages are often ill-supplied with water.

8038–9. 8040. The supply (from springs and wells) is in the hands of adjoining owners; and the villages have not money enough to carry the water from distant sources.

8042. I know a case where the landowner is willing to allow his water to be taken, but there is no means of raising the cost of laying down pipes, &c.

8046. The village is on the coast, and water could not be obtained by pumps.

8118–9. I believe there is great difficulty in the water supply in Bucks, but I have not felt it so bad there as in Northumberland.

8045. I was not aware of the power given by section 6 of the Sewage Utilization Act, 1865.

8094. It is difficult to trace the ill-health of a district to any particular neglect.

8102–6. I prefer earth closets to privies if the cottagers could be got to use them; they require more supervision.

8047–9, 8075–6. 8107, 8047. Local boards should have a limited control over buildings, as to situation, &c.; unless they were controlled by a central authority it is a dangerous power to give. Local boards have very strong prejudices.

8077–8. I would give power to destroy furniture, &c., likely to cause infection.

8050–1, 8109. I do not think that landowners would be willing to conform to building regulations of boards of guardians. I think local supervision generally open to abuse.

8110–1. I think there should be an intermediate county authority, perhaps the chief constable.

8048. I think the authorities in towns have sufficient power.

8052–8, 8063. 8134–5, 8057, 8083. The old cottages were very bad; there has latterly been great improvement in the building of cottages, especially in Northumberland, where the cottages are attached to the farms, and estimated with the land in the rent.

8058. The agricultural labourers, as a rule, pay no rent there.

8060–2. In Durham and Yorkshire generally it is different.

8066–7. There are usually separate rooms for the boys and girls.

8130. They all have gardens.

8133. In the neighbourhood of Alnwick there are enough houses for the population.

8068. 8071–3. The cost of cottages has very much increased latterly, and is from 130*l.* to 150*l.* The rent paid is 2*l.* or 3*l.* only.

8079, 8080. If it could be done, it would be very desirable that the rent paid for cottages should be a fair interest on the cost.

8054, 8082, 8079. The cottages are built by the landowners; very few, either by speculators or by farmers, having a lease, &c.

8133,–8. There are cases where manufacturers, millers, &c., give occupation, and have not land on which to build cottages for those in their employ. I have not, however, seen any inconvenience from this.

8084–5. The unions are very large, and many extend many miles. The boards of guardians are not well attended.

8086–7. 8093. The work usually falls upon two or three; this would still, I think, be the case if the guardians were the sanitary authority as well, The *ex officio* members do not attend.

8121–5. The houses in Alnwick belong to a great number of proprietors; those in the main streets are good, others are in a wretched condition. They are tolerably well supplied with water. They drain into a stream.

8091. I do not think there is a prospect of getting a local authority that will attend to its duties unless there is a central board to keep the authorities to their duties.

8108. There should be a power of appeal against a local authority, when the local authority allowed breaches of its byelaws, &c.

(67.) P. H. HOLLAND, Esq., M.R.C.S.—(Q. 8136–8170.)

8136, 8161. 8142. Is now the sole inspector of the Burial Department of the Home Office; was employed by the Board of Health from 1853 to 1858, and by the Home Office since 1858.

8137–9, 8141. Inspects burial grounds and reports on them to the Home Secretary.

8162. There are and will be still from time to time cases for inspection arising.

8144, 8160. Has been for 28 years connected with questions relating to the public health, and is convinced that the best mode of administration is by united action of the general and local authorities, *i.e.*, by local management and general supervision.

8145. The Burial Act is a good illustration of the *extent* of general supervision. The local board selects a site for the approval of the Secretary of State, and the Secretary of State always approves except for positive objection, he never disapproves merely to improve.

8146. I have found that local boards generally wanted rather to be restrained.

8148–8150. 8151–2. The question of closing a ground is a question of evidence, not of predilection; it is otherwise with the choice of a new ground. I think the same plan might be followed in other sanitary matters, the question *whether* a cause of ill-health ought to be removed is one of evidence; the *manner* of doing so might be left to the local authority.

8153–4. There is great difficulty in getting the better class of ratepayers to serve on a local board; they will not subject themselves to the annoyance of a contested election.

8155–6. I think the minority might elect as well as the majority.

8157–9. I do not think the better class are sufficiently represented, and the authority of the board is diminished thereby.

8163–7. I can recommend that a burial ground be entirely closed, or left open, or partly closed, or can recommend its being closed after years.

8168–8170. There are clauses in the Sanitary Act, &c., as to burial grounds, which are concurrent with the special Acts.

(68.) WM. T. GAIRDNER, Esq., M.D.—(8171–8337.)

8171–3, 8183. Is a professor of medicine in the University of Glasgow, and has been medical officer of health for the city since 1863.

8174, 8192. Advises the board of police in all matters bearing on public health.

8190. The Lord Provost and magistrates and the board of police are the chief local authority.

8195. There is a standing committee of magistrates and a sanitary committee.

8175, 8220. I have power under the authority of the board to order disinfection of clothing and of houses. I can send patients from common lodging-houses, or in very extreme cases of danger to the public health, to the hospital.

8196, 8221, 8243. The board of police has erected a fever hospital for those who are not paupers, with special facilities for disinfecting clothing, and a wash-house for the same purpose. There were previously four fever hospitals.

8175. The powers given have always been interpreted rather narrowly so as to avoid, as far as possible, encroaching on the domain of the parochial boards.

8243–7. In the case of such a town as Glasgow, persons above paupers should frequent hospitals whenever there is not the means of separation in their own houses; from commercial establishments the patients would go to the infirmary.

8177–8, 8181, 8233. 8193–4. Glasgow consists of four parishes. The board of police to a certain extent controls the parochial authorities, who are also controlled by the board of supervision in Edinburgh, which is analogous to the London Poor Law Board.

8179, 8180, 8232. 8185, 8240–1. The parochial authorities have medical officers for attendance on the sick, and inspectors of the poor (*i.e.*, relieving officers).

8242. The whole question of poor law administration in Scotland is under consideration of a committee of the House of Commons.

8182, 4–5. 8315–6. There are five district medical officers, who are also medical officers of police, and seven inspectors who act under the medical officers, and report daily, and one or two office clerks.

8230, 8270–1. The sanitary officer should chiefly watch over epidemics, &c., and leave analytical and engineering matters, &c., to experts.

8186, 8314. The inspectors were chosen from, but are not police; they are intelligent men without any special education.

8231. I think it will be necessary to increase the number.

8317. The medical officer, where prompt action is wanted, gives necessary orders for disinfecting, cleansing, &c. In other cases he gives an order to the hospital, or to the inspector of cleansing.

8187. The superior police officers are also inspectors of nuisances.

8188–9. The General Acts are in force, but, practically, I employ the Local Act, which gives me increased facilities.

8195. The sanitary committee of the board meets once a fortnight, and I attend; they are the medium through which usually I communicate with the board.

8333–7 The Public Health Act (Scotland), 1867, repeals all previous general sanitary regulations for Scotland. There are also Police and Nuisance Removal Acts.

8234–9. I see no objection to the union medical officer being also the sanitary officer.

8197–8. Overcrowding, &c. is dwelt with by the sanitary department of the board of police. There are peculiar dangers from the construction of Scotch houses. The Glasgow Local Act gives power to regulate the numbers residing in each house according to the cubical contents.

8301. This power is very arbitrary, and is only partially exercised.

8302–3. We regulate ventilation by insisting upon the windows of lodging-houses being kept open a certain time. We do not enforce artificial ventilation in construction.

8199, 8200. The new buildings for tenement houses are built more in accordance with the public health.

8303, 8312. The construction of new houses in Glasgow is under the Dean of Guild Court, which has very large powers. A certain amount of window space is insisted upon, and that the windows should open at the top, but not artificial ventilation.

8201. Byelaws regulate cleanliness, &c.

8202, 8213, 8313. The labouring classes in Glasgow are necessarily overcrowded; never more so than at present, owing to demolitions without corresponding reconstructions. More than 30,000 families, *i.e.*, about one-third of the whole population of Glasgow, live in single apartment houses, and many of them taking in lodgers.

8206–7. 8223. There is a tolerable supply of water; as a rule it is not taken into the single tenement houses. There is usually a supply from the main, with a tap and sink in every other floor, and one tap to every two families. There are still cisterns among the better houses.

8226–7, 8292–3. The supply is from Lock Katrine. It is constant except in very high stories.

8207. The sanitary department has effected the supply of water, cleansing and disinfecting of houses, &c., hospital accommodation, &c., but the evil is to a great extent beyond our control, owing to the bad house accommodation and bad habits of the people.

8208, 8211. There are health officers in Edinburgh, Dundee, Aberdeen, &c.; but I do not think there is anywhere so considerable a health establishment or a similar local Sanitary Act.

8204, 8214, 8248–8253. Overcrowding creates special diseases, chiefly typhus; it engenders bad habits, and so causes the deterioration of the people.

8283, 8260–1. We have power by the Local Act in certain cases to order the demolition and reconstruction of buildings.

8262. The Act provides that not more than 250 families shall be displaced without a corresponding amount of reconstruction.

8263. I think larger powers for ordering demolition and reconstruction are necessary, and will have to be granted: such powers are confiscatory, and will therefore have to be guarded. I should like to have power to forbid the introduction of any fresh person into an infected house.

8180, 8219. I send *daily* to all the hospital and parochial boards, and so learn what diseases are prevalent.

8218. 8220–2. It is of course easy for disease to be introduced and to spread in such a vast crowded community, which makes it very difficult to stamp out disease.

8221. We make ourselves responsible for the clothing we take to disinfect, and sometimes supply new clothing in its place. We furnish clean straw, fumigate the house, wash the furniture, &c.

8224–5. 8324–8332. The sewage of Glasgow is turned into the Clyde. It is rolled up and down by the ebb and flow of the tide for a long time without being carried out to sea; it is a very great nuisance without going into the question of health.

8294–8. The river is artificially deepened, and accordingly allows the accumulation of sewage matter to a much greater extent. There are also increased difficulties of outfall, all the land below being occupied by villas, &c., &c.

8228–9. The excreta from the poorer houses is thrown out into ashpits and collected and removed for agricultural use. The ashpits have been lately much improved, and made smaller so as to necessitate frequent removal.

8256–7. The privy accommodation is usually outside, and I think, considering the construction of the houses, better so.

8292, 8300. 8323. We have in terms power to compel adequate privy accommodation, but from the close system of buildings we are obliged to be content with so much as there is space for; they are built in the most open spaces we can get.

8264. I think that if we had the power to strike at the root of the evil, sanitary administration would pay as a commercial operation.

8280, 8318. The expenses of fumigation, disinfection, hospital treatment, cleansing, &c., are paid out of the sanitary rate.

8319–8322. If it is intended that the person causing a nuisance should pay for its removal, he is summoned before the magistrates and fined for it.

8265–8. 8281. Sanitary rates are 1*d.* in the pound; they were 2*d.* at the time of the erection of the hospital. It is collected with the police rate.

8273. Poor rates vary in the different parishes from 1*s.* 7*d.* to 3*s.* 6*d.* in the pound. Rates are not levied under 4*l.* rental.

8276–7. 8278–9. In Scotland the occupier deducts one-half his rate from the landlord. I believe the sanitary rate is paid by the occupier on the rental, as stated in the Valuation Roll.

8269. The death-rate is usually 29 to 33 per 1,000.

8286–8291. We have an exceptional power of providing medicines; usually poor persons are attended at the cost of the parochial board; but there is a difficulty sometimes in the case of a sick child.

8289. We made special arrangements for cholera. I took the whole charge upon the sanitary administration.

(69.) ROBERT CLUTTON, Esq.—(Q. 8338–8459.)

8338–8342. Is a surveyor and land agent in very considerable business, and resident near Reigate; an occupier of 600 acres, a member of the board of guardians and highway board.

8352. The union comprises 16 parishes, and is 51,000 acres.

8343,–6–9. The grouping of parishes for highway purposes has been beneficial, and should be extended.

8344–5. The money was more judiciously expended, and larger works were undertaken.

8348–9. You got much more uniform management.

8350–1, 8443. The board of guardians have no other sanitary functions except the removal of nuisances; they are not a good sanitary authority.

8353, 8437–8. 8439, 8440. We have an inspector of nuisances, at 60*l.* per annum. He has no other avocation. It is rather common to appoint relieving officers, paying them a small salary. I do not think them good inspectors.

8355–8. I do not think the vestry a good sanitary authority. The most intelligent occupiers, &c., do not attend vestries.

8399–8404. Case of *Horley*, where the board of guardians undertook structural works, and then found these should have been constructed by the vestry.

8359, 8360. 8416–8, 8424. Persons of greater intelligence and breadth of view are wanted to manage sanitary matters. I think the Justices should share in it.

8361–2. I do not think one board could be formed for the three purposes of Poor, Highway, and Health; the labour would be too great.

8408. Whatever be the local (health) authority, there should be but one in each place.

8363, 5–6. Cottages in rural districts are often in a disgraceful state.

8364–7, 8374–5. 8386, 8413–5, 8453. Landowners and farmers require to be impressed with the necessity of attention to sanitary matters in such cases, which they are not.

8369, 8444–6. Farmers are beginning to find that it is worth their while to lodge their labourers near their work, and in decent houses.

8395–7. Case where Baron Rothschild has taught his tenants to use dry earth.

8368. Remuneration cannot be made in a rural district for cottages such as a labourer ought to live in.

8372–3. Cottages cannot be built in Surrey under 300*l.* to 340*l.* a pair. When Redhill became populous, a company built cottages with a view to provide better dwellings, but, as they insisted on 5 per cent., agricultural labourers could not afford to occupy them.

8444–6. Five per cent. interest is meant to divide the cost of cottage building between landlord and farmer.

8370–1, 8447–8. 8423. I do not think it practicable to give local boards power of regulating cottages. The local authority should order what is to be done, but should not specify the precise mode of doing it.

8528–8430. It would be well to state what a cottage should not be rather than what it should be.

8364, 8376–9. It is so natural that we should use earth as a material for cleanliness, which even animals use for the same purpose. I have used it myself for 25 years for the collection of everything in the character of manure.

8367, 8376, 8383. The matter is much more attended to than it was, and will, I hope, make rapid strides before long.

8398. The ordinary sink water remains as a difficulty.

8380,–2. 8449. 8435–6. A better class of nuisance inspectors is wanted (as the factory inspectors). It would not require many. The law is almost a dead letter from so many private interests being opposed.

8384–7. Public opinion cannot be relied on yet, it is astonishing how little one parish knows or cares what another parish has done.

8381. Sub-inspectors would be necessary, say for each union.

8441–2. The officers of police might be used, not the ordinary policeman. I do not think they would be popular.

8388–9, 8393. 8406–7. The water supply has been a good deal damaged by leakage, especially in oolite and chalk soils. Fever is caused thereby.

8390. We have accordingly introduced the dry earth system in Gloucestershire. It has not worked well, owing to the carelessness of the cottagers.

8391–2, 8408. I would give the local authority power to insist on the earth system. It is difficult to make cesspools water-tight. If they are allowed earth should be thrown in daily.

8094, 8419–8421, 8409. The local authority should have power to empty, cleanse, and remedy wells which have been contaminated by leakage.

8422. We make reservoirs and collect rain water in the fens, &c. when the water is impure.

8431–4. Villages often in hilly counties depend upon wells or ponds which dry up in dry seasons. I scarcely see how a supply could be made compulsory.

8425–6. I would not have an intermediate county authority.

8451. Parochial rates altogether are very heavy and are increasing.

8458. There are many nuisances which are not removed. Typhus and ill-health are occasioned thereby.

8456. I do not think the board of guardians yet see that sanitary measures would reduce the rates.

8457–9.

(70.) JOHN CLUTTON, Esq.—(Q. 8460–8496.)

8460. Has had great experience in fen districts.

8461–3. 8466. Water there is usually collected from the roofs and supplied from tanks, which is the best supply to be had there. The tank is put close to the house.

8464. The supply fell short in the summer of 1868.

8465. It is very difficult to make the tanks perfectly water-tight.

8467–8. Foul water will drain into the tank through the joints of the pipes if proper provision is not made for carrying away impure matters from the house.

8470. The soil pipes require to be laid with as great care as the water pipes, and as you cannot trust the builder you require a clerk of the works, and that adds considerably to the cost of cottage building.

8471–2. I think owners would object to building under regulations, which would, however, be very desirable.

8473. 8479. 8481. I do not think you could control the number of rooms. I think you might control the size, &c., of the rooms. I would take the Dover byelaws as a model.

8474, 8485. It is difficult to prevent the taking of lodgers. Large landowners do control this.

8476–7. Dampness is another great evil in cottage building. We now build with hollow walls and a damp course. This adds 10*l.* to the expense.

8482. The increase of the cost of labour has also added considerably to the expense.

8492. You cannot make general legislation as to particulars of building.

(71.) THOMAS HUSKINSON, Esq.—(Q. 8497–8668.)

8497–8. Has the agency of large estates in Nottinghamshire, Leicestershire, Lincolnshire, Derbyshire, and Suffolk.

8593. Has been for many years an inspector under the Inclosure Commission.

8652–3. The parishes in Nottinghamshire are from 1,500 to 2,000 acres; the population 6,000 or 7,000. In Lincolnshire the parishes are 3,000 or 4,000 acres, but the population is less.

8499, 8508. In rural districts there has been no application of any law at all; the state of rural parishes is as bad as possible.

8501, 8557–9. There is, as a rule, neither drainage nor water supply.

8502–4. The Acts of Parliament provide for all that is wanted if they could be applied.

8503. It would be a great advantage if the Acts could be consolidated.

8505, 8611. 8505–7. There are two radical defects—(1) there is no authority upon whom it is imperative to put the law in force, the Acts being mainly *permissive*, and (2) the want of a properly-constituted local authority.

8606, 8510,–7. 8551. There should be a central authority which should enforce action.

8569, 8511,–2. 8553–6. You cannot prescribe the details of action by an Act of Parliament.

8513,–9, 8526. 8530,–2, 8612. There are various local authorities now established by Act of Parliament—(1) a Committee elected by ratepayers; (2) the Board of Highways; (3) the Vestry, &c. There is confusion between the *Nuisance* and the *Sewer* authority.

8513, 8621, 8632. I object both to the board of guardians and to the highway board because I think the local authority ought to be resident in the parish where the sanitary difficulties arise.

8665–6. The elected guardians are jealous of the interference of the *ex officio* members.

8513, 8638. Practically boards of guardians have not exercised the powers that they have.

8549, 8551. 8620–6, 8632–7, 8668. I do not think the board of guardians would give more independent action than a parochial board.

8513–4. I also object to boards of guardians because owners are not represented; the Justices are *ex officio* members, but other owners are entirely unrepresented.

8514–6, 8534–7. 8580, 8639–8641. I should suggest for each parish a board of eight (or 10), viz., the two overseers, the waywarden, and the guardian (or guardians); these to be *ex officio* members, and they are elected by the ratepayers; and to them I would add an equal number elected by the owners.

8607–8, 8665–7. I would allow an owner to substitute his agent, or to give his agent a power of attorney to act for him in his absence.

8523–4, 8550. 8610,–3,–6. This element would get over the difficulty caused by the reluctance of ratepayers to tax themselves for sanitary works.

8531, 8567. It is desirable that even very small places should have all powers.

8515, 8548, 8575, 8605. I would keep the parish as the most convenient unit, there being facilities for the combination of parishes.

8539. The local authority should meet once a month at least.

8618–9. They must have rating powers, and should in part rate the owners.

8517, 8526, 8600–4. Then I would have a board in London, such as the Inclosure Commissioners, or a similar body—a non-political body.

8510,–8, 8591, 8609. Any person aggrieved should have power to apply to the central authority, who should make inquiry by their inspectors.

8520. 8518, 8581,–4. I do not think many inspectors would be required; they should be local; and should have power to *act* if the local authority remained in default.

8568–9. I think it desirable that the central authority should have similar powers over towns that I propose to give it over parishes.

8570–4. The central authority should not itself execute works; it might contract on behalf of the recusant town for their execution.

8579. The central authority would accumulate a great deal of technical knowledge which would be available throughout the country.

8522, 8590. The very fact of there being power to send an inspector would often be sufficient.

8610–6. I do not think periodical visitation would be necessary.

8522, 8541, 8552, 8585–6. 8582–3. The Justices in petty sessions should have power to enforce penalties, &c., on parishes, which should be paid out of the rates. You would probably have to find another authority over large towns, say a Court of Record.

8523. The Sanitary Board would be unpopular, at least at first; the ratepayers have great objections to tax themselves.

8527. The Highway Act has been adopted in Notts and Leicestershire and in parts of Lincolnshire.

8528. The highway districts in Notts nearly coincide with the unions.

8529. The petty sessional divisions are smaller and more convenient.

8630–1. I think highway districts generally work satisfactorily.

8538, 8595–9, 8661–4. The local authority should have the power given by the Act of 1865 as to the construction of cottages.

8598. I would not compel plans to be submitted to the board.

8564. A capricious exercise of authority would have to be guarded against.

8540. I would not have an intermediate authority.

8565–7. I think the authority I name would be sufficient for a market town of 10,000 or 12,000 inhabitants; it would not be sufficient for a town like Nottingham.

8542,–7, 8642. Bury St. Edmunds used to discharge its sewage into a small stream. In consequence of threatened proceedings the corporation have for three years utilized their sewage, at a loss of 240*l.* per annum.

8544, 8645–8651. I believe that where steam power has to be used, and where the rainfall is not separated, there must be a loss. In this case it is about 3*d.* per head, or 1*s.* 3*d.* per house, and is a small price to pay for the expense of scavenging.

8546–7, 8571. Nottingham is a case where very serious evils are existing, and yet nothing is done. The sewage is all poured into the river Trent. Proceedings are about to be commenced in Chancery against the town. Nottingham can do all that is necessary without having to pump. The sewage from some populous villages above Nottingham is also thrown into the Trent, though they could easily utilize the sewage in Sherwood Forest.

8553–4. In the case of groups of cottages a covered tank, impervious to water, would probably be the best.

8555, 8658–8660. The earth closet, if machinery is used, requires more attention than a privy, and is therefore worse. If earth was thrown into the water-tight privy it would be a great advantage.

8557–9. The local (parochial) authority could, I think, provide for water supply in the same way as has been done at *Blidworth* in Sherwood Forest. In some villages this is a more serious matter than drainage.

8560. The authority should have power to acquire land for the purpose beyond the parish.

8561–4. Compensation would have to be paid for taking water.

(72.) WM. M. BURKE, Esq., M.D., F.C.P.—(Q. 8217–8961.)

8817. Is medical superintendent of statistics in the General Register Office, Dublin.

8820. The form of death certificate is somewhat different from the English form. It is in the schedule to the Act 26 Vict., c. 11.

8820, 8851–2. The main difference is that the English certificate gives first and second causes of death.

8821–5, 8868. The medical practitioners in Ireland object to being obliged to certify to the death when they have no personal knowledge of the fact.

8920–7. There is no penalty attached to refusal. The objection is to the form of the certificate.

8866–7. 8941. The dispensary medical officer is *ex officio* registrar; and the clerk of the union is the superintendent registrar.

8826–8833. It is not always possible to determine the cause of death even by *post-mortem* examination.

8869. Section 36 of 26 Vict., c. 11, provides that a person present at the death, or the occupier of the house, should give information.

8834–8, 8906. The profession would not object to the registration of sickness from public institutions.

8853–5, 9. 8939, 8940. That would give a fair account of the status of disease in Ireland.

8864–5. Registration of sickness would entail some further remuneration to the registrars, and so some expense.

8839–8842, 8846–7, 8856. Compulsory vaccination was enforced in Ireland in 1864. The disease has nearly disappeared, but it has not been epidemic since 1864.

8843–5. There was great opposition to it at first, but there is not now.

8856–8. There is no ground for the apprehension that other diseases are spread thereby.

8848. There are 163 registration districts in Ireland; they are conterminous with the unions.

8849, 8850, 8885–6. The guardians are elected by electoral divisions; a certain number of electoral divisions make a dispensary district, and a certain number of dispensary districts make the union.

8887. The union medical officer attends at the dispensary two or three times a week.

8891–7. The dispensaries are regulated under the Medical Charities Act, and are managed by a dispensary committee, appointed by the guardians, who appoint the medical officers and dispensers, who are inspected by the poor law inspectors to see that the medicines are good, and the books, &c., properly kept.

8898–9. A few columns might be added to the books kept by the dispensary officer, so arranged as to be torn off periodically and sent to a central office in Dublin.

8960–5. Persons above the pauper class frequent the dispensaries and hospitals in Ireland.

8907–8913. Still-born children are not registered in Ireland; it would not be practicable to register them.

8872–3. Many deaths, especially of infants, are not registered.

8874. This might be remedied by employing the police.

8875-7, 8833-4. It was proposed to make the police registrars, but that was abandoned, because they would be unpopular.

8879. Registration is much more complete in Dublin than in the west of Ireland.

8882. We furnish returns to, and get them from London and Edinburgh every week.

8880. There is no fee paid for registration. The registrar is paid 1*s.* an entry by the guardians.

8914, 8957–8. The medical profession generally are anxious to have sanitary regulations carried out.

8926, 8945. The new nomenclature is being gradually introduced in Ireland.

8916–9. If the Sanitary Act of 1866 be thoroughly carried out little more is wanted.

8928–9, 8935, 8231–3, 8946–8956. The state of the Liffey shows that a perpetual stench may co-exist with health.

8959–8961. Malaria may exist without a bad smell (case of the Hibernia Military School).

8934,–7,–8. Sanitary measures will never be thoroughly carried out without central administration and inspection.

8942–3. The clerks of the unions, who are the superintendent registrars, might be chief inspectors.

8944. The Poor Law Commissioners have three (there used to be four) medical inspectors.

(73.) RT. DRUITT, Esq., M.R.C.P., F.R.C.S.—(Q. 8962–9208.)

8963–6, 9171. Was formerly medical officer of St. George's, Hanover Square, and is president of an association of medical officers of health in the metropolis, and thereby has had opportunities of observing the working of the sanitary laws.

8982–4. Was appointed analyst of food, under the Adulteration of Food Act: that was a sinecure.

8969–8971, 9166. The Sanitary Acts are deficient—

9207–8. 1st, in the difficulty of getting information. If cholera, &c., could be immediately detected, it might always be prevented from spreading.

8972. 2nd, in the delays which are interposed in putting the law into motion.

8973, 9006, 9174. 3rd, there is a difficulty in getting the vestries to adopt the permissive Acts.

9066,–8 The medical officers drew up a code of regulations for the control of houses let out in tenements, but the vestry would not adopt the powers. (See Appendix A.)

8989, 8990. The removal of refuse from private houses is badly managed.

8991–2. In Bristol this is done by the people themselves, and better managed.

8995, 9200. In London there is plenty of water, or would be, if it was not wasted.

9201–4. The cisterns often become impregnated with impurities. There should be a constant supply in each neighbourhood, with a waste preventer.

8979, 9179, 9180. The Smoke Act has been put in force in London with regard to furnaces, &c. We had no case in St. George's, Hanover Square, under section 19 of the Sanitary Act, 1866.

8977–8, 8981–2. The Bakehouses Regulation Act has effected its purpose, and worked satisfactorily.

8996-7. Overcrowding results in a general lowering of health; a degradation of the whole system and character. We had not much overcrowding in St. George's.

8999. I doubt whether it is possible to prevent this; it arises from poverty, the desire of warmth, and ignorance and recklessness.

9000. Typhus and bronchitis are chiefly produced by overcrowding; and it is usually accompanied by want of drainage.

9001-2. Overcrowding of houses and of people in them usually go together.

9002-3. Many old houses at the fag end of leases get into poor hands and become overcrowded.

9004. There is a general detoriation of the human stock going on from these causes; this is visible in the population of mews, workhouses, &c. The mortality of children is enormous.

9009, 9151. 9080-7. Syphilis is small in amount compared with other diseases.

9018-9023. I would not extend the Contagious Diseases Act to the civil population.

9024-6. 9193-9. I am now concerned with a committee of gentlemen in endeavouring to promote the registration of disease (see Appendix B.), from public institutions and poor law officers. I would send the returns to the Registrar-General.

9027-9034, 9041, 9107. The returns might be published weekly and without great expense, and would show at once the state of health of the country.

9035-9042. 9111, 9120.

9112–8. I got such reports as are now published throughout the country from the compilers.

9205–6. The presence of disease is in its effect a great expense to the community, and if well-devised sanitary regulations were adopted, so far from being an expense it would probably be a saving.

8968, 9040. I have had no experience of the working of the Diseases Prevention Act. We exerted ourselves to prevent cholera being epidemic, as we thought it would be a disgrace to St. George's to have the Act applied there.

9044,–8–9. I think the Act should be in force whenever certain named diseases prevailed.

9045. It would be very desirable to have the power of speedy interment. The Act gives stronger powers than the Sanitary Act.

9050–4, 9184–7. I should like power to send a case of infectious disease to the hospital, and of cleansing the rooms and clothing. The powers of the Sanitary Act are sufficient if that Act was compulsory.

9107–9110. Hospitals, &c. should be under the inspection of the medical officer.

9057–9060. 9172–4, 9188–9. The vestries are too numerous, and are divided into parties. The committees, on the contrary, being a small body act far better.

9176. In some cases the vestrymen who are Justices act as such, the vestry clerk acting as clerk to the magistrates.

9061. The police should act as informants of nuisances.

9158–9161. I would give the medical officer an inspector of nuisances for every 20,000 or 30,000 persons.

9062–4, 9066–9. 9079, 9654–5. 9162–5. It should not be the duty of the medical officer to hunt up nuisances. In large towns he should devote his whole time to the work.

9064. The medical officer should be appointed by the vestry; but his salary and tenure of office should be subject to the control of the Secretary of State.

9068, 9079, 9085. In the country you must take the best medical practitioner you can get, and pay him for his work. I would call him the civil surgeon of the district.

9081. There should also be a central body of superintendence.

9087. The retired army medical officers would be good inspectors.

9083–4. Two officers would be sufficient for the western parts of London.

9196. The taking of the census should come under the medical officers.

9089, 9190–2. An inquest, I think, costs 3*l.* 10*s.* Many of these would be saved if the medical officer had to decide whether an inquest was necessary.

9089, 9183. I believe children whose bodies are constantly found are not murdered but thrown away to avoid the expense of burial.

9092–3,–7. The Poor Law Board is virtually in some particulars the actual sanitary authority of the country.

9094–6. I do not think the public generally would like to be under the Poor Law Board, which is a destitution authority.

9098. I should like to see a fusion between the preventive and curative authorities. The dispensaries when distributing medicine, say for diarrhœa, have refused to distribute disinfectants.

9099. In most rural districts the guardians are now the health and destitution authority.

9121–7. I think the registrar should be a medical man. A medical certificate of death is not required.

9128–9135. I would not make that compulsory.

9106–9. I think still-born children which might have lived should be registered.

9140–6. The great source of demoralization by drunkenness is owing to the pains taken by the publicans to attract custom; plate-glass windows, singing, &c.

9147–9. The death-rate as published is fallacious, unless the localities are analysed. (See Appendix C.)

(74.) WM. BUDD, Esq., M.D.—(Q. 9209–9394.)

9209. Is a physician in practice at Clifton.

9210. Has paid great attention to the question of the prevention of disease.

9211–6, 9374–6. About one death in five arises from preventible causes, and for each death there are about 10 sick.

9218–9222, 9368–9373. I believe that if the germs of disease were destroyed no circumstance of dirt, crowding, or destitution would generate the disease afresh.

9260, 9354–6. The habit of living amid filth and dirt begets a negligence in regard to higher matters.

9223–4, 9250,–3. 9261–5. The one thing to aim at is to extinguish the infectious poison on its issue from the body. This can be accomplished by simple means. The outbreak of cholera in Bristol, in 1868, was suppressed owing to disinfection by anticipation; the town was kept disinfected.

9225–6. In order for Government to prevent the spread of the disease, Government must have instant knowledge of the existence of the disease.

9227–9. This involves the whole scheme of sanitary organization for the country:—

(1.) The Sanitary Acts must be obligatory and not permissive.

9229, 9288. 9347–9352. (2.) Sanitary matters should be under a minister of health, who should have medical men in his office.

9229, 9233, 9273, 9364–5. 9295, 9319–9323. 9230. 9233, 9310–2. (3.) Medical officers of health (to be appointed by the magistrates and precluded from private practice, and with salaries of from 500*l.* to 1,000*l.* per annum) should be appointed throughout the country, say one to each parliamentary division. It is a question whether they should not also be the coroners; and they should have a staff of inspectors, in fact a sanitary police, under them, and should receive reports from the registrars, the hospitals, &c., and the poor law medical officers.

9276–7. I think the cattle inspectors might be utilized.

9232, 9279, 9314. 9280–1. The poor law medical officers are often young men of no experience, and they are not sufficiently independent; otherwise they are but acquainted with the condition of the people generally.

9233. 9257, 9282. Fever hospitals should be established in towns and cottage hospitlas in the country, for the separation of the infected; and one or more nurses skilled in the methods of disinfection should be appointed in each union.

9330. A disinfecting apparatus should be attached to each such hospital.

9235, 9366. Children suffering from infectious diseases should not be allowed to mix with others.

9255. Depôts of disinfectants should be established.

9235. I drew up some years ago regulations for the prevention of typhoid fever.

9237–9. The practice in use in Bristol for the last eight years is a model one. The health officer meets his staff of inspectors every morning, and afterwards proceeds himself to any infected locality.

9344. There is a Local Improvement Act for Bristol, but I believe the health officer acts under the powers in the general Acts.

9240, 9346. The result of the practice at Bristol has been a very remarkable abatement in infectious diseases.

9240. And a very great reduction in the poor rate. The mortality has been reduced from 31 to 22.

9242. There has not been very great expense.

9426–9. I believe the infectious fever tax is very heavy; besides the actual deaths caused, many families are reduced to pauperism. The deaths are mainly among the parents.

9325–9. We burn infected articles very largely in Bristol.

9331–4. There is a private disinfecting establishment, which is much used.

9359–9361. We have carriages provided for the conveyance of infected persons.

9390–4. People should be punished for travelling on railways, &c., with infectious disorders.

9552. I think the discharges from the body are not at once capable of reproducing the disease, but that the *virus* requires to be liberated before it can pass into the air and so propagate the disease.

9253. The most fatal diseases are propagated by the excreta.

9250, 9377–9389. I have the highest idea of vaccination, but it is not *perfect* security.

9255–6, 9362. There should be instruction in health subjects in all schools, especially for girls.

9257–8. The establishing health officers would lead to a great increase in our knowledge of preventive medicine, &c.

9385. There is no ventilation of sewers in Bristol.

9383. Ventilation is of great importance, particularly in diseases where the breath becomes tainted with infectious power.

9267. I have had no experience of earth closets. I believe dried earth has great disinfecting power.

9268. I believe many outbreaks of disease arise from the emanations from hospital sewers. I think the permanent disinfecting of hospital sewers should be compulsory.

9269. The main object of death registration is (1) the prevention of disease, and (2) the futherance of science. In every town these records should be accessible. Bristol is an instance of how this is *not* done.

9269. It should be compulsory to give the exact house in which death occurred. I should wish to supplement this by map registration. I produce such a map which I made of the distribution of phthisis in Bristol; this opened my mind to some new and unexpected thoughts on that disease.

9271–5, 9342–3, 9364. I think medical men should study the diseases of the lower animals.

9290–4. The sanitary construction of gaols, hospitals, workhouses, &c., requires revision.

9295. I think the same kind of sanitary administration used in Bristol could be applied to the country districts without any great expense.

9296, 9305. A supply of water should be compulsory, not necessarily to each house.

9298–9. I would not give the inspector power to order a supply of food.

9300–1. The sewerage and drainage of Bristol has been very much improved.

9302–4. We have still a flagrant evil, viz., the emptying of the sewage into a tidal river.

9306. We have no registration of sickness in Bristol.

9307–9. The present health officer through the activity of his inspectors gets acquainted with most cases that occur.

9339–9341. I think surface water useful in flushing the sewers, and would not separate the storm waters.

9356–8. We have had difficulties arising from communication with infected ports in the tropics.

(75.) ROBERT BAKER, Esq.—(Q. 9395–9613.)

9395. Is one of the chief inspectors of factories.

9439, 9440. Has charge of the western half of England and Wales, and of Ireland, and resides at Leamington, in the centre of his district.

9441. There are about 12,000 factories, exclusive of workshops, in the district.

9396. Was previously in practice as a surgeon at Leeds, a member of the town council there, and chairman of the streets committee.

9397–9402. In 1833 and 1839 made reports on the state of the town, the size and condition of the houses, overcrowding, &c.

9403–5, 9412, 9415–7, 9547–8. All disused graveyards should be asphalted or flagged over; at present the rain soaks through and pollutes the neighbouring wells, and they may be sources of infection for years.

9407–9, 9411, 9485–9. There should be a mortuary at every cemetery (it is optional now), with separate cells with their locks and keys, and the bodies of the poor should be conveyed thither at the cost of the parish, soon after death, and the key given up to the friends till interment. Such removal should be optional in non-contagious diseases, and compulsory in the case of contagious diseases.

9408, 9490–1, 9513. In the case of contagious diseases it should be compulsory, if the body is to be kept for the arrival of friends, that there should be an interstice of pitch between a shell and the coffin, the lid of the shell being pitched on, with a piece of glass over the face. I once found a carpenter making this arrangement for the interment of his own wife. It is cheap and secure.

9514. The officer of health should also see to the disinfecting of clothes and excreta.

9414–5, 9586–90. I think there should be two or three medical men attached to the Home Office.

9416, 9446, 9492, 9506–8. 9538, 9597. There should be an officer of health in every town, entirely independent of local authority, appointed by Government and paid by Government, who should recoup themselves by estreats on the local rates.

9417–8. Where there is a population of 100,000 the officer of health should not be allowed to practice. The very large towns should be under one man, as Liverpool under Dr. Trench.

9424, 9494, 9505, 9592–4. In country districts the poor law medical officer might be the health officer.

9419, 9591. 9420. The town officer of health might have a diameter of five miles, and so take in the surrounding country district. In sparsely-peopled districts he might have a still wider area.

9418, 9421. For a town of 300,000 the salary should be 1,200*l.*; for 100,000, 800*l.*; for 25,000 it might be 250*l.*

9424–7. 9518–9521. You could not at once find a sufficient number of first-class men for every place, but if the system was established men would qualify themselves for the post. I think it would be necessary that they should have been in actual practice.

9428, 9455. The factory inspectors should inform the officer of health of such unsanitary matters as may come under their cognizance.

9431, 9497–9, 9573–7, 9595–9600. The officer of health would be of great assistance to the factory inspector.

9502–4. The factory inspectors have power to summons manufacturers before the magistrates.

9586–8. They are at present powerless to enforce ventilation, &c.

9562–9572. Matters should go before the officer of health, who should communicate with the central authority in London when he thought necessary. There would be a difficulty at first, and until the department got thoroughly into gear.

9432. The other officers of the local authority, nuisance inspectors, &c., should also give information to the officer of health.

9434. The law requires to be made compulsory with regard to—(1.) The overcrowding of workshops and factories. (2.) Lodging-houses. (3.) Nuisances on public or private property. (4.) Con sumption of smoke and noxious gases. (5.) Deficiency of sewerage. (6.) Want of proper privy accommodation.

9434. Case of a brickyard where there was only one privy for about 20 men and 40 women.

9435, 9564. Case of *Stockport*, where there were seven or eight occupiers under one roof, and not a usable privy in the whole place.

9436–8, 9453–9. I do not think the factory inspectors or sub-inspectors (of whom there are 41) could be used as sanitary inspectors.

9531–4. The duties now performed by the sub-inspectors are not of a sanitary nature.

9549–9555. Their time is fully occupied with their present duties, which are not analogous.

9442–3, 9448. Three or four counties make an ordinary district. Wales (about 720 factories) is divided into two; Ireland into three districts. In Birmingham there are two districts and 1,376 factories.

9535–7, 9561. The sub-inspectors are not medical men, and if the certifying surgeon visited the factories once a quarter I should not mind the sub-inspectors not being medical men.

9450. Each factory should be visited twice at least in each year.

9451. 9452. I consider 25 factories in a week a sufficient number to be visited. It is necessary to go without being expected.

9460. 9485. The certifying surgeon is a protection to the mill-owner as well as to the children employed. Before there was a Factory Act passed, a mill-owner, a friend of mine, employed a medical man at my suggestion.

9461–4, 9527–8. Parents know that a sick or delicate child would be rejected, and they are not sent; they would falsify the registers; children have to be protected against their parents.

9465–6. I think the certifying surgeon should visit all works at least once in every quarter.

9467. He might act as an informant if he saw anything unsanitary.

9468. The certifying surgeons are appointed by the factory inspector.

9469, 9470. The surgeon sees the child at the works, asks it questions, and gives a certificate.

9471–2. The certificate has to be renewed at each change of employment because it is retained by the employer.

9473–4, –8, 9481–3. 9476–7. I think that the medical men all over the country should be *ex officio* to the registrars of births and deaths, and that premature births shonld be registered; that midwives should register themselves with the nearest Clerk of the Peace, and should give information of each birth to the nearest medical man.

9475. They should communicate with the superior registrar in the country.

9529, 9530. I think infanticide and abortion might be prevented.

9479, 9522. Registration should be paid for as now. I believe a great many births are never registered.

9480. When there had been neither a medical man nor a midwife present, I think there should be some imposition upon persons present if they did not give information.

9482–3. The medical men should register deaths in a similar way.

9509–9511, 9524–6. I do not think there would be any great difficulty in the registration of disease, which would be very desirable.

9578. In order to prevent overcrowding I think the officer of health should have the workshops measured and licensed for so many workers, which number should be posted up in the room.

(76.) Mr. JAMES DEWDNEY.—(Q. 9614–9662.)

9614–5. Is a corn miller residing at Dorking.

9644. Dorking is in the union of Dorking, which consists of eight parishes.

9616–7. The population of the parish is 7,800; the population of the town is 6,000.

9618–9. The rateable value of the parish is 38,425*l.*; the rateable value of the town is 25,000*l.*

9620. The area of the parish is 10,021 acres; the houses in the parish are 1,348.

9636. The death-rate is 20 or 21; but that is not a criterion, for disease is very prevalent.

9622–3. The rates average about 4*s.* in the pound, of which 2*s.* 10*d.* is poor rate.

9624–5. The town is not drained at all. The sewage goes into surface drains, made by the board of highways to carry off the rain water.

9626. The board of highways was the nuisance authority till the Act of 1866, which vested that power in the board of guardians. This was a mistake, for the majority of the board live in the rural districts, and take no interest in the health of the town.

9627. I do not think the board do much for the country districts.

9629, 9631. The vestry is powerless in Dorking, because the substantial people are out-voted by cottagers. We have tried several times to introduce the Local Government Act, and failed.

9633, 9648–9657. A great many of the voters were paupers in receipt of parish relief. This is under the Poor Rate Amendment Act, 1869.

9630–3. The Local Government Act ought to be compulsory.

9634–5. Fever is prevalent, in consequence of the want of drainage.

9647. Dorking is so situated that it might be easily drained.

9659, 9660. There has been no agitation to urge the board of guardians, whose power is too weak.

9638. The water supply has been very bad, but an Act for a water company was passed last session. Their charges are high—2*d.* a week for houses under 5*l.*, and 7½ per cent. for houses over 5*l.*

9639, 9661–2. I have threatened proceedings, but never taken any.

9640–3. The fifth overseer is the nuisance inspector, and is paid 10*l.* per annum as such.

9645. There are four union medical officers.

(77.) R. G. FRANCIS, Esq.—(Q. 9663–9694.)

9663. Is a solicitor and clerk to the guardians of Stow-in-the-Wold.

9664. Is desirous to contradict the Rev. Mr. Hippisley (3335–3458).

9665. The alleged insolent conduct of the committee towards Mr. Hippisley was the election of some one else to be chairman.

9668. There was a question between the committee and Mr. Hippisley as to the accounts which the committee thought ought to be decided by a court of law and not by the poor law auditor.

9671–2. I think the highway board would be a more competent authority for Stow than the vestry.

9673. There should still be power to adopt the Local Government Act.

9674–5. The board of guardians would not be so good an authority, being more overworked, and they object to an increase of work.

9676–7. A committee similar to the assessment committee might work well.

9678. The law scattered through so many Acts is too confusing for the parish authorities to know how to act.

9693. There is great confusion between the nuisance and the sewer authority.

9680–4. 9687–9692. The Poor Rate Amendment Act, 1869, has had a very injurious effect upon the sewer authority. A similar system to the old Small Tenement Act should be substituted.

(78.) ARTHUR HELPS, Esq., D.C.L.—(Q. 9785–9921.)

9785. Is clerk of the Privy Council.

9786, 9793–4. 9798–9803. The Privy Council has the sole charge of everything relating to the cattle plague.

9787–90, 9795–6. There is a separate veterinary department with a secretary, chief clerk, 12 others, and 25 extra clerks.

9866–7. Mr. Simon is not connected with this department.

9791. There are also two inspectors.

9826. I think this staff will continue to be necessary for the work.

9792, 9807. There has lately been an outbreak in Gloucestershire; the Council received information from the local authority.

9794, 9810. Attention is being turned to the transit of animals.

9813-4, 9841-6. There are also county inspectors, &c.; these men have opportunities of visiting the worst villages in their counties, but do not [now] report the fact in any way to the health department.

9815-6. 9831, 9868. There are several reasons why the veterinary department should not be transferred to a new Minister of Health—

9817, 9837-40. (1.) Local information, or rather instruction, is obtained by the attendance at the Committee of Council of independent men. (2.) The regulations are often very arbitrary, and would be better borne if imposed by a board than by a single minister. (3.) There are often delays in passing Orders in Council for other offices.

9823-5. The Vice-President of the Committee of Council on Education usually attends to the cattle plague business.

9829. Reports are only made occasionally.

9818-20. Committees of Council are often attended by six or seven members; there must always be three.

9855-7, 9863. There is sometimes considerable difficulty in forming a committee, and the members are often chosen because they are those most accessible.

9858-60, 9869. When a discussion extends over one sitting (which is, however, but seldom) it will happen that the members present at the second are not the same as those at the first.

9830. I believe that if the present staff had been in existence when the late cattle plague broke out it would have been checked.

9848-53. I do not think the inspectors in the cattle department could be utilized for general health purposes.

9861. I do not think the permanent officials had much to do with the regulations as to the cattle plague, which being a new thing everything was carefully considered *de novo*.

9862. I do not think matters were left to the vice-president.

9871-2, 9880. Under the Quarantine Act (6 Geo. IV., 1825), on receiving information from the Customs of the arrival of a vessel with yellow fever, the Privy Council issued an order for its detention, for the removal of the sick, &c., and the purification of the vessel.

9881,-6-7, 9896. The Orders in Council do not apply to epidemics in port, or to cholera, because in that case there must be quarantine between Dover and Calais.

9873. The clerk of the Council has charge of the execution of the Act.

9874-7. Sir William Pym was superintendent of quarantine, but that office was abolished on his death. (Treasury Minute, November, 1853.)

9878. His business was divided between Mr. Simon and the clerk of the Council. Mr. Simon only gives advice when specially applied to.

9920. Quarantine has been in the Privy Council from time immemorial.

9882–3, 9909. I think it would be undesirable to transfer the business under the Quarantine Act from the Privy Council. I might be advisable to keep up regulations as to quarantine which you could not justify medically, but which are necessary for commercial and international reasons, and we always, therefore, summon the President or the Vice-President of the Board of Trade.

9884–5.

9910. The *Customs* carry out the orders of the Privy Council.

9887–8. Although quarantine is useless against infectious diseases generally, it does in fact control yellow fever; for you know what vessels are coming in, and when and where they will arrive, &c.

9892,–6. Southampton is the only port where there is anything like a quarantine station.

9893. There is one vessel at Rochester.

9896. In one case, when cholera was raging in Hamburg, we watched for vessels and put the sick on board the "Dreadnought," but that was in excess of our powers.

9897–9901. There would in practice not have been time to put the Diseases Prevention Act in force.

9902. At Hull a general Order in Council was issued, prohibiting for three days the landing of persons from an infected vessel without the permission of the local authority.

9900–1,–4. Mr. Simon is responsible for putting the Diseases Prevention Act in operation. He obtains information as to the outbreak of infectious disease from the local authorities of the country.

9911,–3. 9912–3. The Privy Council never (but in one instance) have communicated with the nuisance authorities of the seaports; nor with the harbour board nor the local board.

9916. We rely upon the Customs, and we have at Southampton a medical superintendent of quarantine.

9918. All appointments to the General Medical Council are made by the Queen in Council, and the Privy Council hears appeals under the Medical Act of 1858.

9921. I see no objection to the transfer of Mr. Simon's department to the proposed new office.

(79.) HY. BLECKLY, Esq.—(Q. 9980–10,027.)

9980–1. Is an ironmaster living at Warrington, and a magistrate for the county and borough.

9982. The law as to the consumption of smoke is, the manufacturers think, confused and ambiguous, and harsh and oppressive.

9982–3. The words in section 19, Sanitary Act, 1866, "as far as practicable" is not sufficiently definite. The smoke inspector now makes a report, say in July, of chimneys smoking in March, or April, or May, and the defendant has no means of showing the circumstances which made it impracticable at that time to consume the smoke.

Case of Messrs. Bromilaw, salt manufacturers, summoned in *July* 1869 before the Justices at Daresbury, in Cheshire, for disobedience to an order made February 1868. The inspector proved issuing of smoke on November 2d and December 2d.

9984,–7. We say that the party complaining should be called upon to prove that at the particular moment it *was practicable* to consume the smoke.

9997. He might be admitted to the works as the alkali inspector is.

9984. We also complain that the law is partial in its operation. Some local authorities do not attempt to enforce it, and some places (as Rotherham and Kimberley) have special exemptions.

9985;–8; 10,016;–25. The law assumes *black smoke* to be always consumable. That is not the case.

8898. The officers in the navy find that with some coal they cannot avoid smoke.

10,002;–6. I know no case in which puddling is carried on without making smoke.

10,004; 10,016–7. You are obliged to get up heat rapidly.

9990. We think the inspectors are an inferior class.

10,027. They are appointed by the town councils or boards of guardians, in many cases they are relieving officers, who are paid by the number of convictions.

10,013–5. There is no skilled inspector in my neighbourhood. We should be satisfied with such a man as Dr. Fergus Smith, the Alkali Act inspector, as referee.

10,010; 10,020–6. I wish to draw a very clear distinction between fuel for the purposes of manufacturing and fuel for raising steam. Even in the latter case you must take construction of the works into consideration.

9991. The penalties imposed are excessive.

9992. I do not think that fining the stoker would be effectual.

10,010. The stoker is a mere labourer, and puddlers, &c., are among the least educated of the community. When proceedings are taken months after the offence it is impossible to say who was the stoker in fault. We find great difficulty in fining our servants.

9994; 10,001. In many cases 20 or 30 furnaces are turned into one chimney. Parliament legislated as though each had its own chimney.

10,011–2. We tried a hopper which was said to be self-acting; but ever appliance, in fact, depends upon the fireman.

9993. We think the injury to public health by black smoke is much exaggerated, and that the mischief done by invisible gases is put down to the smoke which is seen.

9995. We think the legislation upon this subject is a mistake; it treats the manufactories as a nuisance.

9996. And if the Act were enforced everywhere as it is in some districts it would be swept out of the statute book.

(80.) C. MARSHALL HOLE, Esq.—(Q. 10,028–10,136.)

10,028–9. 10,068. Is town clerk of Tiverton, and clerk to the guardians of the Tiverton Union, but not an officer of the improvement commissioners.

10,030;–2. Tiverton is a very old borough, and is co-extensive with the parish; 17,650 acres; the population (1861) was 10,447.

10,072–4; 10,128;–30. Lace manufacture, which is not unhealthy, is carried on.

10,033–4. The town council are the local authority for some purposes, and improvement commissioners under two local Acts of 1794 and 1822 for other purposes. The town council are *ex officio* commissioners.

10,047. The corporation have spent 300*l.* in the last 10 years on sewers, paid out of the borough rate charged on the whole parish, the rateable value being 39,258*l.*; the improvement commissioners have in that time spent 100*l.* by a rate on the town (14,842*l.*).

10,050. There is a want of energy.

10,036; 10,120;–2. The later Sanitary Acts are in force; and the corporation have made byelaws under the Municipal Corporation Act, 1835.

10,037;–9. An inspector from the Board of Health visited the town about 20 years ago and reported, but the Act was not applied.

10,040–1;–50. I think the powers we have are sufficient if we had funds.

10,092. We have never had any communication with the Local Government Act Office.

10,042;–52. The sanitary condition of the town has greatly improved in the last 10 years; the death-rate has fallen from 25 to 22½. We have made many sewers; they discharge into the Exe; the outfall in summer is above the level of the river.

10,048–9. The sewerage is partially and might be wholly utilized.

10,076. The corporation make an annual inspection of the town, and their inspector is always employed.

10,076;–84. He is the superintendent of police; there are no accumulations of refuse except in cesspits, which are not so numerous as formerly.

We compel persons to drain into the sewers under the Nuisances Removal Act.

10,051. A cemetery has been formed, but the churchyards are still open to those who have vaults; and the burial yards of dissenting chapels are still open.

10,053–6; 10,123–6. We have a plentiful water supply from an open stream.

10,057;–61. This water is very much polluted by the cottagers in the higher parts of the town; and the byelaw against pollution is not enforced.

10,059, Wells and pumps are not so plentiful as they might be.

10,060;–4. A portion of the water might be brought to the town in pipes. This was suggested by the inspector of the Board of Health.

10,066–8. It is considered that the local Acts do not give the power to do this work.

10,069–71; 10,127. We have no baths or wash-houses, and although we are a large manufacturing town there is no place where bathing can decently take place.

10,085. Tiverton is subject to low fever, which I attribute to the pollution of the stream.

10,086–9. If a nuisance is not abated upon notice being given we proceed before the Justices.

10,090. There is a difficulty in the Nuisance Act in determining whether the occupier or owner is liable.

10,060;–93;–5; 10,131. I should like powers to remove slaughter-houses, pigs, &c., out of the town altogether.

10,906. We have found great difficulty with dilapidated houses.

10,101. We tried to deal with them as a nuisance.

10,102–4. We have given notice to the owners to repair.

10,105; 10,134. We have not used Mr. Torrens' Act. I have not had my attention directed to that Act.

10,098–100. We have no medical officer or officer of health.

10,106–110. Common lodging-houses are under the supervision of the town council, and are licensed. I would *suppress* them.

10,111–3. I think the council might require some compulsion to put the Local Government Act powers into operation if they had them.

10,114–9. The guardians have not prosecuted for breaches of the Vaccination Act; and there are many children unvaccinated, as is shown by the Registrar's returns. If they would prosecute a few cases I think very few children would be left unvaccinated. The guardians are afraid of the cost.

10,135–6. There is no general prejudice against vaccination.

(81.) BASIL T. WOODD, Esq.—(Q. 10,137–10,213.)

10,137. Was M.P. for Knaresborough from 1862 to 1868.

10,170–2,–5. Knaresborough is a very old borough. The boundaries of the local Act were taken as the borough boundaries in 1832. There is no other governing body than the commissioners.

10,176. There is a considerable part of the parish outside the local board district, and there we only deal with the highways.

10,139–40; 10,183. There has been a board of local commissioners for 50 years or so.

10,168; 10,193–6; 10,212–3. There are 30 members, and they are now the local board. I was a member of that board. We had powers to deal with gas, drainage, &c., but not with water.

10,141. There were old waterworks in the town—private property.

10,144; 10,163. Knaresborough adopted the Local Government Act last year (1859) to prevent the town being overridden by a Bill introduced by the Harrowgate Water Company.

10,173. We have just (March 1870) adopted the market clauses; and under the Local Government Act we have control of the highways, and have appointed a surveyor.

10,190–2. There was no opposition to the adoption of the Act; there was to the "market clauses."

10,142; 10,165. I think the commissioners carried out their work effectually. Drainage had been extensively carried out in the last 20 years.

10,162–6. Burials have been reduced from 250 per annum to 200; that is nearly 30 to the 1,000. The high rate is caused by the fact of the workhouse being within the parish.

10,167. As in all towns there were some parts inhabited by a low population, and extremely unhealthy.

10,143–8. The sewage is carried into the river Nidd below the town. There has never been any proposal to utilize it; I suppose that might be done.

10,197. There is no town below us till you come to York, which is below the junction of the Nidd with the Ouse, a much larger river. We have begun to complain of Harrowgate, which is above us.

10,149–53. We had a nuisance inspector, and the town is kept very clean. He was a sergeant of the county police when appointed. He has since retired, owing to an injury received during service, but we continue to employ him.

10,154. His pension is 4*s.* 2*d.* a day, and we give him 8*l.* per annum as inspector of nuisances and inspector of lodging-houses.

10,157. He attends our monthly meetings, and reports; but he usually takes matters into his own hands and does what is necessary.

10,158–61. I only remember two or three cases in which we have had to take proceedings before the magistrates in the last six years.

10,180–1. The Knaresborough guardians have no nuisance inspector, and have never carried out any sanitary works.

10,174–7. There are 21 parishes in the Knaresborough Union.

10,179;–82. If guardians were compelled to have a nuisance inspector I think they would carry out his recommendations. I do not think guardians in rural districts would take up a thing on their own account.

10,186. If you elect any sanitary authority for rural districts you would get either the guardians or men of the same class.

10,187. Practically the same men are elected annually.

10,188–9. It might be desirable to elect them on the principle of local boards.

10,198–9. 10,202. I see no inconvenience in a portion of the guardians forming a sanitary committee not liable to go out of office when ceasing to be guardians. I suppose it might happen that the whole sanitary committee had ceased to be guardians.

10,209. They might be elected on the committee for two years only, if not re-elected guardians.

10,204. I think the whole board would be a better authority than a committee on account of their irregular attendance.

10,205. They might and probably would elect a committee to look after any particular work.

10,206–8. I doubt if the ratepayers would be satisfied if other than guardians were to be elected on such a committee.

10,210–1. I do not think that to satisfy the ratepayers you must stop all useful works.

(82.) REV. HENRY T. DOWLER.—(Q. 10,214–10,315.)

10,214–7. Is vicar of Aldeburgh on the coast of Suffolk.

10,215–6; 10,238; 10,280. The population was (1861) 1,812; the area, 1,783 acres; the death-rate 16 per 1,000; the rateable value 6,700*l.*

10,281–4. Local rates altogether amount to 2*s.* 6*d.* in the pound.

10,218–20; 10,268–76;–85. The corporation, a self-elected body (acting under a charter of Charles I. granted in 1638), are the governing body.

10,260;–79. Their revenue is 500*l.* per annum for the town marshes, &c.

10,221. Aldeburgh was not included in the schedule to the Municipal Corporation Act.

10,245–9; 10,305. Attempts have been made to adopt the Local Government Act [(?) the Towns Improvement Act], but opposed on account of the expense which would be entailed.

10,222–3. There is no local Act; the powers are those given by the Sanitary and Sewage Acts.

10,224. Nothing has been done towards draining the town, which would be difficult on account of the dead level of the town, and there being no outfall except into the sea, which is the attraction of the place.

10,251–2. I think the sewage might be taken on to the marshes, which are one side of the town, and utilized there.

10,225–32; 10,234–6; 10,250; 10,302–4. There are cesspools, which are cleaned out when necessity requires, or the owner chooses, and the contents are sold to farmers; there is no system for inspection. I have never heard of complaints of neglect

10,255; 10,312. The cesspools are mostly bricked.

10,236. Any maleria that might arise from the [want of] drainage is more than compensated for by 10,239; 10,307–8. the fact that the town is long and straggling and exposed to the sea breezes.

10,240–2. We have never had cholera: small-pox, typhus, and enteric fever, &c., are unknown. Scarlet fever has been imported, but never epidemic.

10,233; 10,256–7; 10,264;–7; 10,311. The supply of water is from private wells, which in some instances are contaminated.

10,262–5; 10,298; 10,313–5. The public wells, of which there are three or four, are some distance from private houses and cesspools.

10,243; 10,259; 10,300—1. The subsoil is very coarse shingle.

10,306. The soil is clay below that, and the water comes from that.

10,306;–9;–12. Surface water is absorbed immediately.

10,260. 10,261. The great want of Aldeburgh is a better supply of water, which might easily be obtained from springs which rise at the back of the town, half or three-quarters of a mile distant; but the corporation has no power (which should be conferred) to borrow the money necessary for this.

10,268–9. I think the corporation as it now stands should be the governing body.

10,277–8. And that if they had the necessary powers they would put them in force, and would use their own revenues for the purpose.

10,287–92. The corporation property is not now expended in lieu of rates; there are no accounts published of the expenditure.

10,292. The town clerk and magistrates' clerk are paid officers. Petty sessions are held every fortnight.

(83.) GEO. F. CHAMBERS, Esq.—(Q. 10,316–10,417.)

10,316. Is a barrister; the [present] chairman of the Bromley local board, and has had many opportunities within the last few years of studying the working of the Local Government Acts.

10,325. Bromley has a population of about 10,000; acreage, 4,706; houses, 1,800; rateable value, 58,000*l.*

10,391. Bromley has fortunately been exempt from fever.

10,389–90. Bromley adopted the Act in 1867, in consequence of the great difficulty about drainage.

10,387. I consider that the Bromley local board has broken down.

10,403–4. We have an unpaid medical officer of health, who, finding that the board would not pay him, volunteered to work gratis.

10,405–6; 10,413. We have a surveyor of the roads, who acts as nuisance inspector. His salary is 4*l.* per week.

10,397. We make some small attempts to check that class of evils.

10,407. We have no other officer.

10,414. We do not use the police as inspectors of nuisances. When asked to interfere with a nuisance they decline, and refer aggrieved parties to the surveyor.

10,398–402. The board is unpopular with the traders and small ratepayers.

10,394. At present there is a great deal of overcrowded buildings with virtually no drainage.

10,409. We have spent 1,000*l.* on drainage (*i.e.*, in the cost of two inquiries, &c.).

10,416–7. We have borrowed no money as yet.

10,319–21; 10,356. 10,340. The Local Government Acts require alteration especially in reference to the constitution of the boards; a better class of members is wanted; the present class is not sufficiently independent.

10,337. I do not think that there would be any danger of extravagance if the better classes were on the local board; they are the largest ratepayers.

10,320; 10,344–5. I would lessen the discretion vested in local boards.

10,322; 10,341–3. The rating qualification should be raised and the principle of *ex officio* membership introduced.

10,323. I would add the vicar or rector, the medical officer of the district, and perhaps the resident magistrates.

10,342. I think public opinion is beginning to influence the better educated classes.

10,326–7. Bromley local board consists of 12 members, principally traders.

10,329–30. There was a severe contest last year (1869), and two old members were thrown out, and I was elected in place of one. The contest was with regard to the drainage scheme.

10,401–2. I believe the educated classes are more determined to exercise their fair share in the management of the place.

10,330; 10,392–3. The scheme was for the main drainage of the parish, at a cost of 50,000*l.* The parish (having suffered from the rise of the railway fares and the falling off in the demand for houses) was opposed to the expenditure.

10,331. The two new members of the board being in a minority, the scheme went forward; but the Secretary of State, after two inquiries, refused to sanction the borrowing of the money.

10,336; 10,396. We are now at a dead lock, because those who successfully opposed that scheme are now agitating against any drainage whatever.

10,332. There is a question now before the board as to the expenditure of an extra 100*l.* on the cost of some subsoil drains.

10,338. There are frequent difficulties in the enforcing of byelaws.

10,339. A builder applied to have a byelaw relaxed, and it was with great difficulty I prevented his brother tradesmen from allowing this.

10,345–7. There should be a central office in London entitled and able to dictate to local boards what remedies should be applied by them for pressing local evils.

10,348. I think the enforcing section 49 of the Sanitary Act (as it is proposed to do at *Sudbury*) will exercise a very wholesome influence.

10,351. All central departments which involve sanitary matters should be located under one roof in London, and directed by a responsible Minister.

10,354–8; 10,362; 10,410–2. I think the Local Government Act Office has insufficient power and insufficient machinery certainly. We appealed to Mr. Tom Taylor for information as to the interpretation of an Act of Parliament, and the answers we got were too general and too vague.

10,350. The Local Government Act Office does indeed supply forms of byelaws.

10,363–5. I think a Government office should be able to give a legal opinion on the construction of the Acts of Parliament which relate to its work, &c. This would not secure us from legal proceedings, but it would command public local confidence.

10,395. The Local Government Act Office inspectors entirely decline to provide a scheme.

10,357. I do not think the law is generally understood, but the great fault is that there is "too much permission."

10,366–9; 10,371; 10,382. I think the union should be the area of local government in the country, excepting places with a local board, or of (say) 5,000 inhabitants.

10,372–3. I do not think the board of guardians would be too large a body; we find our number (12) too small.

10,378–9. When unions are very large they might be divided into districts. I do not think 40 too many for a board.

10,374. I do not think committees *ad rem* would be found to answer.

10,367–8. Vestries fail from their constitution. Guardians have not hitherto done their duty.

10,386. There has been a conflict between the vestry and our local board as to the right to the surplus moneys of a dissolved turnpike trust.

10,383–4. I do not think there need be any distinction in the Act between urban and rural districts.

10,385. Most of the large towns in England have their own Acts.

(84.) RD. HY. WYATT, Esq.—(Q. 10,418–10,442.)

10,418. Is parliamentary agent for the West Hartlepool Extension and Improvement Bill (1870).

10,419; 10,434–5. West Hartlepool is governed by Commissioners, constituted in 1854, who have adopted the Public Health Acts.

10,420. The necessity for the Bill arises from the town having extended, and the necessity of including adjoining districts under the same government.

10,420;–7; 10,431. Being obliged to come to Parliament, the Commissioners have adopted the same course as many other large towns, and asked for a Consolidation Act as well.

10,440–2. I find on inquiry that all large towns in [the United States of] America have adopted the same course. They have their laws in one book, a copy of which is presented to every member of the corporation on his election, so that he may understand and know the law which is in force; and any inhabitant can obtain a copy. At present, in England, it is impossible for any ratepayer to know what his remedy is or under what Act he is taxed.

10,421. There is no power in the governing body of any district to extend its limits otherwise than by agreement.

10,422–3. The outside landowners opposed the Bill. We have compromised with them by agreeing to include a larger portion of the public highways. The outside manufacturers are still opposed on the ground that it will subject them to the rates of West Hartlepool.

10,424. 10,436. The outlying districts are chiefly manufactories and cottages for the artizans employed. They are within the Parliamentary borough.

10,425–6. The outlying districts were under no control. Since the Bill has been introduced a part has applied to the Local Government Act Office for a provisional order to set up a local board of its own.

10,428–9; 10,433. We propose to consolidate the Public General Acts (including such as the Public Lodging Houses Act, &c.) with some particular provisions to suit the special circumstances of West Hartlepool. We intend it to be a perfect code of laws for the management of the town.

10,440. The constitution of the governing body is not altered.

10,430. We think the Act will give sufficient power without having resort to byelaws.

10,437. I think the details in the Bill (as to height of rooms, &c.) will be found in the Public Lodging Houses Act.

10,438–9.

(85.) A. BATT, Esq., M.D.—(Q. 10,443–10,641.)

10,443–5. Is an M.D. in general practice at Witney.

10,446; 10,452–3; 10,460; 10,509–10 Is medical officer of the union workhouse, and of the Witney district; a certifying surgeon and deputy-coroner.

10,447–8. Was formerly a member of the local board.

10,452; 10,483–8; 10,529–30; Appx. 10,455–7; 10,463–4; 10,487; 10,531. I have very frequently had occasion to make sanitary reports both to the guardians and to the local board; sometimes by request, but usually voluntarily.

10,458. I think in every instance the reports were in connexion with epidemics.

10,450–1. The population of the township of Witney is 2,989; of the parish of Witney it is 5,180; of the union, 23,248.

10,578–9. There are 42 parishes in the union, and 48 elected and 12 *ex officio* guardians.

10,480. The rateable value of the township is 5,968*l.* 8*s.* 3*d.*

10,470. Witney is partly a town and partly a rural district.

10,589. It ought to be a particularly good specimen of a country town; the streets are wide and well arranged, but it has no drainage worthy of the name.

10,465–6. We had communications with the central authority in London at the time of the epidemic in 1866, in consequence of an Order in Council putting in operation the Diseases Prevention Act.

10,467–8. A special committee was appointed on that order, and they met weekly.

10,470;–2. The communications were through the board of guardians, who instructed me to carry out the directions they received from the central authority.

10,458; 10,489–91. In one case a clergyman wrote to the Privy Council, who wrote to the guardians, and told them they ought to get a report, and the guardians then asked me to report, which I did: (1) on a night-soil shed; (2) on some superphosphate works; (3) on the water supply and drainage; and (4) on the overcrowded dwellings. [See Appx.]

10,471. In sanitary matters the doctor generally takes the initiative, and urges the local authorities, rather than being called into action by them.

10,532; 10,546. Witney adopted the Local Government Act in 1863. The local board has *not* been of much service for the prevention of diseases.

10,474; 10,547–8; 10,583. I do not think a local board is better or worse than the board of guardians. Our local board is constituted very much as the board of guardians is; with both there is an indisposition to do anything in sanitary matters.

10,475; 10,595–6. In an emergency they act very well, so that they have evidently *power* enough to act.

10,476; 10,532; 10,631. The majority is against drainage, and non-drainage men are elected. The local board have improved the town by watering the streets, and they have paved it.

10,477–8. Mr. Hawkesley, who was called in in January 1864, proposed three schemes for the drainage of Witney; (*a.*) Irrigation; (*b.*) Depositing tanks, and their *direct* drainage into the river; (*c.*) Depositing tanks and drainage through the present circuitous courses and outfalls into the river. His report was received in September. In November the further consideration of the drainage was postponed till after the election, and non-drainage men were then elected. At the next meeting, in 1866, it was proposed to drain the town in an inexpensive way, by means of a sub-committee of the board; they produced a plan, but the board becoming alarmed at their responsibility, Mr. Hawkesley was asked to approve of this plan. He did not do that, and after a correspondence his retainer was withdrawn; so that it all came to nothing, and nothing has been done.

10,479. Mr. Hawkesley's highest estimate was between 3,000*l.* and 4,000*l.*

10,622. As a rule, houses and villages are built without any provision being made for drainage.

10,623. Mr. Ravenor, the clerk to the guardians, thinks there is plenty of power to deal with this if the guardians and local boards would exercise it.

10,624–6. Building is controlled in the district of the local board, not outside; it should be controlled there too.

10,481; 10,527; 10,577;–80. 10,482; 10,551. I think a very good board for rural districts could be made of the magistrates and guardians; it should be a small board, say four of each; a special sanitary committee.

10,549–52. It might happen that a particular parish might be charged with works without having a voice on the committee; but that might be met by enacting that no parish should be so charged without due notice being given and power to elect a representative for the time being.

10,584. A committee of the guardians would have the advantage of seeing the union medical officers' reports.

10,613–8. It might be desirable to allow the election of ratepayers who are not guardians, and of delegates of the local board within the area.

10,491; 10,604. It is, I think, a great sanitary defect that there is no public office to which we can send water to be analysed.

10,492. At *Brize Norton* the water was probably the cause of the fever.

10,493–9. There was some difficulty on account of which the water could not be received in London to be analysed, and there was no place to send it to except by payment of two or three guineas.

10,536–7; 10,542. I think there should be some head office in the chief place in each county, for purposes of analysis, and a great many other purposes.

10,539–41. I do not think the poor law inspector (Mr. Henley) could have helped me to get the water analysed.

10,500. I do not think a man should hold all the offices I hold, and at the same time fill the office of sanitary adviser. I think it would be better to have a man for each union.

10,501; 10,522. I think a competent man could be found in every union, who could do the sanitary work for the union and carry on private practice, and perhaps hold one or two appointments.

10,523–5. The midwifery cases were till recently paid for by the case, but all is now done by contract. An assistant of mine lately came from a gentleman who had always been paid by the case, and he said it was satisfactory and worked well.

10,502; 10,559. There is a great radical defect about dwellings and drainage, which would require in the onset great consideration and care.

10,502; 10,520. 10,553. I think if the police were employed as inspectors of nuisances they would do the common-place work very well indeed. A great part of the mischief is caused by want of inspection. In difficult and doubtful cases they might consult the medical officer, whose opinion should be final as to the fact of a nuisance.

10,520; 10,628. 10,556. I should prefer the police to the relieving officers; the police would be independent of every body.

10,569-72; 10,591. The police should report nuisances to the petty sessions. In most cases the nuisances would be removed without reporting. Before taking out the summons the authority of the medical or sanitary officer should be obtained.

10,620. I know many Justices thinkthe police would be the best sanitary inspectors; there is, however, the notable exception.

10,621. The people object to be inspected, but not especially to the police.

10,573. I do not know if the Justices would object to this additional duty.

10,592–3. In case of a general nuisance the sanitary officer should report to the local board or other authority, and if opposition arose appeal should be made to the central office in London, which should be bound to point out a remedy, and see such remedy carried out.

10,518–9. The union medical officers would (if the police were employed as inspectors) be available as sanitary inspectors.

10,554. At the time of the first cholera, in 1854, the district union medical officers acted as nuisance inspectors, and for a time sanitary work was thoroughly done.

10,503–6. A great deal of mischief arises from overcrowding, which is injurious alike to morals and health. Each sleeping room in a cottage should be licensed to hold so many (as an omnibus is). I would take ventilation, &c., &c., into consideration as well as actual size. No one should be allowed to take a lodger without a license.

10,586–7. We have prevented overcrowding in two cases by using sec. 19 Sanitary Act, 1866.

10,508. Besides overcrowding, a chief cause of preventible disease is the use of water from wells polluted by drainage, especially from breweries.

10,637; 10,639-40. Another point is, that some power is required to stop the establishment in villages, or near dwelling-houses of manufactories, injurious to public health, without a certificate from the sanitary officer that the site is suitable

10,638. In the *Brize Norton* case a manufactory was stopped by proceedings in Chancery; neither the guardians nor the Privy Council had ordered it to be closed.

10,639;–41. Such a manufactory can be stopped where there is a local board, but there is nothing to prevent a manufacturer so stopped setting where there is no local board.

10,526–7. The union medical officers ought to be paid for any new duties put upon them, because they are underpaid now. If the guardians are made the sanitary authority, and the district medical officers act as sanitary officers, they might be paid by a commission on their present salary.

10,527–8; 10,574–5. If there were a board, as I suggest, of four guardians and four Justices, going out of office by rotation, with a clerk and a medical officer, the medical officer might be paid for his services whenever they were wanted, according to a fixed scale.

10,511–4. Only a few children now work in the factories. Since the recent Act women are employed.

10,515–7. I do not think the visits of the certifying surgeon are acceptable to the manufacturer.

10,533–4. I think some almost absolute power should be vested in the central office in London; there is plenty of power, speaking generally, in local boards and boards of guardians now; but, as a rule, the local sanitary authorities in country places will not exercise the power; it wants something more to set them in motion; they do not like to increase the rates.

10,543. I do not think the power given by sec. 49, Sanitary Act, 1683, is ever exercised, there being no officer whose duty it is to make the formal complaint; and the reply from London sometimes strengthens the position of the non-drainage men.

10,544. A public complaint, and readier and bolder support in London, is wanted.

10,535. I think all reports made by the medical officer should go to London; but I would not give the medical officer immediate relations with the central authority. I think it would be better to let the report come in a straightforward way through the local board.

10,611–2. I was not aware that in Ireland the medical officer communicates directly with the central authority.

10,555. The great obstacle to the medical officers being the principal reporters of nuisances is that a young doctor would not like to offend those who may have taken him by the hand.

10,559–60. When the system had come into full operation the medical officer would practically have very little to do except in cases of emergency.

10,561. In the Witney Union there are five district medical officers. If you took all five there would be very little for them to do; if you took one of the five for the whole union he must necessarily have to travel a considerable distance.

10,564; 10,574–6. I think it would be the most economical arrangement of time and everything else that the same officer should exercise his functions over the same area that he travels over in his usual practice.

10,565–6. My district extends from five miles to three miles all round my residence.

10,567–8. I do not think, unless you give very high sums, you would get good men unless private practice was allowed. I think the officer would be more efficient if in practice.

10,605–7. The area to be covered by the medical officer would depend on the circumstances and position of the locality.

10,607. The area of our local board wants re-arranging; it embraces parts of streets, one side being in and the other side out of its jurisdiction. Three adjoining parishes derive advantages and contribute nothing to its rates.

10,608–10. Each medical officer takes his own district; there has been no alteration. I know of no case in which a medical officer has been appointed for the whole union.

10,581–3; 10,597–600. We have highway districts. I do not think the highway board would be a good authority. The boards are composed of the same class of men.

10,585. The Justices sit upon the highway boards, and attend that board better than the board of guardians.

10,594. One clergyman is an elected guardian. Several are *ex officio*, but only two of these attend.

10,588. There is no power to deal with a private polluted well except when the Privy Council put in operation the Diseases Prevention Act. At *Brize Norton* I closed a well, and at Witney, in 1866, we closed one; the power should be in existence at ordinary times.

10,483; 10,601–3. I reported, in 1866, some privies which polluted wells below them; nothing has, I believe, been done to remedy this.

10,627–9. Nuisances from pig keeping, &c., in the villages are frequently interfered with if any epidemic be threatening; in ordinary cases they are left pretty much to themselves.

10,630. I think the inactivity of the local board arises from the fear of the electors; not so that of the guardians, that arises from fear of their pockets.

10,632–4; 10,635–6. I have no official relations with the registrar of births and deaths. One is in the habit of certifying deaths from hearsay.

10,638. The sanitary authorities are so various and the laws so complex that no country person can understand them without the aid of his lawyer.

(86.) R. T. WEALE, Esq.—(Q. 10,624–10,848.)

10,642. Was an assistant commissioner and then an inspector under the Poor Law Board for nearly 33 years (it was a change of name only); and formed some 33 or 34 unions; the first thing was to look for a convenient centre, the town that supplied the general wants of the district, and then to take the the parishes round it; and the workhouse was built afterwards.

10,788. 10,789–92; 10,796–7.

10,664–5; 10,717; 10,806–7. There are 14 inspectors (12 ordinary and two medical) and three assistant inspectors (one temporarily.

10,841. There were originally 20; but there were then no railways.

10,642–6. My district latterly was the midland, about seven counties; there were 64 unions (one being Birmingham.)

10,673; 10,826. A great many unions overlapped country boundaries; in some cases the county boundary cuts through a parish; those that did not were almost always in the same petty sessional division. In Lincolnshire they would very likely include two or more divisions. I have been at a Lincolnshire board of guardians with more than 120 guardians present.

10,674.

10,794–6. The petty sessional division was one element taken into consideration in the formation of unions.

10,797. The inconvenience of a union being in two counties is more than counterbalanced by the convenience of having access to a ready centre.

19,793; 10,830–1. Now that the workhouses have been built, and expenses and debts incurred, it is more difficult to alter unions.

10,808–9. Petty sessional divisions simply relate to magisterial jurisdiction.

10,644; 10,660–3; 10,678; 10,748. I do not think it would be possible, with the present number of poor law inspectors, for them to undertake the sanitary inspection of the country as well. I know from my experience in travelling about the country the large amount of work which ought to be done in sanitary measures. I know that a great many small towns and places that I have been in the habit of visiting are in a most dreadful state from want of sanitary measures.

10,645; 10,845. 10,949–50. The duties of the poor law inspectors are—(1) to inspect the workhouses twice in every year (independently of attendances at the board); (2) to attend each board of guardians at least once (to watch the progress of giving out-door relief, to advise the guardians, &c.); that is the routine business. We had a great deal of correspondence (I do not think that diminished as years went on, as fresh matter arose from time to time). We had to answer questions, and give opinions on matters submitted to us. We held numerous inquiries, and had the general superintendence of the union. If we saw any defect anywhere, that would involve a great many attendances. I think I had more than 600 officers under my control.

10,651;–6.

10,645; 10,653–5.

10,646–8. 10,651–2. Birmingham occupied a very large portion of my time. There was an attempt to establish a district school in Warwickshire, which failed; that wasted nearly one-fourth of my time for four months.

10,650; 10,847–8. Travelling occupied a very considerable portion. I travelled 224,231 miles by railway, and 117,968 miles by road altogether. In the earlier years 4,000 or 5,000 miles a year, latterly about 300 miles a week.

10,841.

10,842–5. At first we had to send weekly reports, and were confined to certain districts.

10,818–25. List of increased duties which would be put upon the poor law inspectors if they became also sanitary inspectors.

10,656–8. The guardians are a very fluctuating body; very often they were very anxious for some loophole to break through any parts of the law that they did not like.

10,785–7. I do not think that the office of guardian would be better performed if the office ceased to be an annual one. I have often thought that in purely town parishes it would be an advantage if they were appointed as the town councils are; in purely rural districts there is not often much change.

10,659–60; 10,679. The main idea of a board of guardians is to avoid expense without any large view as to the result.

10,711. You cannot get a better class of men as guardians for the rural parishes; you must be dependent upon the farmers.

10,662–3; 10,840. I do not know that the number of inspectors would have to be doubled, but to inaugurate sanitary inspection would be almost as troublesome as the first introduction of the poor law.

10,675; 10,719; 10,748; 10,811–6. I should think the poor law inspector, if he had time, would be as efficient as anybody; they have been carefully selected.

10,718. Personally I should prefer to be responsible for my own work, and to have a smaller district rather than the assistance of a sub-inspector.

10,779–80. 10,846. An addition to the number of poor law inspectors would be far less expensive than any new system of inspection. I do not know how many would be required, not knowing what they would have to do.

10,781–3. The poor law auditors, who now audit the accounts of local boards, might very well audit the accounts of the sanitary authorities.

10,676–7. Frequently, on the appearance of an epidemic, questions as to the removal of nuisances came before us; to that extent we dealt with sanitary matters.

10,678. If any general sanitary inspection were carried out it would throw an immense amount of additional business on the inspectors.

10,799. I knew very little of the state of the parishes beyond where the workhouse was, unless my attention was drawn by any particular circumstances. I might be present when a report from the nuisance inspector was read; these means would be very imperfect for attaining a complete knowledge about the matter.

10,800–5.

10,666; 10,699–705. A committee, like the assessment committee, would be a better authority than the whole board of guardians.

10,667–70; 10,695; 10,706; 10,749–62. Each parish is to a certain extent represented, for they elect the electors. The assessment committee cannot incur any great expense without special authority from the whole board, and a similar rule might apply to the sanitary committee. I do not think that appointing committees *ad rem* would answer.

10,668.

10,671; 10,707; 10,726; 10,747; 10,763–4; 10,810. If the Highway Act had been universal I should have thought a committee of the highway board the best rural sanitary authority.

10,771–2. As to drainage, they have a surveyor, and seem to have more means of attending, not only to surface drainage, &c., but also to general sewerage, and are quite as competent to deal with ordinary nuisances.

10,672; 10,713–5. 10,768–70. The magistrates attend more on the highway boards. At first they attended very well to the general duties of the board of guardians, but it fell off by degrees, and latterly they have very rarely attended, unless there was an election; and this has, very justly, created ill-feeling.

10,716. 10,770. I do not think that country gentlemen would feel much interested in the sanitary state of adjoining small towns. I think they feel much more interested in good roads.

10,707–10. The guardians would be overwhelmed if you put the highways upon them as well as sanitary duties.

10,708–10. I do not see in what way the highway boards and the boards of guardians would clash; the Legislature would give some provision as to the right to break the surface of the roads for drainage purposes.

10,727–8. Officers of health are very necessary, and should be medical men.

10,738–9; 10,773–5. I think the union medical officers generally perform their duties well.

10,729–42. The union medical officers (I think they are the best men we can get) should be the health officers. I do not see where you could get any other staff from.

10,743–7. I do not think that would be a reason, except *pro tanto*, for preferring the guardians to the highway board. I would not make it obligatory on the highway board (if they were) the authority) to employ the union officers.

10,740–1. I believe every medical man in Biggleswade (where I live), including those who are in the best practice there, either by himself or partner, is also a union medical officer.

10,776–8. I do not think the union medical officers are grossly underpaid; they are paid a great deal more than they used to be. Whenever a vacancy occurs there are a great number of applicants; sometimes no doubt, but not always, to prevent the introduction of a rival.

10,679–80. I have tried, as a poor law inspector, to carry out sanitary matters. At the time of the outbreak of cholera I persuaded the guardians of the town of *Biggleswade* (a little town in Bedfordshire, where I reside) to appoint a nuisance inspector. There are 5,000 inhabitants, and a very large proportion of poor. We afterwards called a public meeting to endeavour to introduce the Local
10,679; 10,694. Government Act, but although the town was in a most awful state [see answer in full for details]
10,679–80. we had scarcely any support. The state of the town as represented by the inspector was such that I should have thought that if anything except absolute force would have induced the people to do something that would have done it, for it was one of the most horible state of things I had ever read of with regard to any town.

10,680; 10,784. No other step was taken at all. I sent the report to the Secretary of State, but nothing has been done.

10,683. A neighbouring town, *Potter*, is I fancy, in a somewhat similar state.

10,695–8; 10,828–9. The children in Biggleswade are crowded in a fearful way in the straw-plait schools. No mental instruction is given there.

10,696–7. Sir John Karslake, the then Attorney-General, held that these schools were beyond the reach of the Acts.

10,681–2. The only local authority at Biggleswade is the board of guardians and the vestry for any drainage.

10,084–7. The town is in one parish, which has a large outside area. It is the union of Biggleswade, a union of 26 or 27 parishes. The board of guardians and the Justices meet in the town.

10,688–90. I think that a town of this extent (5,000 inhabitants) ought to provide a very proper local authority. I do not think the guardians would be willing to undertake the duty. I do think the Biggleswade guardians have most influence at the board. A country gentleman, who was the master of the foxhounds, is chairman, and exercises great influence; two of the Biggleswade guardians are agriculturists, the other is a brewer and banker.

10,691–3. I think the upper class would be ready to deal with the nuisances but for the mass of small ratepayers; a firm of brewers is the greatest proprietor in the town, and have considerable influence.

10,721. I never knew an instance of a board of guardians having difficulty in getting water analysed.

10,722. I think relieving officers might be employed as inspectors of nuisances; they are frequently visiting places where the greatest nuisances arise. In Biggleswade I thought the relieving officer would not have time where there was such an amount of work to be done, and I persuaded the
10,723–5. board of guardians to appoint a special person for that office. He was an old retired sergeant of police; at the time of the cholera he was paid 30*l.* per annum, now it is 15*l.*

10,830–1. I have not had much experience of alterations of unions.

10,833–7. I formed the *Keynsham* Union; there were very great difficulties as to that and other unions in the neighbourhood of Bath and Bristol.

10,838. I think some assistant commissioners were for large and some for small unions. In Lincolnshire the unions were very large, because of the small amount of pauperism.

10,839. Generally the assistant commissioner visited each parish before a union was formed.

(87.) THE EARL OF DEVON.—(Q. 10,849–10,971.)

10,849. Was president of the Poor Law Board during Lord Derby's last administration; was an inspector
10,874; 10,939. for two years, and secretary for nine or ten years.

10,850–1. I see no difficulty in devolving the administration in chief, both health and relief, upon one high officer of state, provided you give him a sufficient number of assistants; of course it would not be contemplated that the present Poor Law Department should undertake these new duties without a
10,851; 10,946. very considerable addition to the staff; an additional secretary, &c. It would be necessary to diminish the districts of the existing inspectors, and to increase their number; and they must also have qualified subordinates, either the medical officers or others.

10,851. I feel some difficulty as regards those who are to work locally, not being prepared to say what amount of time the new duties would require.

10,860–1. I would rather diminish the size of the districts and add to the number of the inspectors than give them assistants.

10,907. I decidedly prefer the plan of placing all sanitary matters under the same minister who presides over the Poor Law Board to placing them under the Privy Council Office or the Home Office. The Poor Law Board is a machinery with which the country is familiar; it would be worked by persons resident within the district.

10,948. Personal inspection would be absolutely necessary in the majority of cases.

10,852. As a rule the district assigned to the medical officer is 15,000 acres and 15,000 population; in Wales, Cumberland, and parts of Devonshire, where there is a large extent of uncultivated land, the areas are frequently larger. In town districts the population often considerably exceeds 15,000.

10,852–3; 10,878. There are 3,435 district medical officers (and 685 workhouse medical officers). The average salary is 68*l.*, which is not sufficient to secure the services of an ordinary medical gentleman unless he be allowed to practice; a permission almost uniformly given.

10,852. If new duties were thrown on the medical officers their salaries would require to be largely increased; and if the new duties were onerous, it would be necessary to guard against the neglect of the sick poor; the cases of such neglect are not few as it is, frequently resulting from the preference given to private patients; therefore their districts must be lessened and the number of the medical officers increased.

10,933–7. The Irish dispensary system has leavened the whole of that country with a greater amount of medical skill. My impression has always been in favour of that system, which ought anxiously to be considered. The Irish medical officers are more dependent on the Poor Law Commissioners than on the guardians.

10,878. I think that the enlarged experience to be obtained from private practice is very important.

10,910. I do not see my way to creating an adequate staff except through the means of the Poor Law Board.

10,911–4. Taking the medical officers as a whole, I have no reason to doubt their competency for the duties they would have to discharge.

10,915–7. The Poor Law Board does not exercise any direct supervision over the medical officers.

10,918–20. It would be a material advantage in the dissemination of scientific advice in preventive measures &c., by the principal medical officer (transferred from the Privy Council), through the 3,000 or 4,000 union medical officers who would thus be in direct relation to him.

10,921. There was not any official relation between the union medical officers and the inspectors.

10,853–6. If the relieving officers were employed as nuisance inspectors their districts would similarly require to be reduced and their number increased, for their time is now fully occupied. I think the guardians are more inclined than they used to be to trust to the reports of the relieving officer, and not to require the personal attendance of the paupers. These reports can only be trustworthy if made upon personal visits and investigations.

10,854;–8. It is true that in making such visits the relieving officer might observe a pigsty in an unwholesome position, the worst cottages that were overcrowded, &c.; but if he was to discharge the new duty adequately it would form a considerable call upon his time.

10,857. When I was at the Poor Law Board there was rather a jealousy of imposing upon the relieving officer the duties of nuisance inspector.

10,860. It may be true that the relieving officers are sometimes afraid to report, but I suppose there would be a stricter supervision.

10,953. The relieving officer ought to have a fixed time for going to particular parishes. He should first pay the poor who attend at the pay table; visit the houses of those who cannot attend, and those who, from chronic sickness, are regularly in receipt of relief, and be ready to receive new applications and visit the applicants.

10,954. A considerable number of the relieving officers perform their duties regularly and promptly.

10,955. If appointed nuisance inspectors they might be obliged to keep a diary.

10,956. Their whole time should be devoted to the relief of the poor, or to cognate duties.

10,958. I would not appoint the relieving officers nuisance inspectors by Act of Parliament. I would leave the appointments free to each authority.

10,859. I know districts where I think the police would *not* be good nuisance inspectors. I cannot give a general opinion.

10,862; 10,971. I should say that, taking the country through, the guardians would be the best body of men to be the sanitary authority in rural districts.

10,860;–2. You would, no doubt, find many small agricultural boards of guardians indisposed to take any trouble or incur any expense; in other districts you would find intelligent men willing and able to lead their brethren to exert themselves actively. It would, however, be necessary (1) to educate, and (2) to exert pressure.

10,897. I think, on the whole, the unions would be the best areas, because I believe they have been laid out with greater and more direct reference to the convenience of the guardians.

10,884;–90. Practically in rural districts the board of guardians and the highway boards consist of the same class of men, and frequently of the same individuals.

10,909. I think the guardians would rise to the occasion.

10,876. I think the board of guardians a better authority than the highway board; among other reasons, they have already a staff, and the highway board has only a clerk and a surveyor.

10,884–7. It would, I think, be desirable that the roads should be under the boards of guardians.

10,889. Their surveyor might with advantage be used as nuisance inspector.

10,864; 10,877; I would leave it to the board of guardians to act or not by a committee (the board being the
10,950–2. authority), as they pleased.

10,865–6. I think there would be jealousy on the part of the other guardians if a committee had power to incur large expenditure.

10,952. In some cases the Secretary of State might have power to overrule a *veto* by the board to a proposal of their committee.

10,864–7. Practically in most cases the guardians would appoint a committee.

10,868. I should prefer a committee for sanitary purposes generally to one for a particular work. I think that would individualise the responsibility more.

10,871. In the instance of a union with which I am connected we had a committee for, perhaps, three parishes, another for a second three, &c.

10,879–81. It would partly depend upon what the incidence of the expense was, whether the guardians were interested in nothing being done; therefore I think it would be desirable that the sanitary rate should be over the whole union, and that sanitary improvements would be more likely to be so carried out.

10,822–3. The local board districts within a union would have to be treated as exceptional cases.

10,872–3. I think it would be advisable that the boards of guardians should be elected for more than one year. We have had instances in the metropolis of improvements, started one year, being checked, or even abandoned, owing to the annual re-election.

10,945. I think that any scheme which would eliminate from boards of guardians the town element would be an evil.

10,874; 10,901; 10,943–4; 10,960. There is a great difference between boards of guardians in town districts and in rural districts.

10,902. *St. Pancras* I consider an isolated case.

10,885; 10,891. In Devonshire (generally) the highway districts are ordinarily laid out with a view to petty sessional divisions.

10,886. The district in which I live is in one union, which is divided into two highway districts.

10,894; 10,938. It would be a very troublesome, difficult, and unpopular course to recast all unions which overlap county boundaries.

10,898–9. Highway boards rate by parishes.

10,961;–4;–5. The inspectors whose visits would in time educate the guardians are the poor law inspectors.

10,962;–6;–7. I should consider it very desirable that the poor law inspectors should not miss any opportunity of visiting any part with regard to which complaints had been made that nuisances of a serious character existed.

10,963. Ordinary inspection from day to day might be carried on by the nuisance inspector.

10,875. I think an intermediate authority would lead to unnecessary complication.

10,903–4. I think the inspectors would be a sufficient "buffer."

10,908. The central authority must be prepared to incur "odium" if they are right in the course they take. It should have a power (similar to that the Poor Law Board now possesses) of calling in a special opinion in certain cases.

10,924. The inspectors must be persons of considerable general knowledge, as they are at present.

10,926–9; 10,946. They should have power (subject to the sanction of the Poor Law Board) to call in experts upon occasion.

10,928. The inspector might be able to point out the necessity of executing works, but the duty of executing them under skilled advice would rest with the guardians.

10,930. Under the existing law the guardians have power to obtain sanitary reports upon the whole condition of any district.

(88.) WM. N. HANCOCK, Esq., LL.D.—(Q. 10,972–11,076.)

10,972. Is in charge of the judicial and criminal statistics of Ireland.

10,973–4. Drew the Irish part of the Sanitary Act, 1866, and attended before the Select Committee of the House of Commons on the Bill.

10,975; 10,981. The chief defect in Ireland at that time was the conflict of jurisdiction. There were two Irish Acts of 1818 and 1819 (the Irish "Local Board of Health" and "Officers of Health" Acts), and the General Nuisance Removal Acts of 1848 and 1849, which had been repealed for England in 1855, but remained in force in Ireland till 1866.

10,976. The sanitary authorities under the Act of 1819 were appointed by the vestry; under the later Acts they were, as in England, partly under the poor law and partly under the town authorities.

10,980–2. The sewer authority was made the same as the nuisance authority.

10,983, 10,992. The sewer and nuisance authorities have respectively the same powers as the English sewer and nuisance authorities had in 1866.

10,977-8; 11,029-30. The Irish unions were divided into dispensary districts under the Act of 1851, and a medical commissioner was added to the poor law. There are from two to ten districts in a union; there are 163 unions and 719 dispensary districts.

10,979; 11,031–2. 10,980. The districts are under committees, not *of* the guardians but appointed by the guardians. These committees have temporary diseases prevention powers.

10,981; 11,008-11; 11,015-8. 11,009. The guardians are made the only authority for the special provisions for temporary emergencies in every case, unless a town authority, on special application, be so appointed by the Lord Lieutenant, but I do not believe that any town ever did apply.

11,012; 11,033. The Poor Law Commissioners use the dispensary committees as the committees under the guardians for carrying the machinery of the Act out into minute detail.

10,981; 11,019-23. 10,988. The object, in 1866, was to take advantage of the latest improved legislation in England. There was also an exhaustive territorial division made, and wherever a town was organized for local government the town authority was made the nuisance authority. Every other part of the country was placed under the boards of guardians, which was made the sole nuisance [? and sewer] authority for all such districts.

10,984;-7; 11,067-8. The legislation since 1866 has not been satisfactory; we are not getting the benefit of the amendments that have been since adopted, and probably we shall in a few years be in the same position that we were in in 1865, *i.e.*, 10 years behind, and though the amendments are in small

matters they are generally very vital, because they are defects in legislation which have been found to fetter the working of the Acts.

10,012. Although there is only one superior authority in each locality, when you come to the subordinate authority there must be two committees. The Poor Law Commissioners have been advised that you must have a separate committee for sewerage and a separate committee for nuisances; the qualification for these two subordinate offices is different; on the sewer committee you may appoint other people than guardians, for the nuisance committee *only* guardians.

10,013–4. The incidence of taxation is also different, according as the place is under a town authority or guardians; because the poor-rates are equally divided between landlord and tenant, but the town rates are not; and if a town be constituted the incidence of taxation for sanitary purposes changes with the change of government.

10,989–91. The Lord Lieutenant in Privy Council can erect a new town board. They cannot create a nuisance or sewer authority as such. If a district happens to fall within the conditions (population, &c.) for coming under town government, then if a town government were formed the district would go from the guardians to the town authorities. That remark applies not only to the grant of a municipal charter, but also to districts coming within the limits of a town.

10,993. There is no inspectorate over the town authorities, and no Local Government Act Office or any central authority to whom they can apply for advice.

10,994. The present Government contemplates a bill to establish a Local Government Act Office in Dublin.

10,995–8. There is also no satisfactory audit of town accounts; that is also proposed to be amended. They are audited by auditors under the Municipal Corporations Act; they were liable to be audited by the Board of Audit in London, but that has been given up and a new system in its place is not yet constructed.

10,999; 11,000. Boards of guardians in Ireland are under perfect organization and arrangements for sanitary purposes.

11,005–6. I apprehend the Poor Law Commissioners have control over the guardians with respect to the salaries of their officers, but not by the Sanitary Act.

11,001. The poor law inspectors do not generally act as sanitary inspectors; on special occasions they do.

11,034–5; 11,066. Special medical poor law inspectors were appointed under the Dispensary Act, 1851. An Act in 1868 consolidated these with the ordinary poor law inspectors. A section was put in to make the medical inspectors the officers for carrying out the diseases prevention provisions, and also the inquiries into public health that the Commissioners might be directed to make.

11,051–9. The poor law medical inspectors are, I believe, debarred from private practice.

11,001;–3;–4. The boards of guardians use the relieving officers as sanitary officers, *i.e.*, nuisance inspectors.

11,069–76. I believe the inspection of the Poor Law Commissioners has been efficient in keeping the local authorities to their duty. I have seen no complaints, and the expenditure of money shows that the Act has been generally carried out. I know that it has been carried out in Dublin.

11,075. When, in 1867, the operation of the Diseases Prevention Act ceased, some guardians did not appoint the local officers to carry it out, and the Commissioners immediately issued a circular calling attention to the Act.

11,006–7. Before 1866 the Poor Law Commissioners gave no account of any expenditure by the guardians under the previous Sanitary Acts, on account, no doubt, of its being infinitesimal. In the next year (ending September 1867, the Act having passed August 1866) there was expended under the Sewage Utilization Act, 1,570*l.*; Nuisance Removal Act, 2,800*l.*; Diseases Prevention Act, 10,700*l.* (The reason of the 10,000*l.* was that a great attack of cholera occurred in 1867, which the Sanitary Act was providentially in time to meet.) In 1868 there was expended under the Sewage Utilization Act, 1,400*l.*; Nuisance Removal Act, 2,260*l.*; Diseases Prevention Act, 276*l.* The accounts for the year ending September 1869 are not yet published.

11,024–7. In Ireland the guardians have some control over the graveyards; they are the burial boards in all non-town districts, and in the city of Waterford; and under an Act of 1856 they have the charge of all *closed* yards. I believe they have always discharged their duties satisfactorily.

11,028.

11,036–7; 11,040. Wherever there are a sufficient number of resident magistrates, the *ex officio* guardians may be equal to the number elected, and in all large unions they are equal to them.

11,038–9. The number of the elected guardians is fixed by the Poor Law Commissioners. Usually each electoral division elects one, but the town divisions elect two or three. *Ex officio* guardians attend regularly, I believe. The chairman, vice-chairman, and deputy vice-chairman are usually *ex officio* guardians, and they have a great deal of influence.

11,041.

11,042–3. Petty sessional divisions have no necessary connexion with unions, and they do not coincide. The 11,047–8. divisions constantly overlap county boundaries.

11,044–5. The unions constantly overlap county boundaries. A great number of the most important of the Irish towns are situated on rivers which are the boundaries of counties, and the town is taken as the centre of the union.

11,049. The poor law arrangements have been taken as the basis for registration purposes. The superintendent registrars' districts correspond with the 163 unions, and the registrars' districts within the 719 dispensary districts. The dispensary medical officers are the registrars.

11,050.

11,052–3;–5. I should have recommended the police as the registrars of births and deaths; they collect the census and other statistics.

11,051;–4. I am not aware that registration of sickness was proposed; that would be too minute a thing for the police, and could only be done by the medical men.

11,056–7. Some coroners are medical men. There are not many coroners in Ireland—about three to a county.

11,060. The dispensary medical officers are not debarred from private practice; their salary is quite inadequate for that.

11,061–2. They are paid specially for their duties under the Diseases Prevention Act.

11,063–4. They communicate chiefly with the committee of the guardians.

11,065. They make a quarterly return to the Commissioners.

(89.) E. S. GORDON, Esq., M.P., Q.C.—(Q. 11,077–11,135.)

11,077–8. Was Lord Advocate from the beginning of 1867 to the end of 1868, but was not in Parliament in 1867.

11,079–80. As Lord Advocate passed in 1867 the Public Health (Scotland) Act.

11,102. I believe the Act has given general satisfaction, especially throughout the country districts, and has led to more attention being paid to sanitary matters, and to the carrying out of sanitary works.

11,081. By the Act of 1867 the board of supervision was made the authority for supervising also sanitary matters in Scotland. The board of supervision had some jurisdiction under the previous Acts, the Nuisance Removal Acts of 1846 and 1848, afterwards superseded by the Act of 1856; but that Act was found defective, especially during the cholera in 1866, and the board of supervision applied to the Lord Advocate (1) to have, if possible, greater powers given both to local boards and to the board of supervision; (2) to have a consolidation of the several Acts bearing on public health, including the Sewage Utilization Act, 1865, and the Sanitary Act, 1866, which, though professedly applicable to Scotland, could not be carried out there.

11,086. The board of supervision has also the superintendence and enforcement of the Vaccination Acts.

11,082. The board of supervision consists of a chairman (salary 1,200*l.*), three sheriffs of counties (who are local judges in Scotland, and receive an allowance of 150*l.* for the additional duty), the Lords Provosts of Glasgow and Edinburgh, and I think two or three other gentlemen, but they very seldom attend, and the Solicitor General, who occasionally attends. The business is discharged by the chairman and the three legal members.

11,103. The board wish rather to lead than to compel, and hitherto they have not had recourse to their compulsory powers.

11,105. I believe the board would like more stringent powers. I think it is perhaps better to leave well alone. I ceashd to be a member of the board on becoming Lord Advocate.

11,115. I think the evidence taken before the committee now sitting on the administration of the poor laws strongly supports the view that the board of supervision have very efficiently discharged their duties and not interfered unnecessarily.

11,086. The local authorities are enumerated in section 5; (1) town councils; (2) police commissioners and trustees under general and local Acts; (3) in all other places the parochial board.

11,120–1. Under section 96, if the local authority does not get rid of a nuisance, the sheriff or the Justice may appoint the same to be done at the expense of the local authority.

11,115;–20. The sheriff has exclusive jurisdiction in the more important cases of nuisance; in small matters a Justice attends to the execution of the Act. There are summary proceedings before these local judges. For compelling local authorities the board of supervision present an application to the Court of Session and obtain judicial authority; it is something in the shape of a *mandamus*.

11,119. The compulsion is not from the central authority, as in England, but from a judgment of a court of law. In the same way, by the Poor Law Amendment Act (Scotland), if parochial boards do not discharge their duties, the board of supervision cannot issue an order compelling them to do it, but they must go to the court and get an order from the court.

11,083; 11,117. Sections 9 and 10 give power to the board of supervision to inquire into the state of public health
11,083; 11,087–8. in different localities. (I do not think there have been any such inquiries.) The board has also by
11,118. sections 96–98 power to insist on the enforcement of the Act.

11,083; 11,114. The Act is more permissive than I could have wished it to be, but the larger boroughs were jealous of the action of the board of supervision, especially those above 10,000 population, and I was obliged to consent to a limitation to some extent of their powers.

11,114–6. The jealousy was against central interference, not of the *poor law* authority as such.

11,089–90. Under the Nuisance Removal Act the board of supervision was the supervising authority, and to
11,091. some extent in town districts as over parochial boards.

11,094. When a parish is partly within a town district and partly within some other authority, the board of supervision determines which of the bodies shall be the local authority.

11,095. And where a district is in more than one county, to the jurisdiction of which county it shall belong.

11,092. Local authorities appoint their own officers, but the sanitary inspector is not removable without the consent of the board of supervision. I wished that the medical officers should be in the same position, but I had to give way.

11,093. The local authority is not obliged to have a medical officer.

11,111. They generally appoint an inspector of the poor, (*i.e.*, relieving officer) to be sanitary inspector. In the larger towns I presume they appoint officers specially for the purpose, at least a more important person.

11,098–100. I do not think the board of supervision has any inspectors under the Public Health Act of 1867; they have two or three inspectors who visit the parishes, and one for the poor-houses; the number has not, I think, been increased.

11,106–7. Sections 88 and 89 are very important provisions with reference to the supply of water, which is often very defective in the villages; these and other sections give compulsory power.

11,109. The parochial boards are elected by ratepayers having a graduated scale of voting; proprietors above 20*l.* are members; the occupiers have a representation, and the minister and kirk session.

11,110. I think they discharge their duties very fairly under the Poor Law Act. I have had no experience of their conduct under the Act of 1867. I believe they require to be stimulated; they are not always so sensible of the evils resulting from accumulations of nuisances, want of water, impurities, &c., as they are of the necessity of relieving the destitute.

11,125–9. I cannot say that the dissatisfaction with the new poor law has entirely gone by. Before the disruption of the churches in 1843 there were facilities for managing the funds which belonged to the poor, because the Established Church represented the wealth and public opinion of the country; that I think led to the passing of the Act in 1843. I doubt whether the wants of the poor would be sufficiently attended to, and I am afraid it is necessary to have official inspection.

11,130–3. Sanitary expenses are paid by a separate rate distinct from the poor rate, but levied by the parochial board where they are the local authority, and imposed half upon the owner and half upon the occupier, just as the poor rate is.

11,134. "Means and substance" have ceased altogether to be a mode of assessment in Scotland.

11,135. In towns the assessment and rating is upon the same principle.

11,112–3; 11,124. The great towns in Scotland, as in England, have their local Acts. I believe the local Acts, are in addition to, not in substitution for, the general Acts.

11,122–4. Section 97 of the Act of 1867 seems rather to refer to a general failure to discharge their duties, section 96 providing for a particular failure. My impression is that the large towns which have local Acts are under these two sections.

(90.) WM. J. MANTLE, Esq.—(Q. 11,136–11,305.)

11,136. Is chairman of the sanitary committee of the Lincoln Union.

11,137. Was formerly one of the improvement commissioners of the city of Lincoln.

11,138; 11,272–3. Lincoln (city) contains 25,000 inhabitants. There has been a large increase of working men, in consequence of some large agricultural machinery works.

11,138–9. The area of the union (120 parishes) is 158,920 acres; the population is 46,941.

11,299. Some of the villages have about 1,000 inhabitants, and some are very small.

11,140; 11,222. The rateable value of Lincoln is 74,598*l.*; the death-rate (last quarter) 28. Lincoln is peculiarly well situated; it is on a hill and a stream of water is constantly flowing through.

11,278–81. In winter we generally have a great deal of water down by the river for about a month, and for some months in the year the river scarcely runs. The tide flows within 30 miles.

11,141–2; 11,159. Lincoln (city) is governed by the mayor and corporation as a local board.

11,143–4; 11,152. They adopted the Local Government Act in 1865, under pressure of a committee of which I was
11,157; 11,160. the secretary; and in November 1865 all those members of the corporation who had voted for the adoption of the Act, and who had to seek re-election, were expelled from their office.

11,170; 11,219. Many of the corporation have pledged themselves to the electors not to carry out the Drainage Acts; they are, however, themselves thoroughly drained into the river.

11,146–7; 11,156. The city was previously under commissioners, under a Local Improvement Act obtained before I went to Lincoln, 40 years ago.

11,153. In 1848 Mr. Seely, the present member, endeavoured to induce the inhabitants to adopt the Public Health Act, but they refused.

11,145; 11,150–1. The prevalence of fever in the city, the deficiency of water supply, and the inability of the
11,165. commissioners to remedy the evils, were the reasons of our pressing for the adoption.
11,148–9.

11,154–5; 11,228–31. The opposition was by the owners of small tenements through the fear of expense, and because
11,231. they have not much faith at present in (the results of) the working of the Sanitary Act in other places. If you could improve Lincoln without a rate upon them they would be delighted.

11,156. Some had also an interest in using the river for their drainage, which they thought they would lose.

11,156; 11,278. Part of the city can easily be drained into the river.

11,282–5. I do not think either the city or the union present unusual difficulties for drainage.

11,220–1. There is great local dissatisfaction with the state of affairs. I do not think the majority is aware of the real state of things; they believe those who exaggerate the probable cost of drainage.

11,274–7. The artizans, who receive high wages, and have a considerable voice now in the government of Lincoln, are dissatisfied, but are misled, and, thinking their rates will be increased, they vote for men pledged against this extra expense.

11,161. Since the adoption of the Act a great deal of good has been done in the improvement of buildings; the owners of small property are now compelled to build proper privy accommodation, and to submit their plans to the corporation, but the corporation never interfere with regard to drainage and water except that they do not allow *any more* drains to go into the river.

11,286. We complain now of the amount of sewage which finds its way into the river. We had one large sewer from the county hospital, and many inhabitants have taken advantage of it, and the sewage is led into the river at the upper part of the town, and finds its way through the city. In August or September sometimes the river has to be deodorised at a considerable expense.

11,162. Builders are obliged now to construct cesspools.

11,164. Contractors remove the contents at night.

11,169. The geological formation of the city increases the ill-effects of a want of drainage.

11,163; 11,220–1;–7. The intelligent and upper classes are powerless to compel a general sewage of the town.

11,232–3. I do not think cathedral cities are peculiar. I am a native of Chichester. I believe that is somewhat similarly situated; the landlords of public-houses there are especially anti-sanitarians.

11,233. The cathedral authorities at Lincoln (and at Chichester) are strongly in favour of sanitary reforms.

11,165; 11,243. The city is supplied with water by a private company, who are allowed to admit water into the houses just for a few hours a day, and they throw the supply to the upper part of the city just whenever they please.

11,167–8. The water comes from a parish called Skellingthorpe, and is pumped by steam.

11,166. As soon as the Local Government Act was adopted the corporation desired to purchase the company's powers, and an offer to sell was made, but the sale could not be completed till after the November election, and then the corporation would not entertain any proposition of the kind.

11,171–3; 11,241–2. A word from Government would, I think, compel the corporation to drain; I mean by putting in force section 49 of the Sanitary Act, 1866. I do not think a previous complaint from Lincoln is necessary.

11,174; 11,226–7. The Local Government Act Office is cognizant of the state of the town, but they cannot act without some specific complaint, and no one in the city at present is prepared to bear the odium of complaining.

11,246. If the inspector subpœnaed witnesses who would so come (apparently) by compulsion, that might do away with the odium.

11,175–6. In October 1869 the guardians called upon the local board to find an outfall for the drainage of the workhouse (situate within the borough) in consequence of the prevalence of typhoid fever, and the mayor was then told by the legal adviser of the corporation that they were compelled to find an outfall for the drainage of a district, but not for any particular part.

11,177; 11,239. The clerk's answer seems absurd; but pressure was put upon the guardians by the corporation, and the matter was allowed to drop.

11,177–8. Complaint was afterwards made by myself to the Medical Department of the Privy Council, who drew the attention of the Poor Law Board to it, and an inspector of the Poor Law Board was sent down to Lincoln in February 1860. The state of things in the workhouse was truly deplorable.

11,240. The Poor Law Board has just sanctioned the construction of sewage tanks within 80 yards of the sick wards of the workhouse, because they would not call upon the Local Government Act office to compel the local board to find an outfall for the drainage.

11,179–81; 11,213. I would have an inspector from Government visiting every town and village (whether a complaint is made or not), and seeing that the Act is fairly carried out. If an inspector came to us in the month of August I think he would be satisfied in ten minutes.

11,243–5. The inspector should (1) ask the authority to show the plans of their drainage; (2) examine into the water supply. He should see things with his own eyes.

11,239–40; 11,261. I should recommend a central authority with power to compel the local authority, and which should make no doubtful sound.

11,241. I have been in correspondence with the Local Government Act Office and with the Medical Department of the Privy Council, and I have had the greatest difficulty in getting anything like united action.

11,182. Mr. Taylor insists on the inquiries held by the Local Government Act Office inspectors being public.

11,183–4. The sanitary condition of the Lincoln union is very bad. I do not think one village in the whole union till 1869 had ever thought a word about the Sanitary Act, 1866.

11,188–90. Till September 1869 the relieving officers were (nominally) inspectors of nuisances. Nuisances even when reported by them were not abated.

11,223–5. I do not think the relieving officers would generally be good nuisance inspectors. A nuisance inspector should be independent. The relieving offiers come in contact with nuisances, but they are dependent on the guardians for their living, and have an interest in being on good terms with the guardians, who are the great ratepayers, and the farmers of the parishes which they visit.

11,185–6. Typhoid fever is constantly breaking out in one village or more, owing to bad water caused by bad drainage.

11,187; 11,122. Wet or dry (not hot or cold) seasons affect the health; in dry seasons the health is much worse.

11,191–4. Case of a village, owned by a number of proprietors, called *Scothern* (the population, 759; houses, 143; area of parish, 2,500; the soil very porous), where there was an outbreak of fever some two years ago, which kept spreading till September 1869. My attention was drawn to it by the relieving officer, and I took two or three guardians to the village, and we found a state of things which I never could have believed except on inspection. The water of many of the wells was so fearfully contaminated that you could smell the water when you pumped it for many yards. A stream runs through the village, generally dry for four months; the water is obtained by buckets from holes about five feet deep.

11,195. The cottages have cesspools which let the contents go through the porous soil into the wells; the well is generally in the centre, with pigsties and middensteads round.

11,238. An owner of property some years ago offered to find bricks if the population would drain themselves, but they refused.

11,290–3. The village has just been drained at a cost of 1*l.* per head; they have an intercepting tank 200 or 300 yards from the village; the liquid matter runs by a ditch for some considerable distance into a little river.

11,196–7. At *Bardney*, another village to which the attention of the guardians was called through sickness, a sewer built by the late Earl of Harrowby had become blocked up, and the cellar of a tradesman's house in the village was found with 14 inches of sewage in it.

11,198; 11,248. At *Ingham*, another village of 646 inhabitants, there were 54 cases of fever, 52 of which could with certainty be traced to using a parish pump which was near a churchyard.

11,199–200. *Bracebridge*, another village, has had fever for some eight or nine months; the vicar requested the villagers to adopt the Sanitary Act, imagining that it was not in force, but the parishioners

11,200; 11,216; 11,260. decidedly refused to adopt the Act. The vicar is vice-chairman and a most useful member of the board of guardians, but some of the villagers seem determined to eject him on account of his endeavours to adopt sanitary measures in the village.

11,294–6; 11,301. Idleness and carelessness are the main causes of the pollution of the water by the privies in the villages; if they would make the privies water-tight and empty them at proper times there would be no contamination.

11,297–8; 11,300–1. We have urged the use of ashes or mould; then liquids would, however, still remain to be dealt with.

11,247–9. A great many paupers in the villages had the fever; the medical officers have thereupon given medical relief; they have often reported circumstances to the guardians with a view to the abatement of nuisances.

11,250–3; 11,258. I think that if the medical officers were obliged to keep a book recording nuisances, &c., and that book was inspected by the Government inspector on his rounds, that would be sufficient without the inspector personally going round.

11,254–8. I would make such a book a confidential report to the inspector, and not open to the guardians or ratepayers.

11,255–7. I have always found the medical officers assist us in sanitary matters, and ready to speak out fully and freely; but I think that they also consider that it is rather imposing upon medical men who are dependent upon the people of the place that they should be constantly complaining.

11,201–4; 11,261. I conceive the guardians' power is very doubtful, because (although they are, it is true, the nuisance authorities) the moment the vestry says "We will act," the guardians can take no more

11,204; 11,208–10. steps.

11,204–5; 9. The clerk to the guardians, who is our legal adviser, considers that our powers are very questionable.

11,205–9. A "nuisance" is not sufficiently defined; there is also a difficulty as to raising the money for sanitary outlay.

11,211–2. I doubt whether the guardians would act if the law was made perfectly clear.

11,262. I would *compel* some other body, not the guardians.

11,213; 11,261. If the central authority sent round inspectors I would keep the vestries as the sewer authority.

11,214–5; 11,259–61. I should prefer the vestry to the guardians. We have 120 guardians; many belong to the city and ought not to have a voice in the expenditure for the villages.

11,289–90; 11,296; 11,302; 5; I think the question of the expense of drainage applies to the villages as well as to Lincoln city; the village (Scothern) was drained at an expense of 1*l.* per head, which is not much.

11,216; 11,263. If the authority were a committee of guardians I believe the majority of the guardians would appoint a committee dead against drainage. We had no sanitary committee until the autumn of 1869, when I drew the attention of the guardians to the state of Scothern; and at this moment an attempt is being made to expel me from the board, as well as Mr. Ellison, the vicar of Bracebridge, as I mentioned.

11,217. The expense has a great deal to do with the opposition.

11,218; 11,206–7. You would never make ratepayers see that the rates would be reduced by expenditure.

11,234–7. I have a very low opinion of the intelligence of the board of guardians. I do not think they are improving or will improve as long as the majority of the 120 are tenant farmers sent from little villages with the one object of keeping rates down.

11,265; 7. The Highway Act has been adopted in parts of Lincolnshire, not in the neighbourhood of Lincoln.

12,266. It is in force in Lincoln city, owing to the adoption of the Local Government Act.

12,268; 70. I think the highway board would be a better authority than the guardians; it is generally composed of men of higher intelligence.

12,269. The Lincoln board of guardians have nothing to do with highways.

12,271. The *ex officio* guardians do not attend.

(91.) C. F. DEVAS, Esq.—(Q. 11,306–11,309.)

11,306. Is a county magistrate residing at Bromley, and was chairman of the Bromley Local Board when

11,336; 11,340. 11,313. they first adopted the Act; and was for some years, and before 1860, chairman of the Nuisance Removal Committee [? of the vestry].

11,309–12. Bromley has increased in rateable value from 20,000*l.* to 60,000*l.*, owing to railways coming through the district, and its becoming available for suburban residences; this at the same time makes drainage more difficult and more imperative.

11,308. *Bromley* is a case where from urgent necessity the local board was formed to carry out special drainage works.

11,308; 11,336. 11,339; 11,347. It was a board of more than average intelligence. I think an *ex officio* element in local boards would be desirable if it could be managed.

11,308; 11,350. And after co-operation with the authorities, and devoting its fullest time and attention to the subject for two years, the board was prevented doing what it wished, and things have come to a dead lock.

11,313;-9; 11,332-3. The expenditure proposed for Bromley was overstated by Mr. Chambers; and it is not the case
11,313; 11,324. that the board were committed to any particular scheme.

11,351. The Home Office deserted us in October 1869; a fresh inquiry is now necessary, and could be demanded under section 49, because the local board are not doing enough, and the Secretary of State could be holding a fresh inquiry with three reports of his own inspectors in his pocket recommending the scheme which he had refused to sanction.

11,342. I think the Home Secretary would have been in an awkward position if he had been applied to under section 49.

11,313. From the first the necessities of Bromley as to drainage were apparent. As chairman of the Nuisance Removal Committee I used before 1860 to have long conferences with Mr. Taylor and to take his advice. We could not carry out the Nuisance Removal Act in consequence of the want of drainage; because a cesspool must be a nuisance if there is no overflow. Four years ago (1866) the Kent Waterworks Company established a branch in Bromley; this increased the nuisauce of there being no drainage. The inhabitants were then induced to attempt to act under the Sewage
11,313; 11,354. Utilization and Sanitary Acts. The vestry applied to the Local Government Act Office, and were recommended to consult Mr. Lawson, C.E.

11,313. Mr. Lawson's first plan was for the drainage of the whole parish at an outlay of 30,000*l.*, including a tunnel which would have cost 10,000*l.*; this was considered too expensive.

11,313; 11,319. Mr. Lawson then recommended a modified plan for the portions of the parish where drainage was more immediately necessary.

11,313. When we attempted to carry out the plan we were advised that the Sewage Utilization Act and Sanitary Act were hardly applicable to such a town as Bromley, and we accordingly adopted the Local Government Act. Although we considered ourselves committed to irrigation, on the recommendation of the Home Office, we have from time to time investigated other schemes which have been brought forward. Ultimately failing in our negotiation, we proceeded to take some land pointed out by Mr. Lawson under compulsory powers, and we were then thrown over in the Local Government Act Office on a formal objection. We had marked an ordnance map, but were advised that we had failed in minuteness; to avoid another year's delay we negotiated with the owner, who agreed to sell it, as though taken under compulsory powers. A Government inquiry was thereupon held, but although, as is notorious, the Government inspector's report was favourable, we were refused on the ground that the Home Secretary was not satisfied that the plan was the cheapest and best, the objectors having suggested an alternative. The local board petitioned for a rehearing, which was granted on the understanding that it should be conducted by an independent barrister and engineer, the reason being that all three Government inspectors were favourable to the board's scheme! The result was a ten days' inquiry, and we were again refused, but this time because we did not provide for the drainage of the whole parish, and it was an expensive scheme.

11,313; 11,338. We were recommended by the Commissioners, in vague terms, to partly temporise with some of the difficulties by the subsoil drainage of a small portion of the district, to adopt the earth-closet system (which we have no power to enforce) and some system of defæcation of the liquid sewage.

11,320-1; 11,324-8; 11,314; 11,334. The original opposition was from an adjoining landowner, who persuaded some neighbours to join him, and they objected to a sewage farm.

11,314-5; 11,334-5; 11,343-4. Then there was also opposition by ratepayers, who objected to the expenditure; some of these inhabit the main street, which is allowed to drain into the river; others of them objected because
11,368-9. their district would not receive any direct benefit.

11,316-8. The power of *veto* without directing you what to do is fatal to the action of local boards. I do not see any guarantee that the board would get the requisite permission from the central authority for any other plan.

11,340-1. The Local Government Act Office simply said it was not their duty to advise.

11,342. I think section 49 should apply not only to defaulters, but to those who, from a feeling of inability, seek the interposition.

11,345-6. I think the central office should give more support to the local boards who apply to them.

11,353;-5; 11,360. It ought to rely on its own officer. Each engineer has his own scheme for sewerage; and that there should be no appeal.

11,319. In Mr. Lawson's second plan, 30,000*l.* of the 50,000*l.* was for the purchase of land, and only 20,000*l.* for the cost of drainage works. Pending the inquiry before the Commissioners we received the power of leasing from Lord Northbrook at 4 per cent. upon the outlay, or 1,200*l.* a year rent, with the option of purchase at the end of 21 years.

11,330-1. I think local boards should have power to mortgage the land taken for irrigation.

11,322-4. We intended to have a sewage farm on the best principles.

11,325. There is no means of compensating owners of adjoining property; I think such might be given.

11,326-9. I am afraid there must be some smell and annoyance; it is a question whether sewage farms should be allowed near the metropolis.

11,337. There is a proposal before the present board for tapping the subsoil water, which rises in a portion of the district, and taking it down to the Ravensbourne, which runs round the town. The objection to that obviously is that, if they really tapped the cesspools, the drains would be sewers under another name; and if so, the local board would not be allowed to drain into the Ravensbourne. Therefore they would either be ineffectual to relieve the people from the overflowing of the cesspools, or they would be impossible, in consequence of the fouling of the brook.

11,338. This is part of the recommendation of the engineer called in by the Local Government Act Office. He is in favour of earth closets; the Government inspectors are for irrigation.

11,348; 11,358. I should not recommend an intermediate authority. I think the fewer authorities the better. The machinery is already too complicated.

11,356; 11,360. I want an inspector, a person who has made drainage his special study, sent down. The

11,357;-9. local board have usually some local engineer, a surveyor and nuisance inspector, and they want a very first-class engineer to advise them as to principle.

11,349. I would rather have direct action from the central authority; it becomes so desirable to have
11,359. one principle; local boards are better acquainted with matters of local detail; but the principle ought to be laid down by authority.

11,350. I think large drainage works are beyond local boards.

11,361-3. No attention is paid to sanitary matters in many parts. There is great apathy and indifference in all the educated classes on local matters; you never find them filling parish offices. I wish that could be remedied.

11,356. It is a question whether the unlimited power of rating enjoyed by local boards is not excessive.

11,367. I consider the attitude of the central authority to individuals under the Nuisance Removal Act is open to the same observations as its attitude to local boards, *i.e.*, prohibitory and not directory. All that the law says is that you must not make a nuisance. At the present moment we allow house after house to be built which we know must inevitably become a nuisance, and we have no power to prevent it. There should be a power to enable one or more individuals to require a local board to provide drainage upon their solicitation.

(92.) R. LATTER, Esq.—(Q. 11,370–11,387.)

11,370. Is clerk to the local board of Bromley.

11,372. As clerk conducted the two inquiries mentioned by Mr. Devas on behalf of the board.

11,373. The clerk of a local board is in a disadvantageous position on such an inquiry. The opponent
11,373; 11,375. usually (as Major Boyd at Bromley) spares no expense in providing himself with counsel and skilled witnesses. The local board, on the other hand, anxious to save the ratepayers' money, urged me, against my advice, as a professional man, to conduct their case myself, and I was unable to employ counsel, or subpœna witnesses. I think, had I been allowed to do so, the result might have been different. I think when a Government inquiry is ordered, the object of which is to instruct the mind of the Secretary of State, the inspector should be instructed not merely to act as the commissioners said they did at Bromley, as a committee of the House of Commons, and
11,373; 11,374. require the promoters to conduct their case according to technical notes, but he should investigate the whole subject by calling for such information, and making such inspection of the district as he may require to form his conclusions. He might in the first instance communicate with the board and its officers, and having satisfied himself that the scheme was *prima facie* desirable, he should then hold a public meeting, convened by advertisement, as inquiries are held under the Inclosure Commissioners, and the opponents should be at liberty to state and tender evidence on any objection that they have, to which the board should be at liberty to reply.

11,374. The inspector should then report to the Government for the future guidance of the board what in his opinion is the best practicable plan to be adopted under the circumstances of the case.

11,373;-5. The Secretary of State at our interview distinctly stated, as I understood him, that the *onus probandi* was to be thrown upon the opponents of showing that the site suggested by them was better calculated to carry out the objects of the board than that which we had proposed, and when the Commissioners told me I was to prove my case afresh, I ought to have applied for an adjournment, in order that the Secretary of State might be appealed to.

11,376. I think no special drainage districts should be adopted. Special district rates were abolished by § 54, L. G. A. 1858, apparently with the intention of altogether doing away with them, but there is power still under the P. H. A. 1848 for boards to divide their districts. A great complication arises in the event of any district being so drained that the highway rates are levied in a different way, *i.e.*, the part exempted from the special rate maintains its own highways, and in fact in part the highways are maintained out of the general district rate. I think the incidence of taxation for drainage purposes might be usefully amended in this way:—

(1.) The drainage rate should be made only upon houses and buildings capable of using the sewers.

(2.) The principle of the house duty should be adopted to ascertain the rateable value of houses *i.e.*, a house and an acre of land should form the basis of valuation for houses to which land is attached.

11,378. (3.) Land should be entirely exempt from drainage rates.

11,377-9. (4.) Any houses for the time being not provided with sewer accommodation should pay only one-fourth.

11,377; 11,380. I think such a plan of rating would obviate much of the objections to sanitary works in rural districts.

11,381. I think the present definition of a "sewer" should have a larger construction than it at present has. Messrs. Michael and Harrison recommended subsoil drainage to relieve the water-logged portion of the district round *New Bromley*. He called in Mr. Harrison to carry out his own suggestion, and he recommends deep drains in the centre of certain roads without any communication with the adjoining properties, to open directly into a small stream, the Ravensbourne, which winds for seven or eight miles through a populous district. It is very doubtful if there is power to levy rates to construct a drain to carry off pure water only, and I did not think it to be one of the purposes contemplated by the Act. Moreover, section 11 of the Sewage Utilization Act rendered it doubtful whether we had power to make any sewer opening directly into any stream. I asked Mr. T. Taylor, and he is of opinion (1) that section 11 of the Sewage Utilization Act does not apply to the local boards and (2) that the drainage of pure water *is* one of the purposes of the Act for which we may make sewers. The difficulty could be remedied by making the interpretation of the word "sewer" apply to subsoil drains of that description.

11,382. There is very great doubt created where the water supply is not in the hands of the local board. Section 76 of the Public Health Act requires amendment so as to enable the board to compel a

supply of water from a water company, though at a larger cost than 2*d.* a week. Section 51 of the Local Government Act extends the power to the rates provided by any "Local Act," but qu.: if these do not refer to Towns Improvement Acts rather than to Water Companies Acts. At Bromley we have been under very great difficulty on the subject. The majority of the artizans' houses let for 12*l.* or 15*l.* per annum, and the company's rate would be 3*d.* or 4*d.* a week.

11,383. This is not so serious a damage to us because, had these houses been supplied with water, the evil we suffer from for want of drainage would have been aggravated.

11,384. I think there can be no question that one of the greatest obstacles to sanitary works is the onerous terms upon which alone under the present law money can be raised for the purpose, and that Government ought to offer every facility to raise such money.

11,385. I think Government should be empowered to issue for the purpose of advances under the Sanitary Acts a named sum of consols; that when the sanction of the Secretary of State had been obtained to a loan the Government authority should, either at once, or as the money may be required for the works, sell on the market the necessary amount of stock; that the local board should give proper security to the Government for interest at 3¼ per cent., and for the transfer to Government (to be cancelled each year) of an amount equal to one-fiftieth part of the stock issued, so as to spread repayment over 50 instead of 30 years.

11,386. Not much of the money borrowed by local boards is obtained from the Public Works Loan Commissioners; the bulk, I think, is from insurance offices. The Public Works Loan Commissioners charge 5 per cent., and only lend for 20 years; and they have no power to lend at all for the purchase of sewage farms, but only for the construction of works.

11,387. I think such a scheme as I have suggested would save from 35 to 40 per cent. on the annual amounts payable by boards. Government should have summary powers to compel the levy of rates to make good the annual payment, and the board should pay 5 per cent. interest on arrears, if any.

(93.) C. DIVER, Esq.—(Q. 11,388–11,503.)

11,388. Is town clerk of Yarmouth.

11,390–5; 11,399; 11,412. The municipal borough consists of—(1) Yarmouth proper, which lies between the river and the sea, in the county of Norfolk, and is a parish by itself (population in 1861, 30,338,—now about 33,000; rateable value, 67,016*l.*), in which the town council is the local board; (2) the parish of Gorleston, and (3) the hamlet of Southtown, both in the county of Suffolk (with an agricultural and fishing population), and since January 1869 under a district local board. The river (the county boundary) separates the two.

11,390–3; 11,396. 11,393.

11,395–8. They are also distinct for poor law purposes, being an incorporation of from 15 to 20 parishes, formed 100 years ago.

11,398; 11,486. Lowestoft, in the same union, is under Improvement Commissioners.

11,389; 11,404. Prior to the adoption [*application*] of the Public Health Act (in 1851) the borough was regulated by an old Paving and Lighting Act of 1810. The Paving Commissioners had not done their duty to the extent they should have, and the town was in 1848 very badly drained.

11,389; 11,406; 11,416–9; 11,477–80. Upon the petition of several of the inhabitants, and in the face of a great deal of opposition, through fear of the expense, an inspector from the General Board of Health came down in 1849. He took evidence during four or five days, and reported very strongly upon the necessity for the adoption of the Act, &c. The inhabitants petitioned against this, but a provisional order was issued in March 1851, applying the Act, which was confirmed, and a system of sewage was at once commenced, and the town is now in a very good state of drainage.

11,407–8. The cholera had been very fatal in 1849, and there were other causes of complaint.

11,401–3. Since the adoption of the Act we have borrowed 17,000*l.*, and now owe 11,200*l.* We have also an old debt of the Commissioners, which now amounts to 15,150*l.* (incurred for the construction of a new street, paving, &c.), payable by an annual ballot amongst the bondholders at the rate of 100*l.* a-year.

11,405. The local board acts efficiently.

11,443. There have been no sanitary works carried on beyond sewerage and drainage.

11,440. The main sewers radiate from the highest level in the centre of the town, north and south, and there are two outfalls north (three miles) and south (two miles from the sea). At flood tide the sluices are opened, and the sewage is carried away by a very strong tide.

11,412. There is no nuisance whatever. Utilization of the sewage has been mooted, not in consequence of its affecting the river, but for the purpose of income.

11,413–5. Water supply is ample, partly by pumps, but in a great measure now (since the Act was applied) by a private waterworks company.

11,409–10; 11,472. The supply was previously limited, and a great deal was brackish.

11,411. The death-rate has no doubt been reduced. It is increased by deaths from drowning, bodies washed ashore, &c.

11,424. 11,425.

11,420–3. Street improvements are carried out by the town council, and paid for out of the surplus borough fund. There are no borough rates; the income exceeds the expenditure.

11,426–9; 11,437. The shipping and harbour are regulated by a special Act, and are under Haven and Pier Commissioners, whose jurisdiction extends far beyond Great Yarmouth, as far as the river, and its branches are navigable.

11,439. They keep the haven open and receive dues.

11,429–36. There is no disputed jurisdiction.

11,438–9. The function of the two bodies are entirely separate and distinct.

11,440–1. Under their Act the Commissioners pay the town council 400*l.* per annum for the services of four policemen; they also share the lighting of the haven bridge, which is their property.

11,442. Quarantine is under the Customs. I only recollect one vessel being in quarantine.

11,443. The Sanitary Acts might be improved.

11,481–2. We have only had byelaws, under the Local Government Act, in force about 18 months, and I mistrust their validity.

11,483–4. I think the Secretary of State should satisfy himself as to the legality of byelaws, and that his signature to them should carry more weight, *i.e.*, give them statutory obligation.

11,485. I like the idea of having medical officers. I cannot say if 30,000 inhabitants should be the limit at which they should be compulsory.

11,446–50. We have an inspector of nuisances at 30*l.* per annum; he is of no trade; probably he has some income; he is active; we have no other health officer.

11,450–1. We appointed a second nuisance inspector *pro tem.*, when we anticipated an outbreak of cholera; one is enough for ordinary times.

11,451-2; 11,462-4. The police are directed to report such nuisances as may come under their notice on their beats.

11,453–4. Nuisances are generally reported and abated.

11,487. Seamen suffering from some contagious disease are often landed from passing ships; I suppose at common law that would be an indictable offence, but there is no one whom we can indict. The clerk to the guardians asked me to suggest giving power to the guardians or overseers in such a case to get a contribution from the owner of the vessel.

11,465–9. The sewage is not disinfected; the sewers are regularly flushed, about once a week, I think.

11,470–9. There are hydrants for the purpose; the water comes from an inland lake, a "broad"; the broad does not ebb nearly dry; the quantity of water diminishes sometimes, but not so as to affect our supply. There is a great deal of vegetable matter, no doubt; the water is filtered before it comes into use.

11,488–95. Municipal accounts ought to be audited by professional auditors.

11,496–9. There is no power to prevent a well being sunk in an improper place; we have recently had a case of one being sunk close to a churchyard.

11,500–3. I think if medical men were paid 1*s.* for registering the cause of death they would take more pains to be accurate.

(94.) ALEXR. BROGDEN, Esq., M.P.—(Q. 11,504–11,594.)

11,504–6. Is M.P. for Wednesbury; and has resided at Ulverstone since 1855.

11,507–8. The population of Ulverstone was then 6,000; in 1861 it was 7,329.

11,509. The township does not contain a large area outside the town.

11,536. It is in the Ulverstone Union; 28 parishes and 41 elected guardians.

11,510. In June 1853, Mr. Rawlinson was sent down in consequence of the death-rate having exceeded 23 per 1,000.

11,511. He reported (1) that there was no general system of sewers, the drains being of dry rubble for surface water; channels foul with liquid refuse; (2) many nuisances injurious to health which were removable; (3) cesspools crowded amongst cottages, and under sleeping rooms; (4) prevalence of fever amongst the poor; and (5) no local governing body with power to initiate and carry out proper works. But his recommendation was that as the inquiry was made upon the mortality and not upon petition, and as the Registrar-General's return was disputed, no further proceedings should be taken unless a petition was presented.

11,512. And nothing was done till 1858.

11,513–4. The mortality in 1858 was very heavy (there was no epidemic), and at a public meeting a committee, of which I was chairman, was appointed to inquire into the condition of the town, and we reported shortly afterwards to a meeting of ratepayers; the total deaths in the year was 211, which was (under) estimated at 27 per 1,000 (in particular limited areas, houses in yards with narrow passages to them, and open cesspools in the midst, it was 87.)

11,515.

11,513. And we reported as to the mortality among children at and below five years that 47 died under 12 months; this was attributable to the negligence of mothers in not sending for medical attendance, the want (1) of proper nourishment, and (2) of cleanliness, &c., in the cottages; in many houses there was no ventilation either by window or fireplace.

11,515. The committee differed as to their recommendations; a minority thought a highway board should be formed, which with the Nuisance Removal Act would, they thought, be sufficient; the majority recommended the adoption of the Local Government Act.

11,516–8. At the meeting of ratepayers (March 1859) the owners of cottage property, who were afraid of the expense, mustered all their strength; it was a very large meeting, and there was great excitement in the town upon the subject, and after long debate the motion for the adoption of the Act was withdrawn as hopeless.

11,518–20. Another vestry meeting was afterwards held, and a highway board (a board of surveyors) was appointed under 5 & 6 Wm. IV. c. 60. The streets had previously been under two surveyors, who could only deal with the surface.

11,521–3. The board felt themselves to be in a wrong position; they incurred an expenditure of some 700*l.* in the construction of one sewer, a very partial work; but at a meeting of ratepayers the outlay was disallowed, and, I believe, eventually was paid by the highway board out of their own pockets. There was so much party feeling between the promoters and opponents of the Local Government Act that they would have fought upon any question.

11,594; 11,553. In 1859 the death-rate was 29·54; in 1864 it was 24·77; in 1864, 34·16; and in 1869, 29.

11,525–6. Another very strenuous attempt was made in 1865 to adopt the Local Government Act. We got Dr. Lankester down to lecture, and endeavoured to arouse the inhabitants. He told us the

causes of mortality were so obvious that those who run might read: there was (1) no sewerage' not even brick drains; (2) in some places not even gutters in the streets, but slops, &c. were thrown directly into the road without any possible means of their passing away; (3) privy accommodation was abominable; there were open privies, which were an abomination in towns, and in cases only one to from five to eight houses; (4) water was supplied from pumps which from their position must be fouled by soakage. Dr. Lankester showed samples from pumps and from the water supplied by the company, tested by permanganate, which showed that of the water company to be far superior, and he said that where the soil was porous, as at Ulverstone, matters from cesspools and drains would necessarily percolate through the soil; (5) as to ventilation, that there was a larger amount of small rooms in Ulverstone than in most towns of the same size; and that they were overcrowded and very badly ventilated.

11,527–9. A meeting was then called, and the adoption of the Local Government Act was carried by a majority of 14. The opponents immediately appealed; they said votes had been wrongly received and rejected.

11,529–31. An inquiry was held, which lasted several days. Counsel were engaged, and the parties fought with the bitterest animosity, and the merits of the case were scarcely dwelt upon.

11,532. A compromise was effected, to avoid the expense, which would have been frightful, and it was resolved that the adoption or not of the Act should depend upon whether the death-rate for 1865 was over or under 27 per 1,000.

11,533. The death-rate turned out to be 26·26, so that the Act was again rejected.

11,558–60. After 1864 the guardians appointed a nuisance inspector for the town of Ulverstone, a very efficient man; he has left the town. I do not know whether a successor has been appointed.

11,534–7. In December 1867 a complaint was made by the guardians against the vestry, and Mr. A. Taylor was sent down by the Local Government Act Office; he reported that the complaint was fully established, and the adoption of the Local Government Act was recommended. The recommendation was not accepted, but a committee has since been appointed to inquire into the sewerage works which were then in course of construction.

11,538–9; 11,567. In February 1868 the same parties who had been promoters of the highway board (no doubt under the apprehension of the interference of the Secretary of State) felt that they must do something, and they carried the application of the Sewage Utilization Act, and a very efficient system of sewerage is being now carried out; their works are very far advanced, and consist of large brick well-constructed main drains, and well-arranged subsidiary drains of earthenware pipes.

11,540–1 ;–5.

11,542; 11,548–52. They have spent nearly 5,000*l.*, borrowed from an insurance company, at 4½ per cent.

11,543–54. The outfall is into a stream called "Town Beck." The sewage is imperfectly treated in three tanks, 400 yards from the town.

11,547. The stream runs into the sea about one mile from the tanks.

11,545–6. I am not able to say whether there is any nuisance. An adjoining proprietor has commenced an action against the highway board [?] for the purpose of preventing the use of these tanks.

11,554. There has been no attempt at irrigation.

11,555. My strong opinion is that where you have a population of 4,000 in a limited area, and a death-rate of above 20, the Local Government Act should be compulsory.

11,562; 11,578. The local board should be specially selected. I do not think the guardians, either for urban or rural districts, would be a good authority; if you have a dense population the guardians have enough to do with their duties at the board, and this is even more the case in rural districts.

11,577. The power for the central authority to execute works should be retained.

11,556–7. There has been great question as to nuisances between the highway board and the guardians, the result being that nothing was done.

11,560–1. In the rest of the union, other than the town of Ulverstone, the police act (I do not know under what authority) as nuisance inspectors. There are nuisance committees of the guardians, but no other inspectors.

11,563;–11,579–82. I would not have a separate board or committee in each township, parish, or district. When the district is large and the population small the districts should be combined. I know no district where there would be any difficulty in getting a local board.

11–583–5. I think the highway board would be a very good sanitary authority.

11,564;–7. Case of *Grange*, a little village 10 miles from Ulverstone; a portion of a parish, about five miles by two miles, where, since the opening of the railway across Morecambe Bay, the population has been gradually increasing. The number of houses has very much increased, and we have no system of drainage.

11,565–6 ;–8. An attempt was made to introduce the Local Government Act there, but the opposition was too strong.

11,570. I think a good local board could be elected there.

11,569; 11,573. The attempt was made rather in contemplation of the future. Grange is on a limestone rock full of great fissures, and the waterclosets and everything merely drain into the rock. Even at present in hot weather the nuisance from bad smells is very great.

11,571–2. I think Grange should have all the powers of the Local Government Acts.

11,574–5. *Barrow* is near Ulverstone; they, I think, considered themselves of sufficient importance, and so applied for and obtained a charter of incorporation.

11,586-7; 11,590-4. Local boards should have compulsory power, under some control, for the purchase of land, under the Lands Clauses Acts, *within* their districts. I was on the committee on the bill of the Reading Local Board, who applied for the purchase of 900 acres for a sewage farm. We granted the preamble.

11,592. If there was no suitable land within the district I would enlarge the district.

11,588. If there is no opposition the Secretary of State gives a provisional order, but the fact that if there is the slightest opposition no action is taken by the Secretary of State makes those powers perfectly inoperative.

11,589. We limited the powers of the local board to grant a lease of its farm.

11,588. The local board also asked for powers prohibiting sewage entering a river (the *Kennet*) from which they draw their water supply. The committee refused that power, which they felt was a subject for general legislation.

(95.) THOS. P. HESLOP, Esq., M.D.—(Q. 11,595–11,687.)

11,595. Is an M.D. residing at Birmingham; physician to the Queen's and the Children's Hospitals; and has been resident physician at the General Hospital.

11,596. Has paid great attention to sanitary administration and the arrangements connected with poor law relief.

11,597–600; 11,620; 11,676. The poor law medical officers should be appointed by the central government; they should be irremovable by local authorities. I would remove the appointment of, and control over, the medical officers from the guardians. The whole medical charge of the poor should come under imperial government.

11,677–8. I think the medical department of the poor law should be paid out of the imperial exchequer. Medical relief should be separated from all other forms of relief.

11,601. There would then be uniformity of payment in proportion to the work; independence in the discharge of their duties; and a higher capacity of the officers.

11,602–3; 11,607–8. I would have a competitive examination, one great object of which would be to restore the confidence of the lower classes in the medical officers. I would have an examination somewhat similar to those for the military and naval medical service.

11,611. I think a further test than being in the General Medical Register is required.

11,606. I would not advertise each vacancy. The Government should have a list of the medical gentlemen who had undergone the necessary examinations, and if in a large town there were men duly qualified I would give the preference to them on a vacancy occurring. In a village, if there were two resident medical men, one of whom had and the other had not passed that examination, I would give the preference to the one who had done so.

11,604. Between qualified men I would give the preference: to seniority or to place in the examination list.

11,605. The poor law medical officers should have two functions: (1) attending to the sick poor, and (2) the investigation of and reporting on public health.

11,609; 11,621–3; 11,625. They should make weekly returns to the inspectors: I would style them medical officers of health.

11,610. If the union medical officers continue to be appointed as now I should very much object to their being health officers too.

11,622. Except in special cases the medical officers should not supply medicines; this would relieve them from an arduous duty; tend to prevent the employment of unqualified assistants; but chiefly to insure that the poor should have confidence in the remedies given to them.

11,613–4. On the present plan, and to secure the independence of the medical officer, it is very desirable that their appointments should be permanent. If they were to be elected by the central government, their independence being secured, the best guarantee for their good conduct would be their being elected for a term of years, subject to re-election.

11,612. I think uniformity is so desirable that I should be very sorry to see one mode of giving relief in the towns, and another mode in the country.

11,671. I would never bring a medical officer into a village where there was already a man qualified for the place.

11,673. What I have said as to examinations refers to future appointments.

11,675. I am quite sure that in the large English towns, where I have had great opportunities of observation, the poor do not feel confidence in the parish medical officers; and I am equally sure that the parish medical officers do not deserve their confidence.

11,165. The rural medical officers are much superior; in rural districts the parish doctors are often men in every sense an honour to the profession.

11,617–8; 11,671–2. The interference of the boards of guardians renders all supervision of the medical department of the poor law by the central board, I will not say impossible, but very difficult.

11,616. Owing to the great competition of large commercial towns, the guardians can elect men on a remuneration so disproportionate to the work done, that the more respectable medical men would not accept the appointments; and the constitution of the boards of guardians there is such, that it is not so pleasant for a gentleman to be under their orders, as in a rural district, and many men, who would not object to the remuneration given by a town board, would object to the general associations of the board of guardians.

11,619. Account of a year's work of the five Birmingham poor law medical officers from the "Birmingham District Daily Post."

11,687. I do not think it is possible to make a material change in the sanitary condition of the country until the medical officers of the poor in large towns are better instructed, appointed under favourable conditions, and invested with full powers as officers of health acting under the orders of a competent inspector. In urgent and small matters they should themselves have full power.

11,624. Health inspectors should be experts and not allowed to practice medicine. Such a town as Liverpool, Manchester, Birmingham, &c., with the adjacent suburbs, would require an inspector to itself; otherwise a county or two might be placed under one inspector.

11,625–6. The inspector should be partly analogous to the educational inspectors and partly to the factory inspectors.

11,680–3. No large expenditure for sanitary purposes should be undertaken without their interference.

11,627,–7*a*. If the medical officer of the Privy Council remains as now, I would separate medical relief from all other forms of relief and put it under the health department of the Privy Council.

11,628. I would also put there the registration of sickness and death; health inspection of hospitals, factories, and workshops, &c.

11,629;–31. No certificate of death should be accepted except from a duly qualified medical man. The health officer of the district should investigate uncertified deaths.

11,669. In suspicious cases the health officer should inform the coroner; who is very often not communicated with when he ought to be.

11,681. We might then get an almost absolutely accurate return of deaths.

11,630. The inaccuracy in the medical certificate arises partly from ignorance and partly from sheer neglect of an important duty. Medical officers to public charities ought not to give certificates of death without exacting very decided guarantees that the patient is dead.

11,650–2. I do not think the changes I propose would lead to a large increase of expenditure; the chief additional expense would be in the inspectors.

11,633;–5. As the spread of infectious diseases can only be effectually controlled by the isolation of the sick, the officer of health should possess the power of compelling infected persons to go into hospital.

11,636;–8. I would draw the line at the receipt of parochial relief.

11,641. Virtually the poor are unable to isolate their children in any other way.

11,634–5. Mothers are very often unwilling to send their children to hospital.

11,633; 11,636–7. In reference to the upper classes I would give the health officer the power of making inquiries.

11,639–40; 11,663. 11,641. The home visiting book of the Children's Hospital, and the mortality register of the in-patients, for eight years, show that (though the worst cases are, as a rule, taken in) whereas the mortality of the in-patients was 8, that of the home patients was 14 per cent.

11,642–5. Infected patients should be removed to contagious hospitals, pure and simple. I think Government would have to build them.

11,661–2. 11,664–5. Infectious diseases are often spread by tradesmen, tailors, &c. (I am afraid no remedy can be applied to this), and by public conveyances. It would be more difficult to carry out the principle of a public conveyance for infected patients than is generally imagined.

11,644. We have no hospital in Birmingham to which the upper classes can go upon payment. Occasionally unusually sensible ladies have sent their children to the Children's Hospital, and have given a donation for that purpose.

11,645. I am aware that in various parts of Europe, and in the United States of America, and in a few wards in Edinburgh, that can be done.

11,646–9. There is no reason why a hospital should be a place of charity, rather than a sanitary institution. I have repeatedly suggested this in conversation.

11,655–60. I am aware that there are separate fever hospitals (some county, some poor law) in Ireland. I believe persons can be, and are largely, taken in by paying for going there.

11,653–4. The application of the Acts of Parliament should be compulsory. It is not satisfactory that boards of guardians, who are mainly appointed for economical reasons, should have anything to do with the working of the Sanitary Acts. In towns I should like to see the entire health department (other than medical relief) in the hands of a committee of the town council. I should like to see all boards of guardians abolished; and in rural districts I would have a county organization. I would rather see the work of poor law relief under the supervision of the magistrates, and, if necessary, by means of a considerable extension of that body.

11,666. There is an opinion creeping up, not only among educated people, but among the lower classes, that certain surgical conditions, such as accidents, compound fractures, open wounds, &c., do not do so well in hospitals as in private houses.

11,667–8. In reference to many English hospitals, where the beds are crowded in wards opening on to close corridors, the opinion is well founded.

(96.) REV. THOS. B. WHITEHURST.—(Q. 11,688–11,754.)

11,688. Is chairman of the Warwick board of guardians.

11,689; 11,717–8. There are 35 parishes in the union; 45 elected and seven *ex officio* guardians.

11,690. Five parishes (Warwick, St. Mary, and St. Nicholas; Leamington; Lillington, and Milverton) have local boards.

11,691. The town of Kenilworth is in the union.

11,692; 11,694–5. We have three inspectors of nuisances. We pay our relieving officers for inspecting all their districts.

11,736–9. I think that should be a rule of universal application, in towns as well as in country districts.

11,696. I think the relieving officers are better nuisance inspectors than the police, because their duties lead them very much among the poor, and necessarily introduce them to all objectionable things.

11,712–3. We have never had a difficulty in getting a nuisance removed; and never have had to take out a summons.

11,693. We have three medical officers.

11,697–8; 11,711; 11,728–9. The Warwick guardians are in the habit of acting by committees; generally for matters relative to the workhouse.

11,698; 11,701–2; 11,708; 11,719–20. 11,740. I think that for sanitary purposes it would be best to have a standing committee (as the assessment committee), to consist of about 12 members, chosen every year, and with power to act without referring back to the board.

11,743. I think the owner's interest is sufficiently represented on the assessment committee. Our committee seems to give general satisfaction.

11,703–4. Otherwise different committees might come to contrary conclusions.

11,705–7; 11,730. The Warwick guardians last Saturday came to a resolution that the guardian for a parish should be ineligible for a committee on matters connected with his own parish.

11,709–10. It would necessarily happen that a parish in which expense was to be incurred would at times be unrepresented on the committee.

11,699-700; 11,744. I think the guardians would make a good sanitary authority.

11,748–50. And would, no doubt, exercise their powers if they had them. Inspection might be necessary.

11,714–6. The guardians for the populous places are the most intelligent and active men on the board, and attend most regularly.

11,717–8; 11,741–2. The *ex officio* members attend.

11,721–2. I do not think the annual election is a source of weakness; practically the same men are re-elected.

11,723–5. I do not think a triennial election would be an improvement.

11,726. If the guardians had to construct works, which could not be executed within the year, it would be to make the body more permanent.

11,730–2. I do not think guardians would be liable to lose their election, from being active on the sanitary committee.

11,733. I have always found my board of guardians, with which I have been connected for many years, extremely liberal, and most willing to carry out any improvement which was suggested.

11,745–7. I think a sanitary authority is wanted for the Warwick Union. At present we remedy nuisances when they arise, but we do nothing towards improvements, or to obviate forthcoming nuisances.

11,751–4. I do not think much is required to be done in the Warwick Union. I believe it to be one of the best conducted unions in England, both as to drainage and water supply.

(97.) C. J. BLAGG, Esq.—(Q. 11,755–11,859.)

11,755–6; 11,854. Is resident at Cheadle, Staffordshire; a member of the board of guardians, clerk to the magistrates, and clerk to the turnpike trustees.

11,758–9; 11,873. Cheadle is the centre of the Cheadle Union; there are 15 townships in the union, and 45 elected guardians, who attend very well; some half-dozen scarcely ever miss. The *ex officio* guardians do not usually attend.

11,760;–8. The population (1861) of the township was 3,191; of the parish, 4,803; the area of the township is 753 acres; of the parish, 6,701 acres; the rateable value of the township is 7,950*l.*; of the parish, 17,700*l.*

11,783. The death-rate (for the last 10 years) is about 22½ per 1,000, and a portion of that arises from the deaths in the workhouse.

11,757; 11,765–7; 11,795. The local sanitary authority, for certain purposes, is the board of guardians; for other purposes, the vestry; and, I think, for one purpose, the magistrates in petty sessions are to be considered the local authority.

11,761–2. The parish of Cheadle is divided into four quarters: the town quarter, the Above Park Quarter, the Huntly quarter, and the Grange quarter; from time immemorial each quarter has appointed its own highway surveyors. The parish survey, too, is in four parts. The only rates levied separately on the town are highway rates.

11,769.

11,763–6; 11,770. For poor law purposes, it is one parish; the poor rate is levied over the whole in one fund. There are district churches, the incumbents of which have just been constituted vicars.

11,771. There are no other rates, unless the gas rate, under the "Gas Lighting and Inspection Act," is to be considered.

11,772. The present local authorities are deficient both in power and in will, as may be seen by what has actually occurred. When the [Sewage Utilization and Sanitary] Acts, 1865 and 1866, passed

11,772; 11,822. I was asked to look into them, as the member of the board of guardians most conversant with Acts of Parliament, and I made a careful summary of the existing laws from a great number of Acts of Parliament.

11,772. At my suggestion the clerk to the guardians was ordered to send a circular to the churchwardens and incumbents of every parish in the union, calling their attention to the Acts, and suggesting that they should call a vestry meeting to consider the steps to be taken. I believe that in one or two parishes meetings were called, but in no one parish was anything done to adopt the Act, except in Cheadle.

11,773. The Acts of 1865 and 1866 require, I think, *adoption*, because they are entirely permissive; and unless the vestry choose to put in force the powers I do not see that the Acts can be said to be put in force.

11,774. The only means of compulsion are those which the Secretary of State has, and which, practically, amount to very little.

11,774. In August 1866 a vestry meeting was held at Cheadle, and the following resolution was carried unanimously: "That the drainage of the town quarter being very defective, a committee be

11,775. "appointed to consider and report," and nine gentlemen were named; one of these, as it happens, was a guardian, two were medical men, and one was the clergyman of the parish; I had asked to be excused.

11,776–7. I suppose that to have been a regularly appointed "committee of the vestry;" the second resolution authorized the committee to call in, and pay for, skilled assistance, and the meeting was adjourned for a fortnight, when the committee made a report, signed by seven of the number, and recommended some drainage works.

11,778–80. As I read the Act, public drains were to be made by the sanitary authority, but each occupier was bound to make his own communications. The next resolution was that a meeting should be convened for the purpose of forming the town quarter into a special drainage district.

11,780. A meeting was accordingly held in October, and a resolution was carried "that the town quarter "of the parish of Cheadle be formed into a special drainage district for the purposes of the "Sewage Utilization Act, 1865." That was a very stormy meeting (not like an ordinary vestry meeting), and very numerously attended. No doubt an impression had got abroad among the smaller ratepayers that a great deal of expense would be caused, and we only carried the resolution by threats of the Secretary of State interfering under section 49.

11,781. The next meeting was in March 1867, when a resolution "that a committee be appointed to "carry out such simple improvements in the existing sewers where there are any, and in making "new sewers where none exist, as may be found to be absolutely necessary; and that the com-"mittee lay before the vestry the probable expenses, before they commence operations," was lost; an amendment being carried by a large majority that no committee be formed.

11,781–2. 11,782.

11,782; 11,813. 11,831;–9. I think probably the more educated and intelligent ratepayers were in the minority. I do not think there is anything exceptional in Cheadle, or any particular want of public spirit.

11,838–40. I think the people considered that Cheadle was healthy, and not rich.

11,784; 11,795. The want of drainage is shown by the simple fact that there are not sufficient drains for decency rather than health. The only drains are those made by the turnpike trustees.

11,802. I should be in a difficulty in my own house, in the outskirts of Cheadle, if it did not also happen that I hold a field opposite. I think a private individual ought to be able to dispose of his sewage without difficulty and great expense.

11,785; 11,845. We have a good deal of rain, and the natural drainage is exceedingly good.

11,888–9. We are on a dry foundation, sandstone and sand and gravel, with a good fall; we have good water and plenty of fresh air from the North Staffordshire moorlands; and the population is not crowded.

11,796; 11,838; 11,850–2. There are very few waterclosets in Cheadle, even in the better houses.

11,978-9; 11,847-9. The privies are emptied and their contents disposed of as each man thinks proper; they are very inartificial. I do not think the wells are affected to any large extent, but no doubt they are somewhat.

11,851. I do not think the watercloset system desirable in rural places.

11,786. There are no unhealthy districts in the town.

11,787–90; 11,806. The relieving officer is nuisance inspector, and is paid 10*l.* per annum as such; he would be efficient if he had nothing else to do; he is relieving officer for the whole union.

11,791. I doubt if he sees the nuisances.

11,795; 11,808. The nuisance inspector should be a man for that special purpose.

11,792. We have no health officer; there are the union medical officers.

11,794. I think the whole sanitary system of the country wants revision.

11,795; 11,821. In Cheadle we suffer, as all rural places must suffer, from the confusion of authorities; it is not satisfactory that ordinary people should not be able to tell where the powers of the guardians end, and those of the vestry begin; or as to what the power of the magistrates is as to lodging-houses.

11,799; 11,846. The water supply is from a Waterworks Joint Stock Company, who sunk a shaft through the rock in very high ground; and there is a very good supply, both in quantity and quality, from that source.

11,800. There are also private wells and pumps.

11,801; 11,849. It would be useful if cottage owners could be compelled to lay on public water when there is no proper supply handy. Many cottagers fetch their water from some distance, and are not so cleanly in consequence.

11,802. I think the supply would be sufficient for flushing, if we had sewers.

11,842; 11,868–71. The former (older) class of houses are very bad, the rooms very low, and ventilation not attended to.

11,803-4; 11,850;-3. In a place like Cheadle I would have several outlets for the sewerage; I think the sewage would be most easily disposed of that way.

11,849. I asked one of our medical officers to give me his observations, and he says, "In small towns "each house should have a supply of water when it can be obtained. All cottages should have "(1) more and loftier rooms; (2) a free admission of light; (3) a front and back door to secure "ventilation. There should be a sanitary inspector to see to the above, and with power (*a*) to "remove nuisances, and (*b*) to fumigate and cleanse houses."

11,805; 11,808; 11,823; 11,831. 11,807; 11,815. 11,873. My idea is that no local authority can ever be effective in rural places; and I would have no board on the spot. The board of guardians, an unpaid body, do not object to give a certain time to their [poor law] duties, but are not at all qualified for sanitary duties, and would not do that work; if they did it would impose much additional labour on them.

11,813–4; 11,873. Practically, whether called a committee or not, matters would be left to the guardians with a local knowledge and local interest.

11,808–9; 11,855. 11,808; 11,877. 11,808; 11,832. I would have a permanent sanitary board in London, with a permanent President, like the Charity and Inclosure Commissioners; with power to issue general consolidated orders, which would get rid of a great incumbrance in the way of statutes; they should have power to appoint district inspectors of a superior class, who might have districts similar to those of the poor law inspectors,

11,856–7. say six counties. The inspectors should have power, subject to the approval of the central board, to deal with structural works.

11,808; 11,832; 11,858. 11,774–7; 11,795; 11,808; 11,171. 11,808; 11,833; 11,834; 11,823; There should be a resident working [sub] inspector for each union, say, at a salary of 70*l.* or 80*l.*, who should devote his whole time and make weekly reports to his head officer and act under his orders; he should order the removal of nuisances, and summon defaulters before the magistrates.

He should be the servant of and paid by Government.

11,851; 11,877. 11,824–5; 11,841. 11,831; 11,878–9. The local rates should bear the cost of local works, which should be ordered by the sub-inspector through the parish overseers, and I would give the vestry an appeal to quarter sessions.

11,810–1; 11,880; 11,894. 11,811; 11,860. We have visits from poor law and factory inspectors. I do not think either body could act as sanitary inspectors. In a desire for economy we miss efficiency from trying to combine too many offices.

11,812. In the minds of the poor law inspectors sanitary matters would be only secondary, as they are in those of the guardians.

11,835; 11,844; 11,881–7. I would have no connexion with the poor law medical officers, who would do their duty as at present, which is quite a distinct matter.

11,820–2. We [the Cheadle guardians] form committees for various purposes; visiting, &c. Structural works are not within our province.

11,816–8. The assessment committee has done its work well, and devoted a great deal of time to it; they work with closed doors, and so avoid odium.

11,815;–8. A sanitary committee would have to summons offenders, &c.

11,819. No one has yet been summonsed for a nuisance in our district, and lots of people ought to have been.

11,827–9. I would preserve existing local boards, but not allow any new ones.

11,829. The Government inspector should supervise existing local boards.

11,830; 11,862. I daresay my plan would be unpopular at first; I think the most effectual schemes are at the first start.

11,835–7. I think in time you would have civil servants educated for the work, as you have for the Post Office, Customs, &c. The prospect of a gradual rise in salary and office would tempt very fairly qualified men.

11,842. At first you would get something like the better class of police officers, as sub-inspectors.

11,859. I think the cost upon the consolidated fund would not be large. The board should be small; a president and a secretary would, I think, be sufficient.

11,873. I think sanitary matters as much an imperial concern as education.

11,863–7. I am aware that in the case of mines, where the inspector is a charge upon the consolidated fund, the expenditure ordered by the inspector falls upon the individual proprietors, not upon the local taxation. I think the case analogous, as the expenditure ordered by the sanitary inspector would usually fall upon individuals.

11,877. Under my proposed system of inspection you would have both examination of reports and actual visiting.

11,890–3. I should not give the local authority any option but of acting as directed, or appealing from the inspector.

11,884. I never knew an instance of the Poor Law Board exercising its right of *veto* over the guardians.

(98.) A. POWER, Esq.—(Q. C. 11,896–12,078.)

11,896; 11,909. Is Chief Commissioner of Poor Laws, Ireland; the Act was the 1 & 2 Vict. c. 56, passed in 1838.

11,912. The medical Charities Act, 1851, (14 & 15 Vict. c. 68) altered the form of the Commission, which now consists of three paid members (one a medical practitioner of seven years), and the chief secretary and under secretary of the Lord Lieutenant.

11,897; 11,951. 11,897; 11,900; 12,034. The combined administration of the sanitary laws and poor laws commenced in Ireland, to a certain extent, in 1844, when the 6 & 7 Vict. c. 92 enabled boards of guardians to build fever hospitals in connexion with workhouses.

11,901–2; 12,032. Before that time all fever hospitals, dispensaries, and infirmaries were conducted, separately from the poor law, by governors and subscribers, and were partly supported by the county cess. The infirmaries are still so supported. The county authorities shut up the hospitals when every union had its own fever hospital.

12,029–31. We have the power of visiting, but no jurisdiction over, county infirmaries. They are resorted to by artizans, constabulary, and domestic servants.

12,017. Medical relief, coupled with in-door poor relief, does not pauperise the recipient.

12,018–25. Medical relief tickets are distributed freely.

11,920–2; 12,017. Medical relief was further extended in 1862 by Sir Robert Peel's Act, under which poor persons, not destitute, can be received and pay part or all of the cost, in which case they are entered in a separate list.

11,921; 12,035; We never hear of any difficulty as to this.

12,041. Since Sir R. Peel's Act there has been a great number of sick in the workhouses.

12,053–7; 12,077. 11,897; 11,897–900. During the famine temporary hospitals were run up in all parts of the country, the relief in which was administered by an unpaid commission, called the Board of Health (composed of three gentlemen and my predecessor, Mr. Twistleton), which was a temporary institution organized entirely on account of the famine, and had ceased to exist before 1851.

11,903–4. The rate for the fever hospitals (like the poor rate generally) is levied on the *electoral division*,

which is the sole area of assessment in Ireland. There are union charges which each electoral division bears in proportion to the net annual value of its property.

11,909. They were originally only intended to be for the purpose of the election of guardians; they were made the area of assessment during the progress of the Bill through Parliament. Each division consists of a certain number of town lands.

11,905–7; 11,980. The Irish unions are much larger than the English; there are 163 in all. The average population is 35,574. They range from South Dublin, which has 201,963, to Killala, which has 11,892.

11,916; 12,026–8. They often break the county boundaries. The towns, which are the natural centres, are often on the county borders.

11,910. There are (in round numbers) 60,000 "town lands" in Ireland.

11,908. 11,911. Electoral divisions number 3,488; an average of 21 in each union, and five in each dispensary district. The average population is 1,686, and the average acreage is 5,900 (statute).

11,913–4. 11,916. 11,917. The dispensary districts were organized under the Act of 1851. The object was the medical relief of the poor out of the workhouse. They consist of so many electoral divisions. There are 718 districts with 1,048 stations, served by 796 medical officers. In Dublin, in one particular dispensary district, there are six stations and 12 officers; and one officer often attends two or three stations.

11,918; 11,939; 11,951. We have no power to direct the appointment of nuisance inspectors, but we have procured it to be done by letters and circulars. The relieving officers are the usual nuisance inspectors. As they go through the country and are not troubled with much out-door relief, and have a good deal of time on their hands, we thought they might be made nuisance inspectors, and 298 have been so appointed, besides 18 other nuisance inspectors.

11,977; 11,985. The relieving officers are often efficient, and are usually paid 5*l.* or 10*l.* in addition to a salary of 25*l.* or 30*l.* The relieving officer, I think, usually reports to the whole board.

11,981–2. They are appointed to attend in different parts of their districts once or twice a week, and are applied to for medical tickets. We want power to organize and regulate them.

11,919. Some unions have no nuisance inspector.

12,016. We have no power to arrange districts.

11,923;–7. Since 1862 we have had the Sanitary Act of 1866 (the older Acts were almost inoperative).

11,924–6. The prevention of diseases section of the Nuisance Removal Acts were in operation for temporary purposes during epidemics; and were the more effectual as we had in our dispensary system an organization ready to work it, and known to the people; we had no need for house-to-house visitation as in London.

11,927. The Sanitary Act, 1866, began a new state of things.

11,928–9. It placed every part of the country under some single and known authority.

11,930–1; 11,968. About two thirds of Ireland are under guardians, and one third under town authorities.

12,049; 12,073. 12,050–2. 12,006. The sanitary duties imposed on the boards of guardians have not interfered with the discharge of their other duties; they meet once a week (sometimes, by arrangement, every other week there is no attendance). The guardians and town authorities are also the burial board in their respective districts.

11,934–5. In Ireland town commissioners are appointed, under the Towns Improvement Act, 1854, in a somewhat analogous way to local boards.

12,064–7. I believe the inhabitants determine the boundaries; the districts remain in the poor law electoral division for poor law purposes.

11,936–7. There are also a few towns with Local Acts.

11,938–9; 12,007–9. The Poor Law Commissioners have not the same power over the guardians as a sanitary authority (or as a burial board), as they have over them as a destitution authority. We define areas of assessment for nuisances.

12,058. The medical and poor law inspectors have been amalgamated.

12,059–63. They do not go about the country inspecting, but are occasionally so employed.

11,940,–3;–5. The Lord Lieutenant has the power (under the Sanitary Act, not the Local Government Act, &c.) in Ireland which the Home Secretary has in England.

11,941; 12,061. He has, however, no inspectors, but borrows them from the Poor Law Commissioners.

11,942; 12,068. He has never induced or compelled town authorities to act.

12,069. The Irish law officers, I believe, object to put in force section 49, Sanitary Act, 1866.

11,947. There is no sanction of a central authority required for any operation by the Sanitary Act.

11,986. The guardians are called upon by the Act to appoint two committees, different bodies, for sewerage and nuisance purposes; this is very inconvenient.

11,987–8. I would leave the guardians unfettered; this provision often leads to inaction.

11,990. The committees have no financial powers.

11,989; 12,003–5. Each electoral division elects a guardian [or more], usually met by an *ex officio* guardian. It is an annual office; the same men are, however, re-elected to a considerable extent. If no one is nominated the old guardian is still in; the *ex officios* (one half of the board) fluctuate very slightly.

11,991–2. The charge for sewerage is thrown upon the electoral division. We asked that we might have (as in the nuisance part of the Act) power to determine the area of charge, because as it is it impedes all work. You may have a little town, say a watering-place, that wants water or sewerage, but the large electoral division round it is a wild country, they do not care and have no interest in the town, but if anything is done they must pay. In Dublin, the Rathmines electoral division comprehends the town of Roundtown, and in Roundtown they cannot get water, because Rathmines, which is a township, has an Act of its own, and having already supplied itself with water would have to pay for Roundtown.

11,993–4; 12,014–5. The union medical officers are not appointed health officers, but they are the foundation of all sanitary work; for their reports to the guardians and to us set the law in motion. They have a strong interest to avoid the breaking out of a fever, which causes them trouble and distress.

11,997. Medicine and all medical and surgical appliances are found out of the poor rates.

11,998–12,202. I believe the amount spent on medical relief is much larger than in England. I think the difference between the pauperism in the two countries is dependent upon different causes; one is principally out-door the other in-door relief. The medical treatment has perhaps some influence.

11,995–6; 12,016. The poor law inspectors (11 in number) assist the guardians, but have no coercive authority.

12,008–9. They hold inquiries under the Burial Acts.

12,010. Each poor law inspector has his own district.

11,944;–7. The local authorities borrow money for public works from the Public Works Loan Commissioners without reference to the Lord Lieutenant.

11,948–9; 11,954. The Poor Law Commissioners have no authority whatever over town authorities, where sanitary matters are perhaps the more important.

11,950. I believe Mr. Pim, M.P. for Dublin, asked a question recently in Parliament about a Local Government Act Office for Ireland.

11,951; 11,960. The town authorities are much more inert than the boards of guardians; the different incidence of rates may in part account for this.

11,952. We exerted ourselves to spread a knowledge of the Sanitary Act, and distributed 12,000 copies of the Act of 1866, with all other Acts and parts of Acts relating to Ireland, and an excellent index, to boards of guardians and dispensary committees.

11,953. We increased to a considerable extent the number of the relieving officers, in order to their appointment as nuisance inspectors; one case we had to fight in the Court of Queen's Bench by *mandamus*; the guardians resisted, saying that they did not want sanitary measures, and did not want more relieving officers; but the Court of Queen's Bench compelled them to appoint an additional relieving officer, and since then we have not had much trouble upon that point.

11,956–7. The guardians are the sole authority under the Diseases Prevention Act, when that is set in motion by the Lord Lieutenant in Council.

12,076. The roads in Ireland are under the county authority—the grand jury.

11,959. In the smaller towns sanitary matters are not much attended to. In the city of Dublin there is a very attentive and vigilant action; there are two medical officers of health, Dr. Mapother and the city analyst, Dr. Cameron, and the town council has a health committee, which employs several officers, and is assisted by the police. In Cork there is a great deal done in the same way. We have no official information, except that our inspectors are occasionally employed by the Lord

11,959; 11,962; 11,976. 11,965; 11,974–5. 11,962. Lieutenant to make inquiries, and they all are very strongly of opinion that small towns should be brought under the jurisdiction of the Poor Law Commissioners, by transferring the functions of the town commissioners to the boards of guardians; I do not think they could undertake the large towns.

11,961; 11,969–70. I think all should be brought under some superintending government; if all were under our sole authority, it would be, I fancy, the Chief Secretary's Office in Ireland.

11,963–4. 11,964; 11,971. If the Poor Law Commissioners undertake the small towns, we ought to have much greater powers. If we took the large towns we should want besides some different inspectors, engineers, &c.

11,966. I would separate town improvement powers—paving, lighting, &c.—from sanitary powers.

11,967. There might be a different department for sewerage, water supply, and nuisance removal, and the police might be employed as reporters of nuisances.

11,983. Many individual guardians take a strong interest in sanitary improvements.

11,972–3. The dispensary medical officer is entitled to be registrar of births and deaths, and we very much object to his refusing to take the office; it has been found of very great use, particularly with regard to vaccination. I would impose the office on the medical officer by law.

12,042–7. Vaccination arrangements are under the Poor Law Commissioners; the compulsory Act began in 1864; there has been a reduction in the deaths from 800 to 20.

12,048. The authorities in Ireland used to be indisposed to convict, and imposed nominal penalties; they are more strict now.

12,011. The Irish Cattle Act was framed on the recommendation of the Poor Law Commissioners; at their instance a uniform rate of one farthing was assessed on the whole country, which produced 13,000*l.*; Government spent between 6,000*l.* and 7,000*l.* and restored the rest. The result of the measures taken was a restoration of confidence, &c.

12,012. We raised the funds and placed them to the account of the Chief Secretary in the Bank of Ireland. The Castle administered the money.

12,013. There were veterinary inspectors who were directly under the Chief Secretary.

(99.) W. S. WALKER, Esq.—(Q. 12,079–12,182.)

12,079. Is chairman of the board of supervision in Edinburgh.

12,080. The Public Health (Scotland) Act, 1867, passed in August, and in September the board of supervision (wishing to proceed cautiously and experimentally) issued a circular calling the attention of all local authorities to the Act, and sending them copies of it; and subsequently a circular as to rules, &c., for lodging-houses, which we conceive to be a matter of very great importance. We advised the authorities to have their rules, which had been approved by the Secretary of State under the Act of 1856, confirmed *de novo*.

12,085–6. The board of supervision now act in a manner as a board of health for Scotland. They cannot

during an epidemic put the Diseases Prevention Act in force, but when that is applied by an Order in Council, the board of supervision have the whole control and charge.

12,177. The board of supervision has charge of vaccination to a certain extent.

12,104. I think the Act of 1867 has worked fairly well.

12,147–9. The mere fact of consolidation has made the law (1) more intelligible to those who have to execute it, and (2) more attended to.

12,091. The board of supervision was previously the chief authority over the local authorities for the Nuisance Removal Act, but that Act was extremely defective.

12,092–3. The Nuisance Removal Act is now repealed and partly re-enacted in the Public Health Scotland Act, 1867.

12,094 The Sewage Utilization Act, 1865, and the Sanitary Act, 1866, could not be worked at all in Scotland.

12,118. In the 22nd annual report, p. 15, is a statement of the difficulties the board encountered under the old Acts and their causes, and a detail of the worst features of the cholera, 1866.

12,089. Upon the passing of the Act the board appointed two young men as clerks, who had been brought up as civil engineers, with the view of afterwards utilizing their services as such. The

12,089; 12,095, 12,128–9. board appointed no additional inspectors, but issued separate instructions to the three poor law inspectors to make such inquiries as they could, and report, sending them a table of the death-rate in all the populous districts in Scotland; and we have received a large number of reports from our three inspectors.

12,081–2. Altogether in Scotland there are 1,015 local authorities, 847 parochial boards, 26 town councils, 139 police commissioners, and 3 trustees of towns and boroughs, who are also police commissioners. Where there are police commissioners they supersede every other body. Where there is a town council but no police commissioners, then the town council is preferred to the parochial board within the limits of their jurisdiction, but usually there is a part of the parish under the parochial board (which accounts for the large number of local authorities).

12,081–2; 12,138–9. When there is neither town council or police commissioners, then the parochial board is the local authority; but there is power on application to put a divided parish under either of the two authorities.

12,083–4. There are special provisions relating to towns of 10,000 inhabitants. The board of supervision cannot, and the town can, dismiss the sanitary inspector; in point of fact, towns of that size do not act to a large extent under the Public Health Act. They have either a Local Police Act (generally with much more stringent regulations), or they have adopted the General Police Act, 1862, which has also special and stringent regulations upon sanitary matters.

12,084; 12,134–5. The board of supervision has no official knowledge of what is done in the towns under the Police Acts.

12,087–8. The administration of the board includes drainage, water supply, shutting up houses unfit for human habitation, but has nothing to do with town improvements, building streets, &c.

12,113–5. The great towns think themselves quite as efficient as we are and do not like any interference; nothing short of the Privy Council would satisfy them. It is not a *poor law* authority that they object to.

12,089; 12,09–5; 12,144–6. An instructional letter, dated 11th May, 1869, was issued to the general superintendents of the poor and the visiting officer [in England poor law inspectors] as to their duties under the Public Health (Scotland) Act, 1867. We have received from our three inspectors a very large number o reports upon parishes which they have visited, pointing out, for instance, that there is not a common lodging-house register, or that the inspector finds a town covered with nuisances of all descriptions, &c., or he is informed the water supply is of very questionable quality. (Very often that appears obvious to himself; he finds wells close to dungheaps.) When these reports come to the board

12,089; 12,096. we send copies to the local authority for their observations; and in the majority of cases, their attention having been thus pointedly called to the subject, they at once intimate that they mean to

12,089; 12,112. 12,090. take proper measures; in some cases they delay; but we have not yet thought it advisable to proceed to extremities in the case of any of them; in fact, our compulsory powers are not very available.

12,096. Action has taken place in this way chiefly in the smaller towns and villages.

12,097. Large towns, as a rule, manage their affairs better.

12,098; 12,102. We have power to require the appointment of a sanitary inspector, who is only removable by the board; the Act gives the local authority in the first place the option of either appointing a salaried officer or of making a temporary appointment.

12,098–101. We have required the appointment in only one instance, where the local authority was a police commission, and the appointment was obviously necessary; 170 local authorities have voluntarily appointed salaried officers.

12,102–3. The medical officer is much more dependent upon the local board then the sanitary inspector. In Scotland the board of supervision have not the same power with reference to the medical officers that the Poor Law Board have in England; the tenure of office of a poor law medical officer in Scotland is not permanent.

12,168–73. The medical officers practice, except the medical officers of large poor-houses; the poor do not suffer, and get better attendance.

12,103. Eighty-one local authorities have appointed medical officers.

12,130. We think the medical officers should not be sanitary inspectors.

12,105. The Act will not be fully carried out in consequence of so very much being left to the *discretion* of the local authorities.

12,105; 12,136–8. The councils are afraid of the electors, and the bulk of the population are not aware of the advantages of water supply and drainage.

12,137. In many towns the local board has been acting with vigour, but we know instances where the municipal election has turned upon the question of water supply, and one case, where they had evidence by analysis, that the water was perfectly unwholesome.

12,106. The town councils would be very glad of a little more pressure from the central authority.

12,108; 12,136;–8. 12,108–10. 12,159–61. The parochial boards are more independent (in "burghal" parishes, where the members are all elected; they are never the local authority); in other places they are only to a small extent elective.

Parochial boards are of every size; about 30 is the average, but it runs from six or seven to 50 or so in rural parishes; where there are villages or small towns the number is enormous; in one parish upwards of 6,000; in those cases they appoint (as they have power to do) a committee of 30 or 40.

12,106. There was a mistake made as to the incidence of assessment. As the Bill was drawn there was no limit, which was probably too much to ask; the Bill was altered in the House of Commons, with the intention of putting it on the same footing as the General Police Improvement Act, 1862, where the limit is 2*s.* 6*d.*, and is levied entirely upon occupants; that limit would have been sufficient for us; but as the assessment under the Public Health Act was to be after the form of the poor law assessment, which is one-half upon occupiers, it was thought 1*s.* 3*d.* would give us

12,106–7. 2*s.* 6*d.* upon the rental; but the Act is so worded that it is only 1*s.* 3*d.* altogether, and that amount is insufficient.

12,111. Our experience of the Act has been so short that there may be defects which we have not yet discovered. We have found difficulty with reference to the lodging-house clauses, sections 59, *et seq.*; it is almost impossible to get proof of the price charged, upon which the definition of a lodging-house depends, according to the Act. The onus of proof should be upon the lodging-house keeper.

12,111; 12,121. In some large towns they can make regulations for any lodging-house whatever.

12,122–3. We thought the clause (section 44) one liable to very great abuse, and one which ought not to be general, and we have only sanctioned its adoption in four instances, and for 12 months only, at the end of which period the local authorities are to report to us.

12,124–5. The central authority might have power to impose the clause, as well as to approve; it is a mistake to limit the clause to towns of 10,000.

12,112. We have found no difficulties arising from the fact that the Sanitary and Poor Law Acts are under one chief superintendence, but we have had no experience of the difficulties we might encounter if we attempted to enforce the Act by legal steps.

12,174–6. We receive returns of sicknesses from our poorhouses, *i.e.*, the number of sick inmates, cured, and diseased. I do not think there would be any difficulty in adding particulars of the different diseases. Section 121 directs that the police "shall aid," which we find quite inoperative, because it is indefinite; if the police were required to report, some effective assistance would be given.

12,115–6; 12,131–3. The section was copied from the Nuisance Removal Act.

12,118. In the 23rd annual report, p. 18, is an account of the operations of the board and the sums expended by the local authorities under the different heads of (1) drainage; (2) water supply; (3) nuisance removal, &c., under the Public Health (Scotland) Act, 1867, for the year 1867; and in the 24th report a similar catalogue for 1868.

12,119–20. The board has done nothing as to mortuaries. I do not think much is required.

12,162. There are no public dispensaries in Scotland, and no medical relief, except to paupers.

12,163–4. In Edinburgh there is a dispensary—a charity; we have no relation to that.

12,165–7. The parishes board their sick, in some cases, in a hospital, by payment per head, or by a subscription; but the board has no supervision over or report from the hospital.

12,176. We receive a parliamentary grant in aid of medical relief, which is distributed amongst the parishes that agree to our conditions, and a great number have so agreed; they must have a salaried medical officer, who is bound to make returns monthly or quarterly, as the parish likes.

12,126. I think it safer that the local authorities should frame their own regulations, which require the confirmation of the board of supervision. We felt, that without further experience, we should act very rashly in issuing a set of rules and regulations and making them imperative. We carefully examined all rules sent to us, struck out what was plainly objectionable, and then confirmed the rules *ad interim*.

12,127. I have heard, but not officially, of the difficulties as to cellar dwellings in Glasgow, Edinburgh, &c.; there is, in fact, not sufficient room without using cellars. People live there because there is nowhere else for them to go.

12,177. The board of supervision have control over the vaccination. The registration is under the Registrar-General. The vaccination machinery in Scotland is under the poor law authorities, and the expenses are paid out of the poor rate. Every parochial board was required in 1863, when the Act (26 & 27 Vict., c. 108) passed, to appoint a vaccinator, and every parent, &c., is required to have his child vaccinated, paying a statutory fee. Our information only relates to paupers and defaulters. The Act has been an entire success. The statistics appear in the Scotch Registrar-General's report, and from 96 to 98 per cent. are vaccinated.

12,178–9. There has been very little small-pox in Scotland in the last few years.

12,180. People rarely resist. In six months of 1869 there were 2,607 defaulters reported, of whom 1,157 were vaccinated as paupers; the rest, all but nine, complied. There were only nine who resisted.

12,181. I believe in England the parish pay for a large proportion of the population who are not paupers.

12,182. If the vaccination of the child is not entered, the registrar sends information to the inspector of the poor [*i.e.*, relieving officer], who then gives an order to the public vaccinator.

12,140–2. I would impose a higher property qualification. In poor law elections in boroughs the qualification is 50*l.*

12,143. I have not considered the question of an intermediate board. I scarcely think it would work well.

12,150. Section 6 can only apply in a few instances, but it is convenient that all cases from a district should be taken to one and the nearest local judge.

12,151–2. No cases have arisen under section 87 as to combination of two districts.

12,153–6. We have hitherto called upon local authorities to provide chemical analyses at their own expense. They employ some chemist of eminence. Cases might occur in which we should like to have an analysis made, and we should take the same course.

12,157. We do not expect the medical officers to do this.

12,158. We are authorised to employ officers for special inquiries; a barrister, doctor, architect, surveyor, engineer, or two or more such persons.

(100.) JNO. HILL, Esq., M.D.—(Q. 12,183–12,260.)

12,183–7; 12,192. Is a medical poor law inspector in Ireland. There are four. I was appointed under the Act of 1874 (and then had charge of Leinster—40 unions), and continued to act as a purely medical officer till 1861, when I was appointed a poor law inspector as well. An Act in 1868 fused the two staffs into one, and there are now 11 inspectors.

12,216. The commissioners have power to associate a medical inspector with another, or to depute him to act for another.

12,184. Up to 1844 boards of guardians had not made any provision for the medical relief of the external poor.

12,115. There were private dispensaries, partly supported by the county.

12,186. The Act of 1844 merely referred to the provision of fever hospital accommodation in the workhouses. The Act of 1851 established dispensaries throughout the country.

12,193. I make a regular circuit four times a year, and have now 12 unions—portions of nine counties.

12,196–7. I investigate the administration of the poor law and of the medical charities at the same time.

12,198. I first inspect the workhouse, then each dispensary of the union. I meet the medical officer at the dispensaries, and ascertain whether the supply of medicines is sufficient and of good quality, and whether the books are correctly kept.

12,198; 12,235. I ask questions as to the sanitary condition of the district generally, by which means I come into possession of a great many facts.

12,200–1. The nuisance inspectors [relieving officers] do not report nuisances to me.

12,199; 12,236. If any special matter is brought before me by a medical officer or otherwise, I make a special report to the Poor Law Commissioners.

12,210–1; 12,213. The inspectors generally inspect equally town and rural districts. I have now no large town in my district.

12,211–2. For many years I was medical inspector of the city of Dublin.

12,202. The guardians appoint the nuisance inspectors, generally relieving officers, and the Poor Law Commissioners recommend the guardians to obtain periodical reports, weekly or bi-weekly. The report of the sanitary officer appears in the minutes of the board of guardians, and is sent up every week to the Poor Law Commissioners.

12,203; 12,237. Very often the commissioners call the attention of the guardians to the circumstances of such a report.

12,238. In the country districts the Poor Law Commissioners' directions are attended to.

12,239–40. *All* our directions are not, however, attended to.

12,204–7. If there is a negligent relieving officer we are not likely to hear anything, unless a private individual sends up a complaint; they frequently do so, or else the medical officer of the district will sometimes call the attention of the Poor Law Commissioners to some condition or nuisance prejudicial to health.

12,208. The dispensary medical officers are elected by the Dispensary Committee, subject to the approval of the Poor Law Commissioners. Each officer has to attend to the poor who present tickets, either at the dispensary or at the patient's home. There are 796 medical officers, who attend 1,048 dispensary stations, and in each dispensary district there are also distributed vaccination stations, so that the medical officer not only attends two or three dispensary stations weekly, but also twice a year (in spring and autumn) he attends for three weeks at a vaccination station. In many dispensary districts there are also apothecaries. There is also a medical officer to each workhouse.

12,209. The above is paid out of the poor rates, or rather at the public expense, as half the salary of the dispensary medical officers is now paid out of the Consolidated Fund.

12,248–9. The medical officers take great interest in the sanitary inquiries; they have a direct interest in
12,250–3. keeping their districts healthy; it tends to their own improvement.

12,254–8. The medical officers used to get the poor law reports; this has been discontinued, I believe on account of the expense.

12,214–8. The poor law inspectors have nothing to do with town councils or town commissioners.

12,216. Very recently, upon complaint by one of the medical officers of a suburban (Pembroke) township in the South Dublin Union, of the occurrence of a fever, which he attributed to bad sanitary arrangements, I was directed to visit the locality and report, which I did. My report has been sent to the Castle; nothing has been done.

12,217. I think the Chief Secretary's Office wrote to the secretary of the township commissioners; they promised a great deal, but nothing has been done.

12,218. The law is quite sufficient if it could be carried out.

12,289. Section 49 gives the Lord Lieutenant power, but he has never exercised it.

12,220–2. I think the Acts connecting sanitary administration with the poor law have worked well.

12,224–6. The guardians under the Poor Law Commissioners have carried out the law very fairly.

12,223–5. Wherever there are small towns under town commissioners sanitary arrangements are very defective.

12,226. The town commissioners are deterred by the expense, and there is nobody to compel them.

12,227. Inspection in Ireland is pretty complete.

12,228. Every dispensary medical officer sends a quarterly report to the Poor Law Commissioners setting forth the number of persons (1) he has attended at the dispensary; (2) at their houses; (3) vaccinated; (4) certified as dangerous lunatics; (5) attended at the bridewell. He also sends a tabular statement of the number of cases of small-pox, fever, scarlatina, or any other epidemic disease; and there is a blank space where he can, *and does*, make sanitary reports.

12,229–30. It depends upon the medical officer whether he makes any sanitary report.

12,231. The medical officer has no regular appointment as sanitary officer.

12,232. Quarterly or monthly returns of the status of disease would be desirable.

(101.) JNO. LIDDLE, Esq.—(Q. 12,261–12,345.)

12,233–4. Is medical officer of health for Whitechapel; appointed by the Board of Works in 1856.

12,261–2. 12,263. Was appointed medical officer of the parish of Whitechapel in 1833, and became union medical officer in about three years afterwards, when the Poor Law Board came into operation. Resigned that office in 1848 or 1849.

12,264. One main suggestion I have to make is the necessity for a new Building Act, with clauses to prevent houses unfit for habitation being built.

The Act should apply to all places, and not only to towns, but universally all over the country.

12,265. 12,266; 12,274. I speak from my experience of evils in my own district. I read a paper before the Association of Medical Officers of Health (Cf. the *Builder* of 28th December 1861), in which I pointed out how the provisions of the Building Act are evaded: (1) builders do away with back yards, alleging they can light and ventilate rooms from the front; (2) they give the required 100 superficial feet to two houses instead of to one—this case was taken before a magistrate and failed; (3) they pull down a house bit by bit, which enables them to add buildings in the rear.

12,267; 12,270–1–4. As I have suggested to the Home Secretary, *all* the plans of every building (either new or altered), as to drainage, sanitary arrangements, &c., should be submitted for the approval of the local board; and their surveyor should be required to examine the nature of the ground, the course and efficiency of the drains, the domestic offices, and all other sanitary arrangements, and to report in writing his opinion; and if the local board were satisfied, a certificate should be given to the owner, and no house should be occupied without a certificate, under a penalty.

12,268. I would confine the approval to dwelling-houses; it would prevent an old stable, &c., being converted into a dwelling-house.

12,269. There would be no expense. The builder now has to submit his plans to the district surveyor; I substitute the local board.

12,270. I would not supersede the district surveyor. At present the builder has to submit drainage plans, but not the plans of other sanitary arrangements; and I am not aware of any power at present to prevent the erection of improper houses.

No house should be allowed to be built without a suitable watercloset or privy within the curtilage.

12,272–4. Every room should be at least 8 feet high. Every house should have a parapet wall (this provision was in the former Building Act); before a house is occupied the road and foot ways should be paved and the surface drainage properly provided for. The surveyor should be required to inspect the foundations and the materials used, and the board should have power to prevent the use of improper materials; the walls and foundations should be constructed so as to prevent the rise of damp, and the foundations should be laid in concrete. Every house should have at the rear an open space of sufficient size for the thorough ventilation, not only of every room, but of the staircase and passages. No houses should be built back to back. The back yards of all houses now in existence and let in tenements should not be built upon, unless with the sanction of the local board. The 100 feet space should in no case be infringed upon. Old buildings, warehouses, stables, &c., should not be converted without the approval of the plans by the local board. Basement rooms should be built as though for occupation. Inhabited rooms should not be lighted by a skylight. No building should exceed in height the width of the street.

12,274. At Bow the houses are built in a very disgraceful manner, the drainage is not attended to.

12,275. I thoroughly object to any byelaws.

12,276. I would leave nothing to the local boards to determine for themselves.

12,316–8. I want to see a uniform practice as regards paving, lighting, cleansing; keeping and publishing accounts; in everything relating to the sanitary duties of officers over every large district. All that is of importance might be in the Act of Parliament.

12,276. Ventilation of sewers by rain pipes is highly objectionable.

12,277. I have no plan to propose for this.

12,276. I think it would have been cheaper and better if the London sewers had been entirely rebuilt *de novo*; and the same observation applies to all large towns. At present many of the sewers are almost on the level, and they become in fact simply cesspools.

12,319. The paving of yards is very important, because slops, &c., are thrown out.

12,278; 12,283; 12,290–2; 12,321–4. We have not experienced any practical difficulty as to entering houses, but if persons objected we should have to get an order from a magistrate, and a certain number of hours' notice must be

12,279; 12,335–7. given before we could enter, and the nuisance might be then removed and afterwards recur. What we want is, that when we have reason to suspect the existence of a nuisance, we should have power
12,280; 12,290. of entry at any reasonable time.

12,234–5. The party refusing, when we could show reasonable cause, should be fined; or a magistrate's order might be good for, say, 14 days.

The occupiers like our visits. I am afraid of the landlords forbidding them to allow them.

12,281. There are cases of urgency, such as dead bodies in an undertaker's house, stopped privies, drains, &c.

12,282;–7. We want power to inspect the district house by house; that is practically what we do now. When we first commenced operations in Whitechapel every house, rich or poor, was examined either by the inspector or by myself. We keep up that system in the poorer classes of houses now.

12,284–5. I do not suppose the visit is above once in 12 months. There are 5,000 houses in Whitechapel which require constant visitation. I want a staff of four inspectors, whose time would be entirely occupied in that duty the whole day, in order to inspect each house once in four months.

12,288. If we could only inspect upon information received, you might as well abolish the local board altogether, as far as sanitary work is concerned.

12,289. We have a book kept for the public to enter complaints in, and we have not above 18 per annum. There were only two this year.

12,291. Our entry now is by consent. By Section 20, Sanitary Act, 1866, every local board is compelled to make a sanitary visitation of the whole of its district, but the section gives the inspector no power of entry.

12,338–9. The sanitary officers should have the power of entry, *i.e.*, the medical officer of health and his subordinates.

12,340–2. If we found them making visits improperly we should soon stop that. I see the report of my men every day. I tell them where to go, and they report.

12,295–6; 12,299–301. I would give an appeal from the local board to the central authority.

12,297–8. I do not think that the time of the central authority would be taken up thereby. The rules would get well understood.

12,302. We have put in operation the section (35) of the Sanitary Act, 1866, by which byelaws as to lodging-houses are made and sanctioned by the Secretary of State. We have not power to compel a proper water supply, except by compelling the owners to register.

12,303. I think section 11 of the City of London Sewer Act would meet the case of hardship in comprehending first-class houses; that limits the clause to houses let at 3*s.* 6*d.* per week.

12,303–5. There are many houses let to a single person which should be included.

12,306. We have had to consider the question of the retention of dead bodies in houses. The board have *determined* to have a mortuary, but there the matter ends.

12,308. I would forbid the retention of a dead body beyond four days. In Scotland they bury in three days; in Ireland in two days; in England in seven or ten days; but communication by railway and telegraph is so speedy it might be reduced to four.

12,309. There is so much difficulty in obtaining a site that I would not compel the erection of a mortuary.

12,310. My suggestion would obviate to a great extent the necessity for them, although it would be desirable to have them—(1) for inquests; (2) for *post mortems*.

12,311. In my opinion the best way of supplying water is by "water-waste preventers," with a constant supply. We have 90 of these in Whitechapel, more than in all London besides. They are connected with the main, and you can draw a pail of water night and day.

12,312. Butts get decayed; and persons dip every vessel in, and so contaminate the water for those that follow.

12,313. I should prefer the waste preventers to a constant supply laid on in the small houses.

12,314. There are clauses in the Diseases Prevention Act which I should like to be inserted in the Nuisance Removal Act.

12,318. I would put that Act in force without a notice in the "Gazette."

12,320. Suggestions for the amendment of the Nuisance Removal Acts in Appendix.

12,327–8;–30. I would still specially prohibit *pigs*.

12,329. I have always succeeded against them before the magistrates.

12,331–3. Other animals sometimes are as great a nuisance, as poultry, &c., but the surroundings of the pig are so bad, as the food he eats, &c.

12,343–5. The other subjects I wish to refer to are—

12,343–4. Vaccination: The vaccinator should be paid by salary and not by the case. I was vaccinator in 1840, when the law was introduced. It was then desirable to bring as many children as possible under the operation. There is now a station in every district to which children are to be brought, and the vaccinator should not be induced to vaccinate those who are not fit.

12,343;–5. Registration of still-births: We had a number of dead bodies of children, supposed to be still-born, put into the belfry of Whitechapel Church. I would cause every abortion to be certified; this would prevent infanticide and criminal abortion, and the registration of births as still-born which are not so. If abortions were found very common it would show the prevalence of syphilis.

Registration of sickness: The deaths afford no criterion of the health of a district. A number of deaths may take place, and sickness be small, and *vice versâ*. The sickness returns should be published weekly.

The operation of the Artizans' and Labourers' Dwellings Act: The Act is defective, because the local board is the authority and not the metropolitan board, or some other central authority. If local

boards had compulsory powers of purchasing houses unfit for habitation, with power to sell the land so purchased to builders to erect houses for the working classes, a great improvement would be speedily effected in the public health.

The hardship on leaseholders with short terms of the sanitary laws: these press most severely when the leaseholders are required to make extensive structural alterations in their property; there should be power for the local boards to apportion the costs.

Delay in the removal of nuisances:—under the Nuisance Removal Acts, considerable delay takes place, in consequence of the health officer having to obtain the sanction of the local board before he can take proceedings. In all cases of emergency—a stopped privy, an overflowing drain, &c.—power should be given to the medical officer of health to take proceedings.

12,345. As to the functions and authority of the medical officer of health, he should (1) not engage in private practice, and (2) be entirely free from local influence; (3) his district should be larger (the number being decreased); *he* should be responsible for his district and not the local board, provided they shall have afforded him everything that he may reasonably require.

The local board should be compelled to enforce the permissive clauses, on the representation of their medical officer of the necessity for that course. The medical officer should have power to engage the services of experts and a staff of sanitary inspectors; he should inquire into every uncertified death, and the fact of death should in every case be verified by a medical practitioner.

A good education and administrative talent should be the qualification for the post of medical officer.

IV.—PAPER BY THE RIGHT HON. LORD ROBERT MONTAGU, M.P.,

ON

Watershed Boards or Conservancy Boards for River Basins.

In compliance with the request of the Commission, I offer the following remarks in explanation of the motion which I placed, some time ago, on the notice paper of the Commission. The establishment of watershed boards, or conservancy boards for the areas of river basins, arose spontaneously during the investigations of the Sewage Committee which sat during the session of 1864. The Committee then unanimously agreed to the proposal; and the more I have thought on the subject since that day, the more certain I am that no effective sanitary measure can be carried out without establishing such a board over every watershed.

I will briefly mention some of the grounds for advocating the institution of such boards, and the ends which they are intended to attain; I will then place before the Commission my views as to the means of constituting them, and the powers which they should exercise.

Let me remind the Commission that the evidence which we have taken has proved the correctness of the views which Mr. Simon stated in his last report to the Privy Council; and that we have not as yet overcome the two difficulties which stand (as he said) in the way of any stringent and uniform measure: namely, (1.) What shall be the one local Sanitary Authority? and (2.) How shall the various Special Acts be treated?

The question as to the unity of Local Authority is a question of area. Shall the parish be our unit, and the union our larger area? or shall petty sessions districts, highway districts, and counties be our areas? In the former case, Vestries and Guardians must be our Local Authorities; in the latter, we must resort to Highway Boards, or the courts of Quarter Sessions. Some witnesses have been strongly in favour of the one, and some have given as strong evidence in favour of the other plan. It is clear that a county conservancy has no ground in reason for the management of a river. A county has merely a conventional boundary; the boundaries of a county were the limits of the jurisdiction of an iron-clad feudal earl in ancient days. These boundaries had their origin in a mere accident, many centuries ago; while the boundary of a watershed is as old as the flood, and consists in the nature of things. Although we may think that a highway board or the court of quarter sessions might, by its constitution, be a good sanitary authority; yet the areas of these existing authorities evidently do not suit our purpose. The present unit of rating—the parish, and the union, or area compounded of parishes—therefore engaged our attention. But a union is an equally incongruous area in the management of a river. Moreover, whichever of these bodies we may select as our sanitary authority, it is clear that we must have a different sanitary authority in town and country, and various kinds of sanitary authorities in different towns. The two difficulties which Mr. Simon pointed out to the Privy Council therefore face us here in all their force.

We next considered whether we could alter the boundaries of counties and the boundaries of unions, and make the areas coincide, so that we might amalgamate the existing bodies, and constitute a new body which might in future perform all the functions of local government, and be our sanitary authority throughout the kingdom. Every witness concurred in the impossibility of such an undertaking. The old county which has stood since the Norman conquest, will not budge for us; and as to unions, the reports of the Poor Law inspectors, which have just been laid on the table of the House, are conclusive against any alteration sufficient for our purpose. Besides the difficulty as to the existence of Local Government Boards in some towns, Town Councils in other towns, Improvement Commissioners, &c. &c., in others is not removed. Nor yet do we touch the difficulty of special local Acts. For example, the Manchester Act extends over the borough, but not over the whole town; so that even if we succeeded in such an amalgamation, one part of the town would be under one authority, and another part of the town under another. We can in this way, therefore, make no approach towards a unity of sanitary management. We cannot have a unity if we descend to such a level.

Let us then seek it in a larger, a more influential, a more independent authority, at a higher level, between the central government and the smaller authorities to which I have alluded. From the very first we have heard evidence in favour of "a buffer," or "cushion" between the central and local governments. Mr. Tom Taylor, of the Local Government Act Office, and equally influential and learned witnesses have spoken in favour of instituting such bodies. For a central government which depends on popularity for its existence, is unable to force Boards of Guardians to observe the law. Moreover it is not politic that the central government should incur the odium of a collision with a local government. To avoid this, a large, powerful, and independent body, on whom the central government does not depend, as they do on a town council, must be interposed between the central government and every local authority. This body may then incur the odium without injury to the state; while, on the other hand, it may be guided in its action by the central government. This body will moreover be possessed of more local knowledge than the central Parliament, and less local prejudice than the town councils. Local knowledge is very necessary for legislation; because localities differ so much, that national legislation and uniform systems cannot but be baneful; while, on the other hand, the selfish interests and influences of localities must always in the long run be injurious to the nation. Let us then look to such a body. Let it be our sanitary unit, of which local authorities will become the fractions.

I will now show that the area of jurisdiction of such a body must be a watershed or river basin; and will then suggest how such a body may be constituted.

That the sanitary body must be the intermediate authority, and that its jurisdiction must extend over the entire watershed.—To the greater portion of every county the river is the only source of water supply; it serves for drinking, for irrigation, for carriage, for manufacturing, and for culinary purposes. At one time it was, at all events, the great natural source of water supply. What has the river become?

(1.) Sewage. The Thames above London is polluted by the sewage of 800,000 persons; and the evil increases not only with the increase of the population, but with the increasing number of towns which are every year drained and sewered. The Londoners spent 6,000,000*l.* to get rid of their own excreta; and yet they have to drink the filth of others. On the Medlock the scum is so thick that birds are able to walk over it.* The river Wharfe became so impure that on dipping a carpenter's rule four inches below the surface, it was found impossible to read the marks upon it. The landowner complains of the nuisance thus created by towns higher up the river, but yet he pours his quota of nuisance into the river. The manufacturer says that the water required for his manufacturing processes is injured, yet he runs into the river his foul water and the excrements of his workpeople. Every village, every detached house, has its privies over some running stream; and every one below complains of the delinquents higher up the stream.

Every one is injured thereby. To the poor the benefit of a pure river is too apparent to need mention. The ratepayers of a large town spend 2,000,000*l.* to procure pure water from near the confines of the watershed. Manufacturers also would annually save an enormous sum by purifying the river; one calico-printing firm alone said that they would thus save 3,000*l.* a year.† But although every one feels the injury, yet a town or a manufacturer reaps no benefit by desisting from polluting a river with sewage. If one town undertakes the expense, the towns and manufactures below will reap the benefit. Those who suffer cannot apply the remedy. The town of Salford wished to expend 80,000*l.* in turning its own sewage away from the river, on condition that all the other towns higher up the river would do the same; but Manchester and other towns refused.‡ It comes to this: it is useless to attempt to apply a remedy unless a unity of action throughout the whole watershed or catchment basin can first be brought about. There must be a board of conservancy to supervise the whole stream, so that the sufferers (the whole board) may compel each fractional authority (the representatives of a Local Authority) to carry on its business without injury to others.

It is absurd to wait for improvement while the Local Boards of towns are the chief sanitary authorities; for they are themselves the chief offenders. Each town, for its own health, carries out a system of sewerage; and, to save expense, it sends its sewage on to the towns lower down, to the infinite detriment of the health of the inhabitants. Manufacturers also show a very determined interest in having pure water from above, and in fouling the river for those below. Now the towns higher up will not carry out

* Evidence of Mr. Rawlinson in 1864, and see Hansard, vol. clxxvii., p. 1309.
† River Pollutions Commission, 1870, p. 129.
‡ See evidence of 1864, and Hansard, March 8, 1865.

expensive works in order to purify the stream for the towns lower down. It is therefore necessary to have a superior authority, which shall protect every town from the towns above, and restrain it from injuring the towns below. We thus see that, with regard to the pollution of rivers, whether by sewage, by manufactures, dyeworks, printworks, paper mills, tinworks, and mines, the question is indivisible for the whole watershed. Wherever the act complained of is an offence against the purity of a river, the remedy must extend over the whole basin, even up to the smallest tributaries; for the waters of the tributaries are the waters of the river.

(2.) Let us pass to *the fisheries of a river*. A fishery requires protection, at different times of the year, in different portions of the river. The largest fisheries are near the mouth of the river. But as the fish which are caught in a river all belong to the river, and have been bred in it, and year by year return to it to spawn, there will be no fish unless the spawning beds or gravel shoals high up the river, and in the tributaries, are protected. And there will be no fish to spawn if all the fish are stopped by nets low down near the mouth of the river, or if they are poisoned by the pollutions of the water. Now, the owners near the sources will not spend money for the benefit of the fisheries at the mouth; and those below will not pay for watchers a hundred miles higher up. Experience has shown this frequently. A number of different fishery associations have been formed on different parts of a river; but they have not given assistance to each other, because their inferests are various and their actions often opposed. They have therefore found that their partial attempts have been useless to conquer an evil which extends over a whole river. The spawning beds on the gravel of the upper streams and rivulets were protected by one association; but the lower and the tidal fisheries reaped the harvest and stopped the salmon from going up the river. The fresh-water owners subscribed to the upper association, and the salt-water men obtained all the gain. They soon grew tired of this game; yet all desired the same thing (plenty of salmon). There was a community of interest, but no unity of action throughout the watershed.

What has been said under the former head applies also here; for a very slight pollution of the river kills the spawn; a greater proportion of sewage poisons the fish. One town high up may kill the spawn; while many towns or factories on a river will poison the fish at the mouth. Up to this time (during eight years) Messrs. Buckland and Ponder have turned out 300,000 fish into the Thames. With what result? One fish is said to have been caught somewhere below Greenwich. Yet this number would have stocked all the rivers of Australia. And if the Thames were pure how great would have been the result. The watershed of the Severn (4,437 square miles) is nearly as large as that of the Thames. The watershed of the Tay is half as large as that of the Severn, viz., 2,283 square miles. The Tay is not half preserved, and yet the yield of salmon is worth 30,000*l.* The yield of the Severn should therefore be more than 60,000*l.* a year (and yet it is only worth 1000*l.*). That of the Thames should be still greater. At the mouth of the Dee 300 families are maintained by the fishery; how many might be maintained at the mouth of the Thames? For this we require a unity of action throughout the whole watershed, a supervising board over all the Local Authorities of the river basin.

On this question I will quote the report of the inspectors of salmon fisheries, which has just been published:—

"The point in question is how to adapt and reconcile the interests of all the proprietors
" on a river's bank from the top to the bottom, so that each shall obtain his fair share
" of the common migratory property. The only possible way of doing this seems to me
" to be the amalgamation of the interests of all concerned. If these interests be not
" amalgamated, each person will do what he thinks best for his own interest, without
" regard to the common good. In other words, the proprietors on the sea and estuaries
" will destroy all they can; while those in the upper waters will be careless in the
" protection of the breeding fish, even if nothing worse occurs.

"A river under these circumstances may be compared to a candle; the lower
" proprietors light it at one end, and the upper proprietors light it at the other; the
" ultimate consequence of this policy must be apparent to all. The only possibility,
" therefore, of developing the resources of a river to its fullest extent, is so to arrange
" matters, that those who breed the fish shall become entitled to the fair proportion of
" the results of that breeding; in other words, the lower proprietors should acknowledge
" the obligation to the upper proprietors under which their property continues to
" exist, by giving them their fair share of the proceeds of the river. This is to be done

" in two ways: firstly, by forming as it were a joint stock interest of all the proprietors " in the whole river. . . . . .

" That this idea is correct I feel convinced, because not only has it been advocated by " gentlemen of high position who have long studied salmon fisheries, but because it is " exactly what one of us would do if a river were our own property from source to mouth, " and I cannot see why the proprietors of a river should not form themselves, as it " were, into one person with but one interest."—(9th Report of the Inspectors of Salmon Fisheries, 1870, p. 51, 52.)

(3.) *Solid refuse which silts up, and weirs which obstruct and dam the water.*—Let us now consider another source of injury—a three-fold injury—an injury to health, a bane of agriculture, and an obstruction to navigation or water carriage. It is the common practice for manufacturers and miners to tip all their ashes, cinders, and solid refuse into the nearest river, in order that the next flood may carry them away to their neighbours further down the river. Every cottager, every gardener shoots his share of rubbish down the river bank; the flood washes it a little way down, and it is there deposited on the bed of the river. Sometimes the whole bed of the river is thereby raised,—raised as much on an average as two inches every year. The River Pollution Commissioners tell us that sometimes great banks are deposited on the bed of the river. Thus the navigation of the river is greatly impeded, and railway companies reap, from the abuse, a monopoly in the carriage of goods.

Again: as the bed of the river is raised, the water level is raised through the whole breadth of the watershed, the drains do not run, evaporation is increased, the soil becomes cold, and agriculture is damaged. Mr. Simon has moreover proved in his 9th and 10th Reports to the Privy Council that where the subsoil is not dry, where there is not sufficient drainage, there consumption increases. He proved by experiments which, at his suggestion and with my sanction, were conducted in the autumn of 1867 and 1868, that consumption varies with the sodden condition of the soil. How important then it is that the beds of the rivers should not be raised! Yet what are the facts?

The River Pollution Commissioners assert, at p. 12 of their Report, that "the result " everywhere is a steady rise in the river beds." "At a thousand places along its " (the Irwell) course and that of its affluent streams, mineral matter, much of it already " in the condition of loose earthy waste, is thrown into the river bed for the express " purpose of being carried away. At several manufactories along its course many " thousand tons of coal are annually burned. Out of every eight tons of coal one ton " of ashes has thus every year to be got rid of, and they have hitherto been very " generally thrown into the river. The result is seen in great shoals of black mud and " ash appearing at various points below the mills; it is also seen in the occasionally " diverted course of the river, as when a great spoil heap on one bank sends the water " with increased force against the opposite side below, and it is seen in the gradual " rising of the river bed, which in flood time thus raises the level to which the injury " then suffered by river-side towns and villages extends."—(Rivers Pollution Commission, 1870, p. 40.)

The Commissioners apply themselves to the consideration of the remedy, and say: " The municipal authorities complain that a flood is sure to leave behind it traces of " the malpractices of people above them, in the shape of banks of rubbish, cinders, &c., " *and as their authority does not extend beyond the municipal boundaries, they have no " power to impose any check upon such practices.*"—(Rivers Pollution Commission, 1870, p. 12.)

Weirs also hinder the drainage of adjacent lands, and render them sodden, unhealthy, and unproductive. Yet what authority would be competent to deal with weirs? Not a County Authority, for the weir may lie between two counties. Not the Board of Guardians, for the same reason; and not a Municipal Authority, for the weirs are not in towns. To deal with the evils of silting up and of weirs, of consequent floodings and obstructions, we must have an Authority which is cognizant with the whole river and its adjacent lands.

(4.) *The arterial drainage of land* is now forced upon our attention. The following principles may be taken for granted. The water level in every soil should not be nearer the surface than four feet; for evaporation takes place at a depth less than four feet. But the water level in the soil cannot be made as low as four feet below the surface, unless the water level in the river is considerably lower; otherwise the water will be pressed up in the soil to the level of river.

The average evaporation in drained land is three quarters of the rainfall, while the

mean discharge through the drains is one quarter. That is to say, about six inches of rain, or 135,732 gallons per acre, are discharged through the drains during the year. In other words, this is the average quantity which percolates beyond the reach of evaporation. The remainder evaporates by abstracting heat from the earth.

In warm weather the evaporation is of course quicker, and therefore the discharge is less. From free soils the discharge is quicker than from clays; and therefore it is greater than the discharge from clays, as there is less time for evaporation.

As to undrained lands, the rain takes a long time to percolate through the open soils; but it runs more quickly off clay soils.

Drainage opens or renders free the clay soils, so that the water percolates; and it carries the water more quickly away from free soils.

As the time for evaporation is less in proportion as the water takes less time to percolate the soil and run through the drains, therefore the drier will be the atmosphere, the greater will be the water supply and the volume of the river (for more water will get to the river); the heat will also be greater and the vegetation earlier (for the water abstracts heat in order to evaporate). The converse of this is also true: if the land be wet and sodden, like a sponge full of water, by pressure from a high river, then the evaporation will be continuous, there will be fogs and miasmata, and consumption; the soil will be cold and unproductive, and the river will be robbed of its due proportion of water. Now what authority, I ask, is competent to deal with such evils? is any Local Authority, except one which extends over a whole watershed, fit to provide against the cause of such injuries?

The proper method of draining every valley is to carry the drains of one district into an adjacent district lower down the river, so as to get a good fall into the river. If this be done the weirs and milldams will not interfere so much with the drainage, and the water power of the river will not be decreased. But to deal with such an extended operation the river basin must be dealt with as a whole; and one landlord must not attempt to drain his property independently of every other landlord.

Again, a regularity of water supply is necessary to every millowner. Now, although draining works do immense good by increasing the productiveness of the soil, by diminishing miasma, by increasing the warmth and sunshine, and by improving the health of the people, yet it certainly damages the millowners, by causing alternate floods and deficient supplies of water in the river. The object of drainage is twofold—it is to abstract the subsoil waters (or the waters which rise from below), and to carry off more quickly the surplus waters of rain. But a flood is caused by a heavy fall of rain finding its way rapidly to the river. We need not be astonished, therefore, by learning that since the Thames valley has been better drained, the floods in the Thames reach their maximum at Abingdon Bridge in 36 hours; whereas a flood used to take 72 hours to attain its greatest height. On the other hand, the slope of the watershed must be taken into account. Thus, the country about the Tweed is well drained, and yet there are not such floods in the Tweed as there are in the Thames; for the fall of the Tweed is quicker than the slope of the Thames. The Thames is moreover choked and obstructed by shoals and weirs. Therefore the water cannot get away so readily down the channel of the Thames. Moreover, as the water of the Tweed passes off more quickly, there is less time for the deposit of mud, so that the evil of floods does not annually increase.

As floods are augmented by draining, so also is a deficiency of river water. If the water takes a long time to percolate through the soil to the river, the supply to the river is of long continuance. But drainage causes the water to reach the river rapidly; soon, therefore, the drains can yield no further supply. Moreover, the perennial supply is cut off by drains; for nature has its many subterranean stores of water, from which the water used to rise and saturate the soil, and creep down to the river. But the drains cut off these subsoil waters, and hurry them down to the river, and relieve the soil from wet, and allow the air to percolate where the water has been. This deficiency of water, then, is a great evil which no authority less than a watershed board is fit to cope with.

And it is a growing evil. Only a million and a half of acres are drained, and yet there are 56,352,000 acres in Great Britain. What floods and what dry river beds there will be, unless river basins are soon taken in hand by the superintendence of Watershed Boards over the drainage of their whole valleys! The remedy is easy; but it must be dealt with by a Watershed Board.

5. As nature stored waters before drainage, so must the Watershed Board store waters in future. This brings me to *Reservoirs and Water Supply*. Formerly it was

the duty of a municipality to supply its townsmen with water, while country folk enjoyed a pure river. Of late years joint-stock companies have undertaken this duty as a speculation and matter of gain (see Report of Commissioners on Water Supply, p. cxx.). In future I hope that this will be done by the Watershed Board. Already many of the most influential towns have found out that it was a great error to let the water supply slip into the hands of joint-stock companies, and they have resumed the authority (*e.g.*, Manchester, Liverpool, Glasgow, Dublin, &c.). The result has been beneficial. Health and water supply are inextricably combined, and the authority which deals with the one must also deal with the other. This was clearly perceived by the great towns. Again: if the municipality holds the water supply, it is a common possession, and the public has control over it; if it is in the hands of a company it is a monopoly, and the public has no control. An elected municipality can be influenced by the inhabitants, who have the remedy in their own hands; a company is irresponsible, and complaint is useless and unheard. A municipality can seek only the good of the townsmen; a company seeks only to increase its dividends. Now consider these arguments, and see if they will not apply with greater force in favour of a Watershed Board.

Again, it would be highly injurious to catch all the waters which fall from a watershed. The Legislature has always required that at least one third should flow down the ordinary channel of the river; that is, of 448,000 gallons which flow off every acre of the watershed,* 365,000 gallons alone (*i.e.* the annual supply for 50 persons) are to be used for water supply by the company. But as the water company does not care about the river, which is its rival; so no more will a town care about all the parts of the river which lie below its own situation. Only by a Watershed Board will the interests of river and water supply be properly balanced.

Moreover, there are many other interests besides the water companies which will be busy in injuring the river, unless they are all put under a Watershed Board. For example, canal companies take the water which comes from the upland districts, and thus reduce the supply in the river. The Watershed Board must govern these interests.

Water supply, however, must continue, although it be put in the hands of a Watershed Board. How, then, are we to provide against the reduction of streams by water supply, by canals, by drainage, by mills, &c.? We must compensate the river, or else it will lose its scouring power and be silted up. We can compensate the flow only by means of reservoirs and stored water. These reservoirs for the whole watershed must be at high levels in order to scour the river, to supply water to the towns, and for use in irrigating the land; and therefore they cannot be in the hands of any other authority but a Watershed Board.

We may by this means also decrease the evils of floods; for the flood waters may be caught at their source and stored up for future use.

I have briefly considered the five great evils which afflict us, and I have shown that watershed boards are required to deal with each of them. It is a particular case of the maxim, that what is for the general good must not be left to the action and enterprise of individuals (whether they be towns, companies, or persons), but must be performed by a general action, or by agents or ministers who are responsible to all persons who are concerned and affected. At present it is individuals who act. Town-corporations can deal only with their own district, and care for that only; and their area is not co-extensive with the evil. Those who are situated high up in a river valley are interested in removing the obstructions from the bed of the river below, because the obstructions injuriously affect the drainage of their land; while the parts below are interested in stopping the pollutions which take place in the streams above them, because these pollutions injuriously affect the health of their own inhabitants. But neither a union, nor a county, nor a parish, nor a highway board, nor a municipality, nor any company, is interested in the whole river basin; for no one of these bodies benefits itself by lowering the bed of the river above, or by preventing the pollutions below. No Local Authority on a river will undertake expensive works which will benefit a local authority below: and no local authority below will carry out arterial drainage or dredging operations for the good of a local authority above. The parts of a river basin, if the basin be separated into parts, will cease to care for each other; the unity will die, as the man dies whose limbs are torn asunder. But group together the parts above and below, and this unity will be concerned in all the works throughout the whole course of the river. The various interests of land and river, navigation and mills, drainage and water-supply, fishing and

* Rivers Pollution Commissioners, 1870.

manufactures, can be adjusted and developed only by one management over the whole river—only by having one government for the river and for the health of towns, and for those advantages of the landward parishes which are connected with the river—I mean one authority for the whole river basin. The absolute necessity of such a combination of parishes was well shown by the evidence which was received by us with regard to the Cray Valley. 4215, 4227, 4264.

If it be conceded that those authorities are useless which have any area of jurisdiction which is less than a river basin, so, on the other hand, an authority greater than a river basin will not be effective. The central Parliament has not sufficient local interest, because very few of its members reside in the watershed; but a watershed parliament will have the requisite interest, because all its members will reside within the watershed.

I do not, however, see any necessity for abolishing the existing local bodies and their special Acts; we may make use of them and regard them as fractions in our calculation. But we must resort to some means of compulsion over them. The question then arises, who is to compel? Say that London, which has spent six millions to drain itself, is injured by the fæces of the 800,000 inhabitants in the towns above; these towns do not feel the injury, and desire to escape all expense on account of the Metropolis; but London, seeing that its enormous expenditure has not procured for it a pure river, naturally seeks compulsion over the towns in the river basin above.

Shall we then resort to some despotic central authority? No; bureaucracy is already too strong; chief clerks are now the real rulers of England, they have already a power too despotic. The ministers above them when first appointed are always ignorant of their subject, and trust to those chief clerks and so commit themselves, and are subsequently too vain to change. Besides, they depend on the suffrages of the towns, and are afraid to act, lest their supporters should be driven over to the opposition. The helplessness of ministers has been shown by their futile attempts to save the lives of paupers from the grasp of Boards of Guardians. The helplessness of ministers has been shown even in the little matter of the weirs which obstructed the navigation of the Taw, in Devonshire. The Board of Trade in 1864 or 1865 decided that these weirs ought to be removed; but the corporation of Barnstaple are the conservators of the river, and levy rates upon boats, and they simply refused to do their duty; and they were stronger than ministers.

The courts of law have failed to afford a remedy. The rapid growth of the evils which I have pointed out above are sufficient to prove the inadequacy of the courts of law. Yet various statutes contain prohibitions which are couched in very stringent terms. The Mersey and Irwell Act, for example, has provisions which are ample for every purpose; but the Bridgwater trustees could never enforce those provisions. The offenders were the great towns themselves, and the trustees were possibly a body not altogether independent of the interests which might sway their decisions and lull their sense of duty. 25 & 26 Vict. c. ccxxii.

Towns now shoot their sewage, foul water, and rubbish into the nearest stream, ignoring the fact that they thus do not get rid of the nuisance, but merely transfer it to the towns lower down the river, the inhabitants of which thereby suffer much diminution of their comfort, and great detriment to their health. But large towns and large manufacturers will not prosecute each other in a court of law, because they all commit the same illegal acts. Wealthy individuals are not apt to prosecute, because of the odium which follows every endeavour to benefit a whole community and because they know that the litigation is sure to be dilatory, expensive, and unsatisfactory; and because they know that courts of law have often pronounced judgments which have been futile, and that the Court of Chancery itself has issued injunctions which have been ineffectual. These courts have always proved incompetent to deal with the mischief, and inefficient to stop the evil. Sometimes the peccant town has continued to perform its pollutions, disregarding the injunctions of the court, the threats of penalties, and the law of the land. Sometimes, as in the case of Hitchin, the local board, instead of being forced, by the injunctions, to carry out the law, has itself been crushed by the injunction, and no local authority has consented to succeed it.

The difficulty of procuring an injunction is moreover very great. A person may proceed against one town or one manufacturer, but he cannot include in his action all the towns and all the manufacturers who pollute the river. The one manufacturer who is sued then answers this partial attempt to enforce justice, by saying that the complainant cannot point to the exact amount of injury which the defendant has caused. Such an answer has, according to the evidence of many witnesses, frequently proved successful in rendering futile any appeal to a court of law. These continual defeats

of isolated and partial attempts have discouraged well-doers and served to combine the delinquents in ill-doing. The well-doers were defeated because the attempt to procure justice was partial; and yet the attempt cannot be otherwise than partial, unless there can be an appeal to a legislative and executive court which shall have jurisdiction over the whole area of offence, and shall take cognizance of the condition of the whole river basin; a court which, moreover, shall make the whole area pay the costs of the complainant. There must, in fact, be an executive power which shall be able to disregard the odium of well-doing, and whose interest it will be to enforce the law; while as to the legislative power, we must have a unity of legislative action extending throughout the river basin, if we would bring about a discontinuance of pollutions, and carry out drainage and irrigation works, and preserve the fisheries of a river. For an offence against any stream is an offence against the whole river.

I believe that a Watershed Board would prove efficient for this object. For everyone is keenly sensible of the evils. The towns lower down on the river are injured by pollutions, and therefore it will be their interest to aid the towns above to divert their sewage to the land. The towns above are interested in good drainage, and will assist the towns below in removing obstructions. Disunited towns injure each other with impunity; unite them, and there will be a power sufficient to coerce each individual authority.

This Commission has been appointed because it was felt that legislation is required. The necessity for legislation is a proof that sanitary matters cannot be left, as at present, to the action of individual authorities; yet past legislation has been sufficiently stringent, but has hitherto failed from a want of knowledge and energy in the individual inhabitants affected. The difficulty, therefore, will be solved by a happy mean between imperial legislation and a local initiative; between the apathy which is always generated under a supervising government, and the active selfishness and isolated views which grow and obtain more sway as the government becomes more local and the action of individuals becomes more free and of more account. We must therefore be careful, on the one hand, to secure co-operation and unity of action between different local governments; and on the other hand, the area of this action should not be so general that individual interest will be weakened and the responsibility of executives will be lessened. A Watershed Board will therefore be better than a number of isolated boards, or than one general Parliament. Whenever the two parties are far asunder (as the Central Authority is far above a small Local Authority), there can be little community of interest and little unity of action. If the initiative rests with the locality, some places will co-operate with the central government, while others will remain inert or recusant. The effects will be partial and scattered, the result will be sporadic. If on the other hand, the initiative is retained by the central government, the locality will take but little interest in the matter, and there will be no hearty co-operation in the locality, and no responsibility in the government. For co-operation and responsibility always go together. To take an example: when the cattle plague began to devastate the country, the strong interest manifested in the various localities forced a reluctant government to legislate; but as soon as the central government began to act (as I know from my experience in the office), local interest began to wane. In some places the central government then had to urge reluctant local authorities to take the steps necessary to protect themselves. In guarding against the cattle plague the best results were visible not where towns and small localities legislated for themselves, nor yet where the imperial government pressed the small local authorities to act; but where a large county like Aberdeenshire debated and decided the question for the whole of its area.

To a Watershed Board, governing a river basin, I would leave the decision of all the matters which concern the river basin alone. Why should Parliament waste its time on local Acts? There is now a great pressure on Parliament while it attempts to legislate for localities and particular cases; and then it is sure to legislate wrong (as in the case of the utilization of the London sewage). Even with regard to the pollution of rivers, there has been a difficulty felt in preparing a general law which shall be good for every place. For this reason an Act was passed in 1866 constituting a watershed board for the Thames basin only. If such boards were constituted for every basin, the general principles of sanitary legislation might be enacted by the central Parliament, while each board could be left to manage its own concerns.

I do not allude to permissive legislation, which must be useless; for the local authorities of towns will never restrain themselves. We have hitherto fallen into the error of allowing towns and parishes to be free from the law, and of permitting a majority in them to make their own laws, until the minority have thought that a more despotic authority would be better. On the other hand, the laws passed by the central Parliament

have been so ill adapted to localities that they have been despised by the majority, and have become nearly a dead letter. A Watershed Board would be more cognizant of the wants of the locality, and yet would not be subject to the self-interestedness and isolation of town legislation.

An objection has been raised against watershed boards on account of the size of some river basins. "If every interest is to be represented, it is said, the board will be "unwieldy. In the Aire and Calder district, for example, there are 71 local govern- "ments alone." Why is that not an objection against the central Parliament, where all the interests of the three kingdoms are supposed to be represented? Why was not this objection found conclusive against the Act of 1866, which established a similar jurisdiction over the Thames basin, which is the largest of all? This very difficulty was stated during the discussion of the local management scheme for the Metropolis. In the Metropolis parishes and groups of parishes each choose members for the metropolitan Board; and the metropolitan board superintends the local works of the parishes, and undertakes general works for the whole metropolis. Let us suppose these 46 parishes and districts to be miles apart instead of being contiguous, and we at once have an example of a watershed board. Further on, I will refute this objection by means of examples.

Moreover, in proceeding to explain the plan which I submit to the Commission, I think it will be found that this difficulty will vanish. It seems to me that the Secretary of State should appoint inspectors with duties similar to those of the poor law inspectors when England was divided into unions. An inspector should go to each river basin to hold an inquiry with a view to the formation of the districts and the boards. This report should be published, and a further inquiry held if necessary. All great interests should if possible be represented on the board; but yet the Board should be few in number. These are contrary to each other, and must be balanced according to the peculiar circumstances of each river basin. There must, however, be this limitation: it seems essential that the representation of Town Councils and that of the quarter sessions should be equal. Town councils spring from and depend upon ratepayers who are often ignorant and prejudiced; the administrators of counties are not responsible to the populace but to the Crown; they are independent and educated persons, and are selected by the Crown because of their weight and standing in their county. These two bodies should therefore enjoy an equal representation on the board. I think that the Chairman of the Board and the executive officer should be appointed and removable by the Crown, and should be paid and controlled by the board. There should be a high qualification for membership, in order to save the travelling expenses of the members, and in order to secure that the candidates should be superior to mere Vestrymen or Town Councillors. But as the condition of each river basin is different, it is impossible to define these matters by Act of Parliament. The area of each river basin, and the constitution of the first board, and provision for the representation of interests, should therefore be determined by provisional order; and the first board should be provisional, and should proceed to draw up permanent regulations for the constitution of succeeding boards.

The powers of these boards should be as follows:—

There should be a power to make byelaws, and to pass measures for avoiding and remedying obnoxious practices, but with an opportunity for objection on the part of the electors; and these byelaws should not have any force until they have been confirmed by the Home Secretary (according to the provisions of the Thames Conservancy Act). Also a power to contract for or to make extended works of arterial drainage, for deepening the channel of the river, for the purchase and removal of weirs and mill-dams, and for any other works out of the pale of any local authority and affecting the interests of the whole river. Such powers in fact as are given to drainage boards by the Land Drainage Act of 1861, and to the Metropolitan Board by the Metropolis Management Act, 1855. There must also be a power of acquiring land, and an express authority to take and use banks of the rivers and the portion of the seashore which is in the river basin. Also a power to contract with railway and navigation companies and other bodies for easements and privileges; and a power to take certain easements compulsorily or by provisional order (according to the Land Drainage Act and the Metropolis Management Act). There should be an inspector for each river basin, with a power of entry and examination, (like an inspector of mines, of factories, of fisheries, and of alkali works,) whose duty it should be to discover cases of neglect on the part of the Local Authorities. The board should then either hear and decide cases of pollution or obstruction; or else it should prosecute local authorities in the courts of law. The local authorities would of course possess a similar power within their own precincts with regard to individuals.

With regard to funds, the precedents of the Metropolitan Main Drainage and the Highway Boards might be followed; that is to say, the board might issue precepts to the overseers of parishes and the clerks of towns, to pay their proportionate contribution out of the rates and borough funds. There may be a scale of rates according to the benefit accruing, with power to the board to divide their district for such a purpose (as in the arterial drainage of Ireland).

The Board should, I think, have a power to hear, and to adjust, compound, or settle by arbitration, any claim for damages on account of pollution, obstructions in the river, stopping the flow of drains, abstracting water from mills, flood and overflow, &c. There should also, I think, be no power to take legal proceedings against the watershed board; but only an appeal for compensation to the Privy Council or to the central Parliament. This would be necessary in order to save litigation, expense, delay, and vexatious thwarting of public works. These provisions have all been worked out in detail in the River Waters Protection Bill which I promoted in 1865.

In conclusion, it is necessary that I should, by citing precedents, prove that such an Act would be in accordance with the course of the previous legislation of the country.

Under the Poor Law Amendment Act, 1834, assistant commissioners appointed by the Poor Law Commissioners went about the country to form unions out of the combination of parishes. This proceeding was not by provisional order but was quite arbitrary; they never heard objections, their reports were never published, but an edict was issued to constitute the unions.

Under the Public Health Act, 1848, superintending inspectors were appointed by the General Board of Health. When that board was abolished in 1858 then inspectors were appointed by the Home Office, under the Local Government Act of that year, to form districts for sanitary purposes.

Under the Land Drainage Act of 1861 (England), the Inclosure Commissioners appointed inspectors to define districts for drainage boards; and 22 districts have been formed by them, varying in size from 591 to 11,259 acres. Under the old Act (23 Henry VIII. c. 5) commissioners of sewers for *all* parts of the realm were to be named by the Lord Chancellor and Lords Justices. Under the Land Drainage Act of 1861 (24 & 25 Vict. c. 133), Commissioners of Sewers are appointed for any part of England, on the recommendation of the Inclosure Commissioners. This recommendation is obtained, (1) on petition from one tenth of the proprietors of land in the proposed district; or (2) on survey and report by a government inspector. Again, the proprietors of one tenth of the land in any area may, instead of acting as just mentioned, petition to place themselves under an elected drainage board; there is then an inspection by the Inclosure Commissioners and a provisional order. The Commissioners of Sewers and the drainage boards have an absolute power to make new works, and to improve old works, and to do anything necessary for the drainage or irrigation of the district. They have also special powers to remove mill-dams and weirs, as being most mischievous in their effect on drainage. Clause 48 of the Act contains a very severe proviso against polluting the water of any watercourse. The qualifications of members of drainage boards, the mode and time of election, &c. are, all determined in the provisional order for the formation of the first and of the subsequent boards. The scale of voting is the same as that contained in the Companies Clauses Act of 1847 ("acres" being substituted for "shares"). That is to say that every 50*l.* rateable value gives a vote up to 10 votes.

Under the Land Drainage Act (Ireland), 26 & 27 Vict. c. 88, the Commissioners of Public Works appoint inspectors to define districts for drainage boards.

Under the Irish Salmon Fishery Acts, 5 & 6 Vict. c. 106, &c., the Commissioners of Public Works appoint inspectors who divide the shores and river basins of Ireland into fishery districts, and the Commissioners are invested with the power to declare boundaries, enact byelaws, remove obstructions, enforce the law against pollutions, levy rates, and to establish fishery boards over watersheds or other districts.

Under the Scotch Salmon Fishery Act, 25 & 26 Vict. c. 97, Commissioners are appointed by the Secretary of State to fix the limits of districts; clause 4 says, that a river and all tributaries, and the estuary to the sea, may be fixed and defined by the Commissioners as a fishery district. The Commissioners appointed by the Secretary of State have the power to make byelaws (§ 15); and to propose a plan for the election of district boards for the river basin (§ 18); these latter boards have the power (§ 23) to levy rates.

Clause 19 of the English Fishery Act authorizes the Home Secretary to define the limits of an estuary, and to place it under the jurisdiction of the board which rules the whole river, or one of the rivers which flows into that estuary. There was a Salmon

Fishery Bill in 1866 which proposed in the preamble to extend the powers over watersheds. Clause 5 enacted that the Secretary of State shall form into a fishery district all the streams and tributaries which flow into a river, or which have a common estuary. The Justices of the Peace within the river basin were to be the electors of the board, by means of a double election (clauses 6 to 12); and to this board were given great powers over mill-dams, weirs, &c.

The Board of Works for the London main drainage district, (which comprises 28 single parishes and 18 districts of combined parishes,) consists of elected representatives. This precedent I have already cited.

According to the Thames Conservancy Board, 20 & 21 Vict. c. 147, there are 12 members —the Lord Mayor, six elected by the city, two appointed by the Admiralty, one by the Board of Trade, and two by the Trinity House. By the 27 & 28 Vict. c. 113, six more elected conservators were added, viz., two by the owners of shipping, one by the owners of passenger steamers, two by the owners of lighters and steam tugs, and one by the dock owners and wharfingers. This Board had power to serve notices on towns prohibiting them from discharging their sewage into the river. The board can now proceed against towns which are disobedient. The two Conservancy Boards (one extending to Staines, and the other from Staines to Cricklade) were in 1866 consolidated into one board by the Thames Navigation Act, with far more extensive powers over the whole river and tributaries, while the number of the members was much reduced. This board has power to levy rates and receives 5,000*l.* a year from the water companies.

The Commissioners for executing the Thames Navigation Act from Staines to Cricklade (35 Geo. III. c. x.) consisted of the members of parliament of the counties of Wilts, Gloucester, Oxford, Berks, and Bucks, and of all the boroughs within the same, and of the University of Oxford; and the members of parliament for Middlesex, Surrey, London, Westminster, and Southwark; the Lord Mayor and Aldermen of the City of London and of Oxford, and the dignitaries of Oxford and of Eton College; the incumbents of all the parishes on the banks of the Thames and of the Isis from Staines to Cricklade; the Mayors and Recorders of Oxford, Abingdon, Wallingford, Reading, Henley, Maidenhead, Windsor; the warden of Great Marlow; the clerk of the board of works of Windsor; the proprietors of 100*l.* a year in land in Wilts, Gloucester, Oxford, Berks, and Bucks; the heirs apparent of properties of 200*l.* a year; proprietors of land to such an amount in any part of England if they resided in those counties; possessors of 3,000*l.* of personal estate, and holders of loans of the navigation to the amount of 500*l.* This board was complicated enough; yet Mr. Farrer, of the Board of Trade, in his evidence before the Select Committee of the House of Commons in 1862 on the Thames Conservancy, said (q. 222), "Notwithstanding the "complication there has been no complaint, and they are going on with large works." In the appendix, p. 313, he added, "The case of each estuary (river) is different. "Different interests require different modes of representation; and all that can be "gathered from precedents is that a principle of direct representation of the interests "concerned has been adopted and works well." Captain Sullivan in his evidence said (q. 1285), "The board worked very well indeed, and although it is made up "of so many different bodies, it has worked harmoniously." Sir W. Cubitt, Lord Mayor, in his evidence before the committee on fires in the metropolis, said, "We do not find "that in mixed commissions there is much difference of opinion. Take the conservators "of the Thames, they are appointed by different bodies, &c. Those men work all "harmoniously together, working to one end."

The Thames Conservancy Act of 1864 determined anew the constituency of the board, and gave powers to the board to regulate elections by byelaws. The Thames Navigation Act of 1866 greatly reduced the number of representatives. There are now 23 members; namely, 12 under the Act of 1857 (viz., the Lord Mayor, the Deputy-Master of the Trinity House, six members of the Corporation, two members appointed by the Admiralty, one by the Board of Trade, and one by the Trinity House); six under the Act of 1864 (viz., two elected by shipowners, one by owners of passenger steamers, two by owners of steam tugs, and one by wharfingers); and five under the Act of 1866 (viz., one by the Board of Trade, and four elected by the landowners of the Upper Thames).

The Mersey Dock and Harbour Board, 20 & 21 Vict. c. cxlii., amended by 21 & 22 Vict. c. xcii., consists of 28 members, four nominees of the Mersey conservators (who are great officers of state with no funds and small powers, 5 & 6 Vict. c. 110), and 24 elected by the 10*l.* ratepayers of the dock.

The river Wear (Sunderland Dock) Conservancy Board, 22 & 23 Vict. c. lvii., consists

of 52 commissioners, viz., one nominee of the Admiralty, one customs collector, 21 elected by coal owners, 15 by registered shipowners, 3 by the importers and exporters of goods, 1 by the corporation, 1 by the north dock proprietors, and some named in the Act. The Tyne Improvement Act, 1850, 13 & 14 Vict. c. lxiii., the Hull Trinity House Conservancy, and the Harwich Harbour Conservancy, 26 & 27 Vict. c. lxxi., and the Clyde Conservancy, 21 & 22 Vict. c. 149, are similar. The Commissioners for the purpose of the drainage of the river Ouse consist of (23 & 24 Vict. c. lxxxviii.) every person for the time being the owner, *bonâ fide*, in his own right or his wife's right, seised or possessed, or a trustee or guardian for any owner, and every corporation or body being owner of 200*l.*, or of land liable to the tax therein directed to be assessed; every Rector, Impropriator, or Vicar for the time being of the parishes or townships in which the said lands shall be situate; &c. And the Mayor may appoint any owner of 500*l.* liable to the said tax, to be a deputy, &c.

Under the River Nene Outfall Act, 15 & 16 Vict. c. cxxviii., certain commissioners were named in the Act. Other commissioners are appointed by proprietors of 50 acres of land liable to the tax; and owners of 200 acres of taxable land may appoint two commissioners. And the taxable proprietors may meet to supply vacancies in the nominated commissioners, having one vote for every 10 acres of land up to five votes. The Corporations of Wisbeach and of Northampton, of the Bedford Level, and of the North Level, and the Waldersea Drainage Commissioners, may appoint their own commissioners.

It seems to me then that the tendency of our legislation has been towards the creation of Watershed Boards; and it is plain that if those boards which I have mentioned have been successful, then the Watershed Boards which I now propose could well superintend the water supply of their valley, the storing of waters, the irrigation of lands, the arterial drainage, the removal of sewage to the land, provisions against floods, the navigation, and the fishing interest.

ROBERT MONTAGU.

April 28, 1870.

V.—MEMORANDUM ON DUTIES OF MEDICAL OFFICERS OF PUBLIC HEALTH.

The following Paper, prepared in the course of our Proceedings by some of our Members, is preserved as a useful Summary of the relations of the Medical Officers.

Relations of Medical Officers of Public Health.

§ 1. The duties of the medical officers of public health must necessarily be considered in connexion with several complex questions of central and of local administration.

The Commission has unanimously come to the conclusion that every question affecting public health should be brought into relation with one Central Office, presided over by a Minister. Every health officer would thus stand directly or indirectly in official relation to such a minister.

Four chief principles of Sanitary Administration.

§ 2. It has been further decided that every district, urban, suburban, or rural, should in respect of its public health, be as closely connected with the said department of health as is every part of the country with the Home Office through the police and the magistrates, and as are the destitute with the Poor Law Board through the guardians of the district in which they are resident.

In short, that every person shall henceforward be entitled to such reasonable public protection in respect of his health as he is in respect of his liberty and his property. For instance, he shall no more be liable to have the water of his well poisoned by the neglect of his neighbour, than to be robbed with impunity.

And he is to be under this protection, as far as it is reasonably attainable, everywhere and at all times.

Security for the three essentials of life.

The *first* principle, therefore, of sanitary administration is that no member of the community shall wilfully or for profit damage another man's supply of the three absolute essentials of life, food, water, and air; and therefore that it is the duty of the State to secure as far as possible, that these essentials shall be supplied, in sufficient quantity, and the greatest attainable purity, in all circumstances in which these objects cannot be attained by individual care and resources. In this point of view it may appear a question whether the State should allow that any man, even by prescription, shall be held to have acquired the right to pollute, for his own advantage, another man's food, water, or air, or in any manner poison him. At any rate care should be taken that no one shall acquire such right in future.

Universality of Administration.

The *second* requirement of sanitary administration is universality, through constant supervision by public health officers in every part of the country.

Efficiency.

The efficiency of the agents in sanitary administration is as important as their ubiquity. They must be well instructed and capable, without the pedantry or officiousness of sciolists. Ignorance, pretentiousness, or over-meddling on the part of the agents would bring into disrepute any sanitary system. In a free country disrepute would bring about failure. Fitness in the agents is the *third* requisite in sanitary legislation.

Economy.

Though an all-pervading system of sanitary experts be thus necessary for a densely peopled community, living in artificial or non-natural conditions singularly unfavourable to health, yet the very exigencies of such a community make it unlikely that in this country any costly system of sanitary inspection can be established at present; any proposed system must therefore be economical. Though at present the State must spend great sums on experimental armaments and weapons of destruction, it may hesitate to make costly experiments for the prevention of possible or contingent sources of ill health. Those who are strong doubt the necessity, those who are sick—happily the minority—have not power sufficient to promote great schemes. Economy is therefore the *fourth* essential principle of Sanitary Administration.

Constant and universal supervision of the essentials of public health, by competent persons, economically conducted, being then the true object to be aimed at in sanitary legislation, we propose in this memorandum to consider:

I. The supervision required.
II. The qualifications of the agents employed.
III. How complete sanitary organization can be best obtained.

I. The Supervision required.

Nature of Sanitary supervision.

§ 3. The nature of the supervision required will be clearly indicated by the whole tenor of our Report and the documents which accompany it. It may be comprised under these heads:

1. Statistical; 2. Legal; 3. Engineering; 4. Chemical; 5. Medical.

Statistical supervision. Legal supervision.

Statistical supervision comprises the whole system of registration of births, deaths, marriages, diseases, and of the census. Everywhere, therefore, a registrar of these particulars is required, and such registrars, except for sickness not necessarily followed by death, already exist.

Heretofore the laws concerning the public health have been fitfully progressive, and so ambiguous, confused, or conflicting, that sanitary law has been either imperfectly understood or imperfectly acted on. But in so far as Corporations or Guardians have been Health Authorities there has been in every district an authorised legal adviser or a clerk who is or ought to be conversant with public health law and public health literature.

Engineering supervision. Scientific supervision. Medical supervision.

Sanitary engineering is one of the youngest branches of applied science, and therefore it is not to be wondered at that experts in it have hitherto been few. The practice of it is often imperfect, often costly; more often still it is not only imperfect and costly, but unsatisfactory also; unsatisfactory in its general views and plans, and falling below existing knowledge in details of every description. The proof may be found in the fact that the very rules of water supply, of the construction of sewers and drains, of the disposal of sewage, and of smoke consumption, are still the subjects of constant dispute. The laudable efforts of the Thames Conservators to fix a standard of the amount of organic impurity which makes water unfit for human drink, the exposure by the River Commission of the reports made in favour of the Leamington system of drainage, and many statements adduced in our evidence, suggest the extent of scientific work that remains to be done before Government can accept opinions on disputed sanitary points from engineers of average skill in their profession. We say this for the protection of the public, not from engineers but from themselves. The public are too apt to underrate the knowledge and qualities requisite for giving trustworthy advice in this direction. It is, therefore, important for the interest of ratepapers that there should be systematic and ready means of obtaining the most skilled supervision and arbitration on all large plans or works. We cannot too highly praise the action of the Local Government Act Office, both in the legal and engineering departments, and we can but recommend the extension of the staff under Mr. Tom Taylor and Mr. Rawlinson according to the exigencies of the work thrown on the office. But to this we shall have occasion to revert elsewhere.

Under this head we include also such special physical knowledge bearing on public health as is neither, strictly speaking, in the Engineering nor in the Medical Department. It is acquired only by specially trained persons; of whom there have been in recent times not a few successful examples.

In illustration we may cite arbitrations and opinions on nice medico-legal questions; for instance, whether a water was or was not poisonous, and if so, whether by means of a neighbouring cesspool; and if so, whether avoidably and therefore culpably, leaving the further question of amount of damages to the courts of law, but laying down the scientific facts as on behalf of the Crown, and not of the contending parties. So also of injuries from smoke, from paperhangings, dye stuffs, and numerous points, not strictly medical, but lying in the province of skilled chemical and scientific authorities.

These few statements will have established two things; first, that there are several subjects, not medical, which demand constant and universal attention in public health administration; and secondly, that a universal inspection, properly called medical, has to be organized even when provision has been made for registration, law, engineering, and scientific inquiry. We do not say that many members of the medical staff cannot discharge all the above duties; that question will be discussed later, when the apportionment of the several functions and duties comprised under the terms Preventive and State Medicine is considered in detail. We here only remark, *firstly*, that a principal duty of most Public Health Officers is, and will be, the treatment of disease among the sick poor, and *secondly*, that there are few questions relative to the prevention of disease or other injury to the health of the population, in which there is not a medical element, which can be best disposed of by a properly educated medical man.

Public Health staff is partly provided for.

§ 4. This being so, the basis of the public health staff in this country may with great advantage (in consequence of the universal presence of the sick poor) be the body of men now known under the name of *Poor Law Medical Officers*, a staff of public officers paid out of public funds.

Of these there are already in England alone about 4,000. After attentively considering this central point, and having regard to the three principles already enumerated, viz., universality, efficiency, and economy, we find ourselves driven to the conclusion that they form the most eligible basis of sanitary executive in Great Britain.

Medical officers under the Poor Law Board.

We admit *in limine* that an objection may be taken by some who associate the idea of inferiority with the name of parish doctor. But such notions should be set aside as now no longer applicable either to the medical profession or the administration of the Poor Law. That gigantic instrument of social charity, if chargeable with some evils, is at least unique in the good which it attempts. It seeks to be "universal, efficient, and economical," and however it may break down in details, we unhesitatingly point to it as being, in respect of the medical portion of public health administration, a trustworthy power ready to our hands.

We have in other parts of our Report enumerated the various arguments for and against the expediency of taking counties, unions, parishes, and river-basins, as the sanitary units or areas; and we have freely discussed the question of the fitness or unfitness of County Boards, union and parish officers, and River Commissioners, for the regulation of this part of the local arrangements of the kingdom. Of the propriety of the selection of the Poor Law Medical Officers as the permanent agents in the disease-prevention-organization we have no doubt. The following reasons for this conclusion will also help to illustrate their duties, and their place in the general health administration.

1st These officers exist already and everywhere.

2nd. They are intimately acquainted with the habits of the poorer classes, the classes which most need assistance. They are themselves fairly educated, and belong to that part of the middle class which combines sterling practical habits with considerable culture, and live a life which itself is a perpetual education.

There is no large class of men more certain to keep up to the level of established and tested scientific knowledge, none less likely to give way hurriedly to fantastic systems of organization, or to theoretical views of the perfectibility of the lower orders. They have had a scientific education, and are essentially benevolent and practically humane. Their life is spent in striving to alleviate the greatest calamities of the most suffering, that is, of those who being willing to work are disabled by enfeebled health, or actual disease.

Penetrating every corner of the filthiest districts at the ghastliest moments, succouring the vicious when they are disposed (if ever) to repent, and tending the innocent who are ruined in body by the sins of those who begat them; hundreds of these men do their duty, their hearts beating with sympathy, sighing for powers to remove causes the effects of which they are incompetent to check. And lastly, being themselves far from rich they are thrifty, and as little disposed to increase unnecessary taxation as the most indifferent or most incredulous opponent of "sanitary reform."

Of these men there are in England, as has been said, about 4,000. It is true they were organized for the purpose of cure, because till a recent peried cure was popularly held to be the sole attribute of medicine; but they would gladly employ prevention, had they the power. The Central Authority has only to assign to them the duty.

We will now briefly state what are the duties which we should assign to the ordinary parochial medical officer, bearing in mind that the typical example is that of a rural or suburban officer, and not of one of those employed in the larger urban populations under Municipal Authorities, with salaries which make them independent of private professional income.

II. Qualifications of the Sanitary Agents to be employed.

(*a.*) *Duties of Local Medical Officers of Public Health.*

§ 5. First. The ordinary duties of the curative medical officer should be regulated as at present by the guardians or the local health authority and the Central Office, with such modifications as might be from time to time determined.

Second. The Central Office should furnish the medical officer directly, or through the local registrar, with a form for returns of sickness which would be filled up and transmitted to the Central Office monthly or quarterly, the registrar of births, deaths, and marriages having first filled up the columns relating to these matters on the same sheet before handing it to the medical officer.

This duty should devolve on the medical officer in charge of the union hospital,

through whom all other sickness returns from the union (where there is more than one officer in the union) would be transmitted.

Third. The Central Office should furnish a form of return for the general sanitary condition of the district, such return containing spaces for statements as to the general conditions of houses, hamlets, yards, water supply, and drainage, and also for observations on special local causes of ill health, whether in food supply, dwellings, wages, employments, or drunkenness. Such returns should be periodically transmitted to the district inspectors through the Sanitary Committee of the Local authority, just as in Ireland the minutes of every meeting of Boards of Guardians are transmitted on the following day to the Commissioners' Office in Dublin, and as sickness returns drawn up by the medical officers were returned weekly during the prevalence of cholera in 1860, to the same Central Office from all infected districts.

Fourth. Such officers as desired or were willing to undertake the charge should be supplied by the Central Office with instruments for meteorological observation and for water analysis.

Those who undertook to supply analysis of the water or reports on the meteorology of the district should be furnished periodically with a series of all the Minister's health reports published by the Central Office during the continuance of such scientific work.*

Fifth. The medical officer charged with the duty of furnishing the returns above stated will not henceforward be removable by the Local Authority. He will therefore be more independent of it than heretofore, and may have confided to him new and important functions. He may be empowered to require from inspectors of nuisances, the police, and registrars of births, deaths, and marriages, any such information within their departments as may help in completing the public health reports on his district.

Sixth. Nothing in our proposal as above stated is to hinder such ordinary public health officer from becoming also inspector of nuisances, inspector of workshops, inspector of factories, registrar, coroner, hospital surgeon or physician, if he be able and willing to discharge in addition the functions of one or more of those offices respectively. We do not think all these officers should be required to have a diploma of State Medicine, should such diploma be granted under a new Medical Act, or by existing universities that have the power. This question will be more fully considered in another section. (*See* Section 11, page 10.)

Seventh. We do not wish to be understood as affirming that the existing poor law officer of a district, or any such herein-after to be appointed, is to be the sole medical practitioner eligible to the post of public health officer; or as suggesting that Local Authorities may not employ in place of the ordinary public health officer a practitioner of higher attainments or qualifications, at a higher salary, or debarred from private practice. But we think such exceptional arrangements should be made under the direct sanction of the Public Health Minister.

Eighth. We wish to say emphatically that we assume that arrangements will be made to assimilate the practice of the whole kingdom with respect to the supply of medicines for the medical officers of the unions to that of Ireland. In Ireland medicine and all medical and surgical appliances, trusses, and instruments, are always found out of the poor rates, quite independently of the payment of the medical officer. To this provision, for which, did space permit, many reasons might be given, and to a provision for superannuation, or any other which might put public health medical officers on an equal footing with other branches of the Civil Service, we attach great importance.

Qualifications of medical officer of public health.

§ 6. Such being the proposed duties of medical health officer, we have to add a few words on their qualifications. All these officers would be necessarily registered medical practitioners fully qualified to discharge all the ordinary duties of medical, surgical, and obstetrical practice. They are so accounted even now under existing regulations. Whether they be so now or not,

* The Army Medical Department supplies to the army medical officers cases prepared for the purpose of analysis of waters, and, when demanded by the senior officer of a station, meteorological instruments. The present small pay of the Civil State medical officers would make such a grant imperative. With respect to the distribution of meteorological instruments, if the want of them were shewn, it would fall naturally within the province of the science grant to South Kensington to furnish them. Whether the instruments should be lent on deposit of their value, or on what conditions, would be matter of detailed arrangement between the applicants and the Central Office. The returns must be simple. Among the indirect advantages of such a plan would be the educational effect on rural districts. The medical officer should not be required to make observations himself, nor to keep the records, but to be responsible for them.

In many instances, probably in conjunction with the clergyman or schoolmaster, observations of a rigorous character might be made, in conjunction with the Government Meteorological Department, and Mr. George Symond's Observations on Rainfall.

the Government Bill lately withdrawn would have ensured for the future public confidence in the education and examination of all registered practitioners.*

His usefulness.

Men so qualified would be able to discharge with ease as well as efficiency many important functions. In the clerical work of the returns they might be authorized to avail themselves of the help of the union officers. The medical officer should not be charged with unnecessary book-keeping. The facts should be given by him; but as far as possible the books should be kept for him.

His reports.

His careful suggestions, the result of observation and experience, accessible to all ratepayers, in a copy kept at the union office and transmitted periodically to the central office, would be valuable in more ways than we need pause to enumerate. Suffice it to say that they would be permanent records of sanitary wants and sanitary progress, always useful as unpublished local records; and in many instances (as shown by the valuable notes of the registrars in the Registrar General's report) worthy of publication.

Another circumstance too important to be left unmentioned is the beneficial effect this arrangement would have directly on the medical profession and indirectly on the country at large.

His contributions to science.

From the moment the arrangement we propose became actual fact, there would be at least one medical man in every rural district in immediate communication with a Minister whose office would be the centre of all existing knowledge which bore on the health of the people. This connection would cause the spread of many of the latest acquisitions of science in that direction. Such connection itself would be an object of ambition to able and well-trained young men entering on practice, and would be retained only so long as the duties were acceptable, and then resigned to younger men fresher from the schools. The dangerous half-knowledge of volunteers would be kept in check by the recognized professional information which would be freely distributed for the public good; and the active service of intelligent coadjutors would in every district receive a wise direction.

His permanent value.

If ever the time should come when the Poor Law system of this country shall be so far remodelled that its organization is no longer required for puposes of relieving destitution, still, probably, the office of the Minister of Health and Local Administration would find the medical staff too valuable, indeed too necessary, to be dispensed with. The unit now proposed for health and administration would remain the unit still, under essential modifications, and the health officer now charged with the double functions, would be still charged with the local care of the public health, in relation to prevention of disease. The change above specified we neither desire nor contemplate; but our opinion coincides with that of the late President of the Poor Law Board, the Right Honorable the Earl of Devon, that "however the administration for the relief of the poor "be improved, enlarged, or modified, there is no reason apparent why the sanitary "functions might not usefully be added to that authority." In any case it will be necessary that the central office should note from time to time the proportion of work which falls to the lot of each local officer, under the respective heads of prevention and of treatment of disease; otherwise, in the local fluctuations of population and labour, conditions of remuneration would not seldom arise, unjust either to the public or the officers.

Medical officer under Poor Laws of Ireland and Scotland.

§ 7. It remains only to say under this head, that the existing arrangements of the Poor Law Board in Ireland, and the Board of Supervision in Scotland, point to a similar conclusion.

(*b.*) *Duties of Central Inspectors of Public Health.*

Superior inspectors required, Inspection by Poor Law Board, Lunacy Commissioner, Sanitary Inspectors, Privy Council.

§ 8. The establishment of an extensive class of medical public health officers, numbering 4,000 persons, renders necessary an adequate staff of inspectors to co-ordinate their action, and reduce their observations.

The Poor Law Board has 12 inspectors, intermediate between the board and the local guardians. The Registrar-general has 627 superintending registrars distributed over 11 great registration districts; and 2,197 local registrars of births and deaths.

* The bill was withdrawn in the House of Commons by Mr. Forster, after it had passed the House of Lords. It was withdrawn because an adverse opposition had been organized by certain members of the medical profession at a moment when there was not an hour left that could be devoted to an opposed bill. So that it was reluctantly sacrificed to objections which had been already maturely weighed and set aside by the Government.

We may nevertheless hope that no real evil will be caused by the delay. In some respects we are glad that our recommendations should be before the Government whenever the constitution of a permanent council of medical education is reconsidered. Further reasons for this will appear in other parts of the report. No alteration in the medical Acts or the medical Council should henceforward be made without reference to the Health Minister's Department, and the complex organization which that implies.

The Lunacy Commissioners visit in circuits the public and private asylums and patients throughout the whole country.

The two Factory Inspectors have two assistant inspectors, 39 sub-inspectors, resident in their districts, and more than 800 certifying surgeons who may, in Inspector Baker's words, "render great service by collecting all information procurable, respecting the "physical development, the frequency of deformity, the prevalence of disease generally, "and particularly of special disorders, above all of epidemics, the distinctive effects of "the principal kinds of labour, the average duration of life, the rate of mortality, the "prevailing causes of death among the several classes of workpeople coming under "their observation.

"Similar advantage will accrue from facts gathered concerning the circumstances and conditions (so far as they relate to the sanitary state of those employed) of labour in any manufacturing process coming under their cognizance; and likewise from facts regarding the moral condition, the prevalence of intoxication, and the state of education among the manufacturing classes in their district."

The Privy Council has one chief medical officer, seven permanent inspectors, who among other duties superintend the execution of the Vaccination Act, and other persons occasionally employed for special investigations.

The Local Government Act Office employs under the Home Office three inspectors whose legal and engineering functions are wholly concerned with the Sanitary and Local Government Acts.*

Minister of Health will preside over all officers engaged in relation to public health.

§ 9. The Minister of Public Health and local administration will, it is to be presumed, have attached to his department all the above-named officers, more or less exactly under their present divisions, and the other officers also, who in respect of quarantine, burials, alkali works, and the like are engaged in the administration of Acts having special relation to public health.

In giving a judgment on the question of State organization relative to public health, much of the general tenor of modern legislation with respect to our internal economy should be present to the mind. It must therefore be remembered that the inspectors who will be responsible for local sanitary administration have collectively, if not individually, to administer Acts† bearing on the following subjects:

Subject matter in which inspectors collectively will have to act.

§ 10. 1. Plans bearing on sanitary engineering or on local government, *i.e.*, drainage, sewerage, water supply, baths and wash-houses, nuisances, offensive trades, smoke, public places of recreation, streets and roads, buildings, cellars, and lodgings, burial grounds, mortuaries, appointments of officers, artisans' dwellings, labourers' dwellings.

2. Care of personal health and safety, *i.e.*, health in factories and workshops, mines, bakehouses, dangerous occupations.

3. Regulation of quality of food, *i.e.*, adulterations, markets, diseased cattle, slaughter-houses.

4. Medical, *i.e.*, prevention of disease, epidemics, endemics, syphilitic disease, small-pox (vaccination), quarantine, lunacy, hospitals,‡ whether, first, rate supported, such as workhouse hospitals, or hospitals under local boards, or secondly, voluntary, whether general or special, endowed or subscriptional, county or small village hospitals, or hospitals for the insane, and prisons, sale and adulteration of drugs, poisons, supervision of reports of officers of health.

5. To which must be added medico-legal arbitrations.

Classification of duties of inspectors.

§ 11. Now at first sight there seem to be two ways in which the inspection or supervision of all these matters can be attempted, *the first*, by requiring the district inspector to be conversant with every subject just enumerated, and with whatever is properly included under the head of State Medicine; *the second*, by maintaining a rigorous division of subjects, and having as now an inspector for every kind of subject matter. Neither arrangement is in our judgment the right way of attempting to secure the object. The latter plan would be costly and unnecessary, the former in its complete form is impossible: for it may be safely said concerning the subjects suggested for a diploma in State medicine as recently drawn up by Trinity College, Dublin, (*see* p. of our Report) that it cannot be expected that any one person shall be thorough master of all subjects therein laid down. But with a modification this plan is feasible. The district inspector, though he cannot be thoroughly versed in all the subjects, may be sufficiently master of most

* Parliamentary Return, House of Commons, No. 72, 1870.

† *See* Glen on Public Health and Local Government Laws, and Baker on Laws relating to Public Health.

‡ We think that the whole question of the grounds of admission into rate-supported hospitals must be reconsidered by the Legislature. In Ireland the best results have ensued from the admission on payment of any persons suffering from fevers or severe accidents.

of them to know when the machinery under observation is working properly, and to decide when it may be necessary or expedient to call in a special expert. We may assume that the existing staff of public officers (with a few additions in respect of number, and one or two in respect of subject matter,) when united under one chief, and acting harmoniously as members of one staff, could thoroughly superintend the whole sanitary arrangements of the country, provided that the 4,000 medical officers now engaged by the State for the medical care of the poor undertake public health functions, and form a class of resident health officers of the kind described in the former section.

Existing departments that act in respect of public health.

§ 12. That this arrangement could be brought into harmony with the existing authorities is plain from a simple enumeration of the heads of existing public health departments, and sub-departments (exclusively of the medical authorities of the Army and Navy,) who in fact now act as "health inspectors."*

1. Secretary of State for home affairs, (local government, law, engineering, burials, Alkali Acts, factory and workshops,) inspector of prisons, friendly societies.
2. The Privy Council,—(medical department, quarantine, vaccination, epidemics) indeed every subject at the will of the Lord President.
3. The Poor Law Board.
4. The Board of Trade.
5. Registrar General.
6. Lunacy Commissioners.

Their want of co-ordinate system.

§ 13. This is not the place for enumerating all the staff at the disposal of these state functionaries for health purposes. But under the present system there is a great waste of power. It is quite possible that on the same day inspectors from different offices might visit a town for sanitary purposes without any cognizance of the presence of each other, and that, for instance, the general county hospital, the county hospital for the insane, and the workhouse hospital might each be simultaneously inspected by different persons. Now we are of opinion that it is not only unnecessary, but undesirable, that there should be one inspector for the general county hospital, another for the county lunatic asylum, a third for the workhouse hospitals. We should recommend that all kinds of hospitals should be under the supervision of the same officers; and we think that then the whole system of medical relief in this country would be at once improved. We do not insist on interference with those which are not rate supported; but nevertheless public inspection of them is desirable, we are confident that all hospitals and dispensaries would benefit by the occasional visit of a skilled inspector acquainted with a wide range of similar institutions, and especially if these institutions were of various kinds of excellence.

Number of inspectors.

§ 13. We are of opinion that the numbers of the present inspectors in the several offices would, with a few additions meet all the exigencies of the case.

Under the existing system of inspection under the Poor Law Board, if we exclude four inspectors of schools, 12 inspectors over 648 unions are virtually found to be sufficient. We do not now speak of the office work, to which we shall have briefly to allude presently. If to the 12 inspectors be added, as part of the same office, the seven physicians employed by the Privy Council under their medical officer, the six lunacy commissioners, the 33 inspectors and sub-inspectors under the Factory Acts, and the engineers under the Local Government Acts, with others attached to minor offices, we cannot doubt that this staff of general experts would be nearly sufficient to discharge the duties connected with local sanitary supervision, except those which belong to special scientific experts, and those which attach properly to the officials at the Central Office.

III. How complete Sanitary Organization may be best obtained.

Summary of sanitary organization as regards medical department.

§ 14. We now sum up the details of sanitary organization which we believe will correspond to the three principles laid down at the outset, viz., that it should be universal, efficient, and economical.

We believe that there should be—

I. A Minister of Health and Local Government.

II. Six permanent departments under the Minister, for—

a. Law of local government.

b. Engineering.

c. Registration and statistics.

* Inspector is an inadequate word. It is applied to superior officers with great executive power. Thus understood we use it.

d. Relief of poor.

e. Medical care of public health and poor.

f. Legislation bearing on the profession of medicine.

III. A body of inspectors attached to the Health Office. These are to be of two kinds, as at present, with a third body of consulting experts.

1st. General inspectors attached to, and generally residing in the "registration divisions," "poor law districts," or (as they will also be) "public health areas."

2nd. Special inspectors, viz., legal, engineering, scientific, and medical.

3rd. Special experts whose names should be attached to the Office, and who should advise professionally on special points for special fees, such persons to be appointed for five years and be re-eligible.

4th. Then will be required local clerks of unions, and of town councils, local surveyors under local boards and unions, local public health (medical) officers of local boards, unions, parishes, subordinate executive officers.

The above plan simple

§ 15. Lastly, we wish to point out both the simplicity and advantages of this organization, with the various considerations that have led us thereto.

1st. *The simplicity.*

No office now existing need be destroyed. Some will be amplified. A few more clerks will be required at the Central Office, and an arrangement made for obtaining special advice when needed, in aid of the permanent staff of the office, and of the inspectors.

2nd. *The advantages.*

and advantageous by means of

The advantages are many. Not only will the plan be efficient and complete, but it will be economical. The work of the Local Government, Law, and Engineering departments, of the Registrar General, of the Poor Law Board, of the medical adviser of the Privy Council, will be harmonized, and will never be chargeable either with unnecessary repetitions or with omission, as at present. So also neither money nor skill will be wasted.

rcports nutually elated and omplete.

All reports bearing on public health will be connected one with the other, mutually illustrating each other. They will cover the whole ground of the science of prevention of disease, which has become both so important and serious for the well-being of old and densely-peopled countries. The connection of the office of the Minister of Health with the medical profession, 4,000 members of which would be in direct relation to him, would in itself be beneficial to the whole country. It would disseminate established scientific knowledge uniformly through the country districts, affecting not the medical man only, but the clergy and the schools, doing in that way alone as much at least as direct legislation for the same purpose could do. It would bring to light in every corner all that could be advanced as bearing on the physical condition of the masses of the people, while all crude theories or impracticable plans would instantly fade before the experience of the central office.

Improvement of he medical rofession,

nd physical ondition of eople.

)f statistics, ystematic cientific bservations nd maps.

The publications of the statistical department would exhibit what could be shown of the progress of sickness. They might give also useful deductions from local meteorological and scientific observations, in connexion with those of Kew, the Government Meteorological Office, the Meteorological Society of Scotland, and such private enterprises as those of Mr. George Symonds on rainfall. They would furnish data for sanitary maps, which can only be of any worth when carefully constructed on rigorous local knowledge, and they would in time get rid of the fallacious application of conclusions deduced from averages, and erroneously applied to particular places or instances. In this way the real causes of variation in death rate would be more surely ascertained than at present.

Great encouragement should be given to the local public health officers to send in any observations which would promote the progress of accurate knowledge.

The British Public Health Reports thus constructed, printed in a uniform 8vo. form, stitched in a plain distinctive wrapper, and issued in five parts, (legal, statistical, engineering, medical (including medico-legal), and general papers of inspectors,) would be a series of great value. The Central Office should immediately on the first issue of the collected series make arrangement for regular interchange with all foreign countries of similar reports, according to the established usages of academies. These documents should be accessible for reference in the public health library of the minister, to all persons connected with the department.

)f original - analytic emical quiries. it

Public Health laboratories should be maintained or aided by grants from time to time. In them not only points bearing on the general pathology of man and animals, would be from time to time investigated under the best guidance, but persons would be trained to be thoroughly qualified in all medico-legal questions. Hereby some of the scandal of

ex-parte scientific witnesses might be checked or removed. Such laboratories should be aided or maintained as well in the metropolis as in some of the great towns where scientific institutions and medical schools exist, *e.g.* Oxford, Cambridge, Birmingham, Leeds, Newcastle, Bristol. These centres are conveniently situated for various sections of the kingdom. From the state-aided laboratories the inspectors would obtain analyses of waters, or, in disputed cases, of any substances requiring examination.

Conclusion.

In these observations we have endeavoured to state the points which in the present condition of sanitary knowledge in England appear to be the most urgent. We have remembered that Her Majesty's Government directed us to inquire into the operation of existing laws bearing on all matters which concern the public health, and to suggest improvements in them, or any portions of them. It was necessary for us to inquire to a certain extent into the subject matter for which these laws were framed, in order to satisfy ourselves, from the evidence of persons practically acquainted with their working, of the extent and direction wherein a reconstruction of them was necessary. We find a general consent in the minds of persons of every class, that it is not so much lack of science, nor lack of machinery, but rather a proper arrangement of the machinery, which is needed for taking due care of the public health.

To this part of the subject, therefore, we have mainly addressed ourselves, rather than to the further investigation of actual causes of disease. With these, so far as it is permitted to man to control the operations of nature, we are confident that modern science can and will deal.

We are therefore convinced that such an adjustment of the law as may give scope to scientific inquiry in every part of the country, is in this matter the truest wisdom.

Freedom will be both ensured and guided by the plan which has been proposed, and which it was necessary to set out fully even in discussing this special medical portion of the organization, in order to place that portion in its true light.

Ordinary medical practitioners to be health officers.

Doubt has sometimes been expressed whether the ordinary medical practitioner is sufficiently instructed in preventive medicine. Such doubt would soon prove unfounded, if the organization we propose were adopted. The medical officers under the Poor Law are perfectly able to fill up returns, make reports when called upon, point out cause of ill health, and superintend such remedies as the central authority may suggest or direct. No ordinary medical officers should be expected to discharge the duties of the police, the lawyer, or the engineer.

Besides, it may be stated that such is the improvement, in the last 25 years, in the means of education, and in the character of medical students, that a far more serious difficulty has suggested itself to our minds, viz., whether highly educated youths will take the posts, at present ill paid, which the public may offer to them, and whether the rural districts, when the younger and more highly trained classes of men have occupied the field of practice, will be supplied at all at the present rate of remuneration.

We hope that this will not be the result of higher education; but the Legislature and the public should be prepared to meet it; at all events, there can be little doubt that when it is found that there is a larger number of these well-educated young men than can find a living by private practice, there will be more than enough qualified to accept these appointments, and that, as in former times, moderate views of life will be found in company with high intellectual attainments.

Qualifications in State Medicine.

§ 16. In the evidence before us more than one person has spoken of diplomas in State Medicine. We do not think these diplomas when instituted should be required as necessary from the ordinary public health officers, or at present even from the inspectors.

But in either case, when the instruction, qualification, and title of this new diploma shall have been further defined, the Government should encourage all health officers to obtain some such qualification, or at all events the special training which it implies. We do not think this training should be forced on every medical practitioner as a condition for an ordinary licence.

Details of office organizatio cannot now be properly stated.

§ 17. We forbear to enter into complete details in this or any other part of our subject, since we think that the Health Minister will not only have the greatest opportunity of laying down the particulars for any such scheme, but should, indeed, in fairness be left unhampered by suggestions which he might find it inexpedient to accept.

For the same reasons we have not thought it our province to do more than hint at the detailed constitution of the Central Office.

That Office would start with a body of very efficient public servants. With respect to the Legal, Engineering, Statistical, and Medical Departments of the Local Government Act Office, Registration Office, Poor Law Board, and Privy Council, well-informed persons would unanimously confirm this statement. Consolidation is all that is required

to make a central Public Health Office in Great Britain the most efficient that has yet been devised. If this consolidation were achieved a reasonable number of subordinates under the existing chiefs of departments would effect all that can be desired. The moderate number of inspectors and of clerks that have done the great work hitherto accomplished is a guarantee of economy under the new administration.

The English system would meet the wants of Ireland and Scotland,

§ 18. We may add, that although we much regret that Scotland and Ireland were not included in the terms of the present, as well as of the former Commission, it has nevertheless proved to be necessary to examine several persons of eminence from those parts of the kingdom. We are satisfied that the plan proposed for England will be found equally adapted both to Ireland and to Scotland, and will be favourably received in both countries, where in truth sanitary administration is in some respects in advance of us. In Scotland indeed, under the Public Health Act of Scotland, 1867, summary powers are given to the local authories to execute, and to the Board of Supervision for the relief of the poor to direct, complete regulations in every department that concerns the public health. And in Ireland the public health functions of the Poor Law Commissioners are becoming more and more extended and effective. It is satisfactory, moreover, to find that the noble efforts which are made for the sanitary improvement of India will support and be supported by the general methods herein recommended. And although we shall have no formal connexion with the sanitary codes of the United States, Germany, France, Denmark, Belgium, and other countries that have supplied us with help and suggestions, yet we are equally sure that the general scheme here proposed will coincide with the broad views of some of the best thinkers in those countries.

and harmonize with those of India, the Colonies, &c.

The Army, Navy, and Medical Council should be represented at the Central Office.

§ 19. We have not touched on the relations to the Central Health Office of the skilled class of medical officers in the Army and Navy, to whom the country owes much of the present amount of sanitary knowledge. The working of the Contagious Diseases Acts, the questions affecting military and naval Hospitals, and the important statistics of the Army and Navy, will make it quite necessary that these bodies should be represented in some manner at the Public Health Office. We presume that the Medical Council of Education also will have an immediate official connexion with a Minister whose office, under the proposed scheme, would contain so many persons intimately acquainted with the medical necessities of the nation.*

Changes in local administration would not affect the sanitary organization.

Lastly, we have not omitted to weigh the relation of our views to further social changes in respect of local administration. Changes in local taxation, in counties, in unions, even in parishes, will not affect our system, nor would the mode of election of local and sanitary boards, nor even any radical change in the constitution of the Poor Law Board so often discussed; changes in these could not injure probably would aid our sanitary staff. If the sanitary units be small, they will be united; if they be large, they will be subdivided for various purposes. The population of these islands is still so irregularly massed, that its sanitary wants cannot be provided for by one rigid set of rules; and it is here and there so dense that the arrangements of nature for water supply and drainage are as inadequate as they have long become for the production of common food. All the more must there be an all-pervading elastic system which may act on local ignorance with rapidity, and may at the same time allow local knowledge and energy to have full play, in making the best of the complicated and often miserable conditions of modern life. In all conceivable modifications of the national economy a staff such as is now proposed will in some mode of organization be necessary for the maintenance of the physical powers of our people.

October 18, 1870.

* This connexion of the Medical Council with the Minister of Health need not affect the relations of the Medical Council to a Minister of Education, if such relation were also deemed to be desirable. It is, at all events, to be wished that the President of the Medical Council should have direct confidenital access to some responsible minister.

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